

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWN OF PHILLIPSBURG BY DELETING CHAPTER 140, VOLUNTEER ORGANIZATIONS, ARTICLE II, CRIMINAL HISTORY BACKGROUND CHECKS; CHAPTER 248, DEMONSTRATIONS AND SPECIAL EVENTS; AND CHAPTER 422, PARKS IN ORDER TO CREATE A NEW CHAPTER 422 ENTITLED PARKS AND RECREATION

BE IT ORDAINED by the Town Council of the Town of Phillipsburg that Chapter 140, *Volunteer Organizations*, Article II, *Criminal History Background Checks*; Chapter 248, *Demonstrations and Special Events*; and Chapter 422, *Parks* are hereby deleted in their entirety and replaced with a new Chapter 422, *Parks and Recreation*, as follows:

Section 1.

Chapter 422 - PARKS AND RECREATION

422-1 – Penalty.

Any person who violates section 422-6 of this Chapter shall have the following penalties:

- A. First offense; up to 50 hours community service and up to \$250 fine
- B. Second offense; up to 100 hours community service and up to a \$500 fine
- C. Third offense; up to 250 hours community serve and up to a \$1000 fine
- D. Fourth offense; up to 1000 hours of community service and up to a \$2,500 fine
- E. For offenses where property damage has occurred, cost of replacement shall be added to the fines

422-2. - Applicability.

All rules and regulations continued in this article shall apply to all parks and recreation areas and any other lands owned, leased or otherwise controlled by the Town of Phillipsburg for the purposes of recreation.

422-3. - Implementation.

The department of parks and recreation shall have the power to place signs within public parks and recreation areas implementing the rules and regulations contained in this article, and shall be directly responsible to the Business Administrator, or Mayor in the absence of a Business Administrator, for the supervision and control of such areas.

420-4 - Fees.

Unless otherwise noted in this chapter, the fees and charges for parks and recreation areas shall be in accordance with the fee schedule in O2020-13. Fees are non-refundable.

422-5 Hours of operation, availability

5.1. All community parks

- 1. April 1 – October 15: One hour before sun rise to 10:00pm
- 2. October 16 – March 31: 60 minutes before sunrise to 60 minutes after sunset
- 3. No vehicle shall remain in a parking lot after designated closing hours.

5.2. All neighborhood playgrounds - January 1 – December 31: 30 minutes before sunrise to 30 minutes after sunset

5.3. Passive parks - January 1 – December 31: 60 minutes before sunrise to 60 minutes after sunset

5.4. Except for unusual and unforeseen circumstances, parks shall be open to the public during designated days/hours.

5.5. No person shall, on the grounds of race, color, national origin, age, gender, or handicap, shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in any park facility, program, or activity.

5.6. Discrimination on the basis of residency, including preferential reservation, registration, or permits being granted, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residency in and park, facility, program, or activity.

422-6. - Acts prohibited, generally.

6.1. No person in any public park or recreation area shall:

- (1) Ride or drive except on established roads and ways, and then at a speed not in excess of ten miles per hour;
- (2) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, grills, railings, paving materials, public utilities or appurtenances thereof, signs, notices or placards (whether temporary or permanent), monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (3) Kill, injure or disturb any animal or bird, or damage any grass, tree, shrub or plant, or any building, sign, structure or equipment, upon any premises under the jurisdiction of the Town of Phillipsburg
- (4) Carry or use any firearms or explosives, air rifles, bows and arrows, slingshots, or any other weapons or devices potentially inimical to wildlife or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device in the parks, playgrounds or other recreational areas;
- (5) Participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Town of Phillipsburg.
- (6) Use any loud, violent, obscene or profane language, or act in a disorderly manner, or to commit any nuisance;
- (7) Scatter litter or any form of waste material; or have glass or any breakable material of any type within park and recreation area boundaries;
- (8) Disturb or interfere with any improvements made or being made in or about the parks or drives;
- (9) Enter such area other than via the designated entrance way
- (10) Give entertainments of any kind, transact business of any kind, hold meetings or assemblies, or establish or occupy a camp upon the grounds except by written consent of the department of parks and recreation;
- (11) Occupy any grounds for picnic parties, assemblages, business or entertainment except those designated by the department of parks and recreation;
- (12) Kindle, build, maintain, or use fire except in portable grills or places provided for such purpose. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No fire shall be built within 10 feet of any tree, building, or other structure.
- (13) Sell, vend or give away, in or upon any of the parks or drives, any articles of merchandise whatever without the express permission of the department of parks and recreation;
- (14) Solicit contributions for any purpose, whether public or private, except in such areas and under such regulations as may be designated by the Town of Phillipsburg
- (15) Operate or park any motor vehicles on any walkways/paths except for town personnel perform their duties.
- (16) Throw, cast, catch, kick, fly or strike any baseball, golf ball, football, basketball, model airplane or other object except in designated and approved places;
- (17) Use the park drives or parkways for the purpose of demonstrating any vehicle, or for the purpose of instructing another to drive or operate any vehicle, or for learning to drive or operate any vehicle;
- (18) Have alcoholic beverages in one's possession or consume any alcoholic beverage

