

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

ORDINANCE NO. 1573-18

Introduced: December 4, 2018

Adopted: December 18, 2018

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 18th day of December, 2018. A copy of Ordinance 1573-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING CHAPTER 200-8 HOURS; PERMIT REQUIRED
FOR ORGANIZED ACTIVITIES OF THE CODE OF THE BOROUGH OF EMERSON**

WHEREAS, Chapter 200 of the Code of the Borough of Emerson establishes rules and regulations governing Parks, Playgrounds, and Recreation Areas within the Borough; and

WHEREAS, the Mayor and Council wish to clarify provisions providing for permitted for organized activities; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Emerson, in the County of Bergen and State of New Jersey that the provisions of Chapter 200-8 of the Code of the Borough of Emerson are hereby amended and supplemented as follows:

Section 5. Chapter 200-8

A. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public during designated times. The opening and closing hours for each individual park shall be posted therein for public information. All parks shall open at 8:00 a.m. and shall close at 10:00 p.m., and no person or vehicle shall remain on park premises thereafter. Municipal vehicles and personnel may remain on park premises in the execution of municipal duties or in the utilization of municipal services.

B. Permit. A permit shall be required to be obtained from the Recreation Commission, through the office of the Borough Clerk, for any organized activities, recreational, social or otherwise, involving more than five participants to be held in any parks, playgrounds or recreational facilities owned by the Borough of Emerson, including but not limited to baseball, softball and soccer fields. Use of municipal facilities is always contingent upon the Borough not requiring the use of the facility for Borough purposes.

(1) Application. A person seeking issuance of a permit hereunder shall file an application with the Borough Clerk, who shall forward said application to the Recreation Commission. The application shall include:

- (a) The name and address of the organization making the application.
- (b) The park, playground, field or facilities or portion thereof for which the permit is desired.
- (c) The day and hours for which the permit is desired.
- (d) The name and address of the responsible adult who will be present and in charge while the facilities are in use.
- (e) A verified roster or list of the participants with attached forms for each participant containing the names, emergency contact information, school, and grade of all participants. The forms must be signed by the minor's legal guardian.
- (f) An estimate of the anticipated attendance.
- (g) A hold harmless agreement completed and signed by the person filing the application which agrees to indemnify and hold the Borough of Emerson, its officers, agents and employees harmless from any and all liabilities, claims, costs and attorneys' fees arising out of the applicant's use of the facilities.
- (h) All applicants (excluding the limited exception below) shall provide a Certificate of Insurance, naming the Borough of Emerson as Certificate Holder and Additional Insured and the certificate must be attached to the application. The Certificate must have limits of liability for bodily injury, liability and property damage in the amounts required by the Borough of Emerson. The requirement of a hold harmless agreement and/or insurance may be waived in writing by the Mayor and Council under circumstances where the Commission concludes it is appropriate.

Applicants that will have less than thirty (30) people in attendance, and are not exchanging any fees (either for participation, the sale or exchange of goods, ie. A farmer's market, a flea market, etc.) and also are not conducting an athletic event of any kind (i.e. a race, a game, etc.) will not be required to acquire Insurance. The exception to the Insurance requirement includes family picnics, birthday parties, and other gatherings limited to an attendance of less than thirty (30) people. All other applicants shall obtain insurance in the amounts and forms, which the Municipality deems reasonable and necessary.

- (i) Any other information which the Recreation Commission shall find reasonably necessary to make a fair determination as to whether a permit shall be issued hereunder.
- (2) Standards for issuance. The Recreation Commission shall issue a permit hereunder when it is found that:
- (a) The proposed activity or use of the park will not unreasonably interfere with or detract from the general enjoyment of the park.
 - (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

(d) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Borough.

(e) The facilities desired have not been reserved for other use at the day and hour required in the application.

(f) The applicant has completed and filed all necessary documents, including the hold harmless agreement and a certificate of insurance.

(3) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permit(s).

(4) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any 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.

(5) Revocation. The Recreation Commission shall have the authority to revoke a permit upon finding of violation of any rule or regulation or ordinance or upon good cause shown.

(6) Application fees. Unless waived by the Recreation Commission, a nonrefundable fee of \$25 shall be required when filing an application with the Borough Clerk for the use of facilities for an organized activity involving more than five participants.

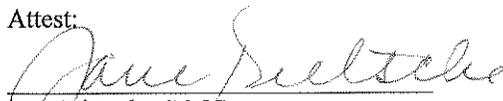
(7) Field & Court permit fees.

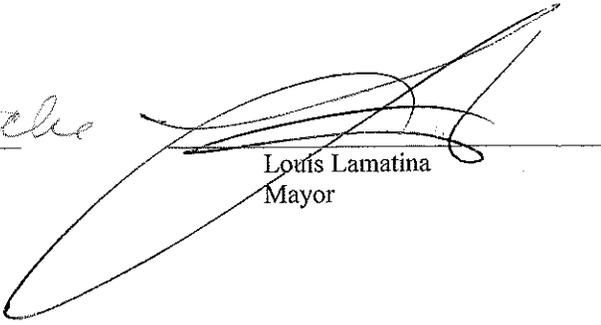
(a) A fee of \$100 per daytime game and \$125 per nighttime game, with a maximum of 2 1/2 hours per game, shall be required by the Recreation Commission for all permits issued for the purpose of holding an organized sports activity on recreational facilities. A fee of \$25.00 per game and \$35 per nighttime game (sessions not to exceed two hours) for use of one of the basketball courts.

(b) The Mayor and Council shall have the power to waive the collection of all fees upon application being made to it by any charitable organization.

(8) Exception. Nothing herein shall be read to require the application for a permit for an event officially sanctioned by the Recreation Commission or the Borough of Emerson.

Attest:

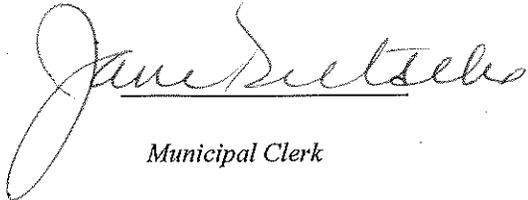

Jane Dietsche, RMC
Clerk


Louis Lamatina
Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
DiPaola			X			