- (19) Throw or place any foreign or waste substance in any lake, river or lagoon in or bordering upon any of the parks, or swim or bathe therein except in such places and at such times designated by the department of parks and recreation;
- (20) Throw, cast, lay or drop, discharge into, or allow to remain in the waters of the parks or of any tributary brook or stream, or storm sewer or drain flowing into such waters, any substance, matter or things which may or shall result in the pollution of such waters;
- (21) Fail to comply with regulations posted or signs adjacent to drives and entranceways;
- (22) Park any type of wheeled vehicle in a parking area designated for the use of handicapped persons unless such vehicle is identified with a special state license plate issued to handicapped persons;
- (23) Ride or drive any off-road vehicle or all-terrain vehicle (ATV), minibike or dirt bike, snowmobiles,
- (24) Violate any rules and regulations associated with participation in any recreation program or membership activity under penalty of revocation of such membership or loss of participation privileges for up to one full year, by the department of parks and recreation or its authorized representative;
- (25) Utilize any recreation or park area designated for use by permit only without having first been issued the requested permit;
- (26) Use or consume any tobacco or marijuana product.
- (27) Coast with skates, skis, sleds, wagons, skateboards, or other like vehicles on wheels or runners, except for skates, bikes, scooters, and skateboards at the skate park.
- (28) Have in their possession, set, or otherwise cause to explode, discharge, or burn any fireworks, firecrackers, or explosives or flammable materials;
- (29) Ride, drive, or bring any horse within park limits, playgrounds, or other recreational area without department permission.
- (30) Have any dogs or other animals unless area is a designated for such animal use
- (31) The Department of Parks and Recreation may implement rules required to promote health, safety, and good conduct of people utilizing facilities and participating in programs and activities.

422-7 – Permits Required

7.1. Picnic areas and pavilions.

- (1) Any individual or group desiring to use a picnic area or pavilion where there will be at least 10 people must obtain a permit through the department of parks and recreation and remit in advance the applicable fee set forth in the current Fee Schedule. The use of a picnic area or pavilion for 10 or more people without obtaining the approval of the department of parks and recreation is prohibited.
- (2) Reservations may be made up to 60 days in advance of the desired date.
- (3) Bounce houses slip and slides, and other inflatable or amusement games are not allowed.
- (4) Weekday use, Monday-Thursday, of pavilions is limited to groups of 10 to 40 people and to a maximum of four hours. Groups obtaining reservations may utilize the entire space of the reserved picnic pavilion.
- (5) A reservation of a picnic area or pavilion includes the use of electricity where applicable and the removal of all garbage accumulated during the event. Excessive cleanup of a picnic or pavilion area will result in a \$50 fee to the permit holder
- (6) Parking is limited to the designated areas.
- (7) All picnics/pavilion use are scheduled to end at sundown.
- (8) Grilling must be done in designated areas only with only the use of either charcoal or wood burning grills.

7.2. Ballfields. Individuals or private organizations who wish to organize and operate activities including, but not limited to, camps, clinics, practices, or games on any field must obtain a permit from the department of parks and recreation. The minimum number of participants, including the coach, to constitute any of the previously mentioned activities shall be 11.

- 7.3. *Game courts.* Individuals or private organizations who wish to organize and operate activities including, but not limited to, camps, clinics, practices, or games on any game court must obtain a permit from the department of parks and recreation. The minimum number of participants, including the coach, to constitute any of the previously mentioned activities shall be 6.
- 7.4. *Special Services.* Wedding ceremonies, funerals, and viewings are permitted for up to 2 hours with no fee.
- 7.5. *Field lights.* Use of the lighted field in Walters Park is restricted to four nights per week, and lights will be turned off no later than 10:00 p.m.
- 7.6. *Special Events.* Events outside of routine picnics, family gatherings, and youth focused camps, clinics, practices, and games shall be subject to section 13 of this chapter
- 7.7. *Concession stands.* Concession stands are available for use for picnics and sporting events and shall be available for a fee per the current fee ordinance.
- 7.8. *Denials.* If use of facility is denied by the Department of Parks and Recreation, an appeal can be made in writing to the Mayor. Town council shall be informed of all denials.
- 7.9. *Certificates of Insurance.* A certificate of insurance with a minimum of \$1,000,000 liability and \$100,000 property damage coverage is required for 422-7.2.7.3,7.5,7.6, and 7.7
- 7.10. *Standards of Issuance.* The standards for the issuance of a permit pursuant to this Chapter shall include the following findings:
1. That the proposed event will not unreasonably interfere with or detract from the general public enjoyment of the public park or roadway to be utilized.
 2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
 3. That the proposed activity or uses that are reasonably anticipated will not be likely to include violence, crime, or disorderly conduct.
 4. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
 5. That the permittee shall be bound by all park rules and regulations and shall be liable for all loss, damage, or injury sustained by any person or organization.

422-8 Skate Park.

In addition to the rules and regulations contained in section 422-4, the following rules shall apply to any skate park in town:

- (1) The skate park is an unsupervised area and all users skate at their own risk.
- (2) All users must wear safety equipment; including helmet, elbow and kneepads. All equipment is to be worn per manufacturer's specifications (e.g., helmets strapped).
- (3) The hours of operation are from sunrise to sunset, year-round.
- (4) The facility is for skateboard, scooters, in-line skates, and bicycles. Motorized vehicles are not permitted.
- (5) Smoking within the skate park area is strictly prohibited.
- (6) No skating or rollerblading will be permitted when equipment is wet and/or icy.
- (7) Use of drugs, alcohol, profanity, abusive language and/or vandalism is strictly prohibited
- (8) Users will refrain from bringing any loose items onto the skate park paved area, including backpacks, food, beverages, etc.

422-9 - Game courts (tennis, basketball, and other games)

9.1 The following rules and regulations shall apply to the operation of all sport courts:

- (1) No dunking or hanging on rim of basketball standards
- (2) No instruction shall be permitted unless authorized by the department of parks and recreation
- (3) No spectators shall be permitted on any court surface at any time while in use.

- (4) No person shall enter upon any court surface unless such person is wearing appropriate footwear.
- (5) No pets or wheeled vehicles of any type shall be permitted on any court surface at any time.
- (6) No person shall do any act which may cause damage to the surface, nets, fencing or any other part of the tennis courts or surrounding property.

422-10 - Use of metal detectors.

The following rules and regulations shall govern the use of metal detectors:

10.1. Use of metal detecting objects are limited to Walters, Delaware River, Green Street, and Delaware Heights Parks.

(1) Use is not permitted on any ballfields

10.2. Digging tools for removing metallic objects shall be limited solely to an ice pick or a screwdriver with a width of not more than 0.5 inch.

(1) Digging is not permitted on any ballfields

10.3. All aluminum materials, pull rings, bottle caps, and other debris uncovered shall be picked up and deposited in trash receptacles.

10.4. Any person removing any metallic object from underneath the ground shall thereafter restore the surface ground cover to its original condition.

422-11 – Municipal Pool

The following rule and regulations shall govern the use of the municipal swimming pool

11.1. Membership

1. Open to all patrons regardless of residency. Membership is valid for one season only and shall have no bearing on eligibility in any successive season. Memberships purchased after August 1 of each year will be available at a 25% discount

11.2. Types of membership; discounts

1. Types of membership:

(a) Family membership, resident or nonresident. This membership includes up to 4 people in a household, one of them being an adult 21 or older.

(b) Parent/Child membership shall include 2 people, resident or nonresident, one of whom is age 18 or older, who reside in the same dwelling.

(c) Grandparent/Child shall include 2 people, resident or nonresident, one of whom is the grandparent caretaker of the other person who is under the age of 13.

(d) Individual membership, resident or nonresident, is anyone 13 years of age or over.

2. The Town of Phillipsburg reserves the right to request proof of residency or age.

3. Volunteer firefighters or EMS personnel who reside in the Town of Phillipsburg shall be given a pool membership free of charge.

4. Teenagers, ages 13-17, with High school ID, shall be eligible for a 10% discount off individual membership fees

11.3. Use of Pool; Operating Hours

(1) All members, upon either paying daily entry fee or providing proper membership identification to the pool staff, shall be entitled to use the pool facility.

(2) Use of the pool shall only be during regular operating hours which are set by the Department of Parks and Recreation based on the operating budget provided by Town Council.

11.4. Pool Rules; Enforcement

(1) The Department of Parks and Recreation may establish pool rules prior to each season that are compliant with all local, county, and state regulations and fall within industry standards for pool operation

(2) The Pool Manager may implement temporary pool rules to ensure the safety of the pool patrons. This shall only be done if approval form the Director of the Department is given.

(3) All rules and regulations must be posted according to county and state regulations.

(4) All pool staff are responsible for the enforcement of pool rules ad regulations.

422-12 – Dog park

The following rules and regulations shall govern Dog Parks

12.1. Permitted uses.

Residents of the town may bring their dogs to the dog park for off leash exercise and play. Such activities shall always take place within the fenced area of the dog park. Any person using the facilities of the dog park shall be subject to all the rules and regulations set forth herein, as well as all other ordinances of the town.

12.2. Rules and regulations of the dog park.

(1) Operating hours for the dog park are from 8am until sunset. The town reserves to right to adjust and close the park at any time without prior notice. The town shall not provide any supervision during dog park operating hours. All persons using the dog park assume all risks associated with the use of the dog park. Residents shall always be responsible for the supervision and control of their dogs. Under no circumstances shall any dog go unattended.

(2) All dogs must always be accompanied by at least one resident who is 18 years of age or older. There is a 2 dog per adult maximum in the dog park. There shall be a maximum of 10 dogs permitted in the large gated area of the dog park. Up to 5 small dogs, under 25 pounds, are permitted in the small fenced area of the dog park. Dogs weighing more than 25 pounds are prohibited from entering the small dog area.

(3) Children under the age of 6 years are not permitted in the dog park. Children between the ages of 6 years and 12 years shall always be accompanied and supervised by at least one responsible adult 18 years of age or older.

(4) All dogs and puppies must be licensed by the town and have all inoculations up to date.

(5) All dogs must always wear a collar with a current license tag while in the dog park. Spiked, pronged, or choke collars are prohibited.

(6) All owners must clean up after their dogs.

(7) All puppies using the dog park must be at least 4 months old.

(8) Dogs who are in heat shall not be allowed in the dog park.

(9) Dogs may go unleashed while in the dog park, however, all persons accompanying a dog or puppy must use a leash when taking the dog or puppy to and from the dog park.

(10) All persons who bring play items to the dog park shall remove same before leaving the dog park. No rawhide or other dogfood products are permitted inside the gated area.

(11) Dogs displaying aggressive behavior towards other dogs and or people shall be removed from the dog park by the owner. Continued displays of aggressiveness by any dog may result in prohibiting the owner or other responsible adult from bringing the dog to the dog park. Any dog who bites any person shall not be allowed thenceforth to use the dog park.

(12) All dog bites shall immediately be reported to the Animal Control Officer.

(13) Food and beverage for human consumption is prohibited in the dog park

(14) Smoking is prohibited in the Dog park.

12.3. Fee; Enforcement

(1) Fees for resident use of dog park is \$20 and \$40 for non-resident use, per annum. Resident applicants must ensure the dog is licensed and must execute a release of liability, both through the Office of the Town Clerk. Non-Resident applicants must show proof of rabies vaccination and execute a release of liability through the Town Clerk

(2) Enforcement of dog park rules and regulations is the responsibility of the Animal Control Officer or other law enforcement officer in the absence of an Animal Control Officer

422-13 – Special Events.

13.1 A. Any person or organization desiring to hold any event, i.e. concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event in or upon any public grounds, park, or road of the Town of Phillipsburg must first apply for, and obtain a permit from the Department of Recreation in accordance with the requirements of Section 13.2 of this chapter. Any such concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event, which is likely to require the expenditure of municipal resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department and/or Emergency Medical Services salaries, wages, or other expense, shall constitute a special event. To obtain a permit for a special event, the applicant shall also satisfy the requirements of Section 248-3 of this chapter.

B. In order to further define "a special event" the following shall be inclusive: closing of a public street; the blocking or restriction of public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; or placement or temporary "no parking" signs on a public right-of-way.

C. This chapter shall apply to any event defined in 13.1-B for which at least 25 people shall be present except for:

1. Town sponsored programs/events operated by any municipal departments
2. Routine pavilion rentals and picnics at Walters Park and Green Street Park
3. Town sponsored youth sports programs operating practices and games.
4. Funeral processions
5. Legal labor picketing on sidewalks
6. Organized protests per constitutional rights

13.2 **Application for Permit.**

A. All applicants shall complete a preapplication meeting via phone or in person to discuss the feasibility of the event, availability of facilities, and discuss the application process.

B. Only upon completion of 13.2 Section A, a person or organization seeking issuance of a permit hereunder shall file the application with the Superintendent of Recreation on a paper form, electronic form, or via other designated submission technique to be provided by the Superintendent of Recreation for that purpose, on which form the applicant shall furnish the following information:

1. The name, address and telephone number of the applicant.

2. The name, address, and telephone number of the person, persons, corporation, or association sponsoring the activity.
3. A detailed site plan that would show the area or route to be used, along with proposed parking areas, structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a "footprint".
4. The date(s) and hours for which the permit is desired.
5. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security and traffic control.
6. The number of contestants, participants, spectators, and/or other people that could reasonably be anticipated to attend the event.
7. A detailed description of the municipal resources or services that will be required to be provided in connection with the event.
8. The following information shall be included with the application as attachments:
 - a. A detailed emergency management plan for the site.
 - b. Certificate of insurance per 13.5
 - c. Names of all presenters/acts/demonstrators to be scheduled during the event
 - d. A signed statement whether applicant or sponsoring organization has ever had a permit revoked by this or any other agency. This may also act as a reference letter from any other agency where permits were issued.
9. Application must be submitted no later than ninety (90) days prior to any such event.

C. Upon verification that the application is complete, the Superintendent of Recreation shall refer the application to the Municipal Clerk, Business Administrator, Fire Chief, Police Chief, Emergency Squad, Mayor and all members of Town Council for preliminary review.

13.3 **Review of Application; Decision by Town Council.**

A. The department heads listed in 13.2 Section C shall review the applications and shall present their recommendations including estimated costs to the Superintendent of Recreation for final review within ten (10) business days upon their receipt. The Superintendent of Recreation shall present a recommendation to the governing body during the next regularly scheduled meeting. If any Council members voice concern that the event to be held requires additional investigation, he or she may direct that the application be sent back for additional information. The Council shall make the final determination by majority vote whether to issue a permit for a special event, and if it is determined that there is a need for certain conditions and restrictions as may be reasonably necessary to insure that the standards set forth in Section 13.4 are satisfied. These conditions and restrictions shall be approved by resolution of the Council.

B. If permit is denied, the applicant may, within 3 days of denial notification, request in writing to the Municipal Clerk an appeal to overturn the decision. The Town Council may act upon the appeal at its next regularly scheduled meeting. If the aggrieved person wishes to request a special meeting, this shall be done in writing to the Municipal Clerk. Cost of a special meeting for this purpose shall be \$750. A written decision of the appeal shall be sent via certified mail to the applicant and shall include the reason for denial.

13.4 **Standards for Permit Issuance; Deposit; Fees; Waiver of Fees; Alcohol**

A. The standards for the issuance of a permit pursuant to this Chapter shall include the following findings:

1. That the proposed event will not unreasonably interfere with or detract from the general public enjoyment of the public park or roadway to be utilized.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not be likely to include violence, crime, or disorderly conduct.
4. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
5. Applicant is following all local, county, state laws and regulations with regards to permits, inspections, food service, noise, illumination of event area
6. Suitable toilet facilities will be kept during duration of event per 422-13.6

B. All fees charged shall be in accordance with current municipal ordinances and shall include, but not limited to: Application fee, event fee, vehicle/parking fee, labor hour fees, clean up deposits, and clean up fees.

C. A deposit of one hundred (100%) percent of the estimated costs shall be paid not less than thirty (30) days before the event or a permit will not be issued. All fees paid are non-refundable.

D. A fee waiver may be requested and shall only be issued by town council with the following conditions:

1. These groups are eligible for fee waivers:
 - a. Veterans Groups - up to 75% of fees can be waived
 - b. 501(c)3 Non-profit organizations - up to 50% can be waived

2. Labor, garbage removal, and alcohol fees cannot be waived or discounted
 3. The request for fee waiver shall accompany the completed application.
- E. Consumption of alcohol at an event held town property is at the sole discretion of the Town Council. If alcohol is permitted at the event, a fee of \$500 shall be assessed. An official application must be made through the ABC.
1. All events where alcohol is to be served shall have a minimum of 1,000 square feet of space designated solely for sale and consumption.
 2. No alcohol may be sold or consumed outside of this space

13.5 – Liability Insurance; Inspection; Revocation of Permit.

- A. A permit holder shall be bound by all applicable municipal ordinances, rules, and regulations. The person or persons to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- B. The permittee is required to submit to the Superintendent of Recreation with the initial application a certificate of insurance with coverages not less than \$1,000,000 for bodily injury or death and \$100,000 for property damage. The permittee shall be responsible for all additional costs incurred if, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment. Additional insurance policies from vendors may be requested and shall have the same coverage limits
- C. The Town of Phillipsburg reserves the right to inspect any premises for which an application for special event has been made at any time. An inspection shall be required:
 1. 10 days prior to event to finalize site details.
 2. The day after the event to complete a detailed walk through of the site to determine if any additional fees are needed to be assessed.
- D. The Superintendent of Recreation and Chief of Police shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

13.6 – Garbage; Restroom Facilities; Parking

- A. All trash accumulated at the permitted event location is the responsibility of the permittee and shall be disposed of in accordance with all local, county, and state laws.
- B. If the permittee wishes to have the municipality remove garbage accumulated from the event, the following shall apply:
 1. A garbage removal deposit of \$600 shall be assessed
 2. Deposit is refundable less a \$200 per pickup truck load of trash removed from event charge.
 3. If more than 3 truckloads of garbage are removed, a \$200 per additional truckload fee shall be assessed.
- C. The permittee shall be responsible to cover the cost of adequate portable restroom facilities.
 1. Portable restrooms are billed at cost plus a \$10 per unit scheduling fee
 2. Number of portable toilets are determined based off industry standard recommendations for the number of participants and hours of the event.

3. A permittee can schedule their own restrooms facilities if they choose. Proof of adequate facilities shall be required in the site plan.
- D. If park restrooms are used, a \$250 clean up fee per structure shall be assessed
- E. Parking fees below shall be assessed based on the number of participants and calculated based on 4 people per vehicle:
 1. Up to 120 people is \$2/car
 2. Up to 240 people is \$2.50/car
 3. Up to 360 people is \$3/car
 4. Up to 480 people is \$3.50/car
 5. Over 481 people is \$4/car

13.7 – Offenses.

A person commits an offense if he or she:

- A. Commences or conducts an event without a permit; or
- B. Fails to comply with any requirement or provision of an event permit of this Chapter;
or
- C. Hampers, interferes or impedes or obstructs with any special event or with any person or property being used in said special event.
- D. Possesses a dangerous weapon defined as any device designed or capable of being used to inflict serious injury upon a person or property, including, but not limited to, firearms, knives of any kind or type, razors or razor blades, metallic knuckles, clubs, blackjacks and night stick, and any device designed to cause an explosion.

13.8 – Violations and Penalties.

A person who violates a provision of this section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued. Each offense shall be punishable by a fine of not less than \$1000 but no more than \$2,500. Penalties are in addition to revocation of permit, not in lieu of.

422-14 – Background Checks

14.1 Non-Sponsored Youth Programs - Criminal background checks- Required for use of Municipal facilities.

- A. Prior to any club or organization, not defined as a municipal-sponsored youth program, being authorized to use municipal-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the Municipal Clerk and Business Administrator with findings of a criminal history background check obtained from the SBI or third-party independent agency.
- B. The submission of background check findings must be based upon a check performed within three (3) years of the start of use of the municipal-owned facility.

In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of municipal-owned facilities. In all cases the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the municipality for individuals involved in administering municipal-sponsored youth programs. All fees for individuals not administering a non-municipal-sponsored program shall be borne by the individual or program with which they are participating.

14.2 Municipal-Sponsored Youth Programs - Background checks.

A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a municipal-sponsored function participated in by children, shall submit sufficient information on forms supplied by the Municipal Clerk. Applications for background checks shall be processed by the Municipal Clerk, Business Administrator or designee, or a third party agency.

B. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The President or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter to the Municipal Clerk and Business Administrator. The roster shall be on forms supplied by the municipality and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a background check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

C. The Town may, in its discretion, engage the services of a third-party independent agency to conduct the criminal history record background checks authorized under this chapter.

14.3 Qualification - ID Card.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the municipality of Philipsburg shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are required to display their card or be able to supply evidence the card is on their possession if asked, while in performance of their duty involving youth programs.

14.4 - Disqualification

Upon receipt of a completed background check, notification of disqualification based on the criminal history record shall be made to the employee or volunteer by either the Municipal Clerk or third-party independent agency conducting the criminal history record background check. The specific criminal violation is not identified on the

notification. A copy of such disqualification shall also be kept on file in the office of the Municipal Clerk.

A. Details in the background check that result in a negative determination by the third-party independent agency are not afforded to the Municipality and are only available to the applicant upon making a formal request to the or third-party independent agency.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function form persons under the age of 18 years held at any Town-owned facilities. Such offenses shall include, but not to be limited to:

1. In New Jersey, any crime or disorderly persons offense: involving danger to the person, meaning those crimes and disorderly persons offense set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S. A. 2C:12-1 et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S..A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;

(a) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;

(b) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(c) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S. 2C:35-10.

(d) any 4th degree offense or higher.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

(e) Anyone currently under investigation for a potential disqualifying crime shall be ineligible until such investigation is complete and the person is cleared of charges.

C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any municipal-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual

falling within the scope of requirements for non-sponsored youth programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-municipal sponsored youth program to subscribe to the requirements of this chapter shall forfeit that programs ability to use municipal facilities and shall be subject to the fines listed in this chapter.

14.5 – Frequency of Background Checks

A. All non-sponsored youth programs that have individuals subject to this chapter shall supply background checks for all its participants prior to the individual being able to participate at any function at a municipal-owned facility to the extent covered by this chapter. Thereafter, every three (3) years a new background check shall be submitted to the Municipal Clerk and Business Administrator.

B. All municipal sponsored youth programs that have individuals subject to this chapter shall direct those individuals to the Municipal Clerk and Business Administrator for background checks prior to the individual being able to participate at any function sponsored by the municipality of PHILLIPSBURG. Thereafter, every three (3) years a new background check shall be submitted required.

2. Individuals involved in municipal-sponsored youth programs who are required to undergo background checks shall be given an interim approval for participation only evidence of submission to the third-party independent agency for a background check is provided. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 30 days. Only one interim approval may be granted per individual.

14.6 - Appeals

A. Any person whose criminal history background check disqualifies that person from employment or from volunteering, may appeal his or her disqualification.

1. *Appeal re: Accuracy of Record.* A person may challenge the accuracy of the criminal history record.

(a) A challenge to the accuracy of the report shall be filed with the municipal Chief of Police or other chief law enforcement officer, who shall coordinate the challenge with State Bureau of Identifications (SBI) or third-party independent agency.

2. *Appeal Alleging Rehabilitation.* A person may claim to be rehabilitated.

(a) No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4¹ Degree Offense or Higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of *N.J.S.A. 2C:13-1*; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of *N.J.S.A. 2C:24-4*; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of *N.J.S.A. 2C:24-4*; luring or enticing pursuant to section 1 of P.L. 1993 c.291 (*N.J.S.A. 2C:13-6*); criminal sexual contact pursuant to *N.J.S.A. 2C:14-3b* if the victim is a minor; kidnapping pursuant to *N.J.S.A. 2C:13-2*, or false imprisonment pursuant to *N.J.S.A. 2C:13-3* if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph 3 of subsection b. of *N.J.S.A. 2C:34-1*; or an attempt to commit any of these enumerated offenses

(b) *Appeals Committee.* An appeal based on rehabilitation shall be made to an Appeals Committee, which shall consist of the Municipal Clerk, Business Administrator or Designee, and a class A member of the Recreation Advisory Committee. Any such appeal must be made within ten (10) days of receipt of the notice of disqualification.

(c) *Rehabilitation Criteria.* In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:

- 1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
- 2) The nature and seriousness of the offense;
- 3) The circumstances under which the offense occurred;
- 4) The date of the offense;
- 5) The age of the person when the offense was committed;
- 6) Whether the offenses was an isolated or repeated incident;
- 7) Any social conditions which may have contributed to the offense; and,
- 8) Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work- release programs, or the recommendation of those who have had the person under their supervision.

(d) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the Municipal Clerk and Business Administrator

14.7 – Privacy and Confidentiality

A. All criminal background checks supplied to the Municipal Clerk shall be filed and maintained in a secure and locked cabinet or digital file with a security to only the Clerk. This shall not be available to the public. The Municipal Clerk shall take appropriate steps to safeguard such records by paper or digital means. The records shall be exempt from public

disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period as is necessary to serve their intended and authorized purpose, and thereafter shall be destroyed.

B. Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the members of the review committee, as authorized by federal or state statute, rule or regulation, executive order, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this section.

C. The review committee shall limit its use of criminal history record information solely to the individual for which it was obtained, and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This information shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history records information may be subject to criminal and/or civil penalties.

14.8 Penalties

Failure to comply with this section may result in the municipality withholding funding for the non-profit youth-serving organization, prohibiting the use of facilities, or withholding funding for facility maintenance.

A. Any individual or organization who has been advised, verbally or in writing of his/her disqualification to participate and continues to participate upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

1. A fine of not less than two hundred fifty dollars (\$500.00) and not more than one two thousand five hundred dollars (\$2,500.00);
2. Revocation of use of municipal facilities for the term:
 - a. First offense; one year from date of offense
 - b. Second offense; indefinite revocation of municipal facilities
3. Each continuing violation of this chapter shall constitute a separate offense.

422-15 - Enforcement.

A. The Town of Phillipsburg or its designated agents shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. No person shall interfere with or fail to obey any police officer or recreation personnel in the proper performance of his or their duties.

B. The Town of Phillipsburg or its designated agents shall have the authority to eject from any park any person(s) acting in violation of this chapter.

C. The Town of Phillipsburg or its designated agents shall have the authority to seize and confiscate any property, thing or device in the park areas or used in violation of this chapter.

D. This chapter shall also be enforced by the Phillipsburg Police Department of the municipality.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.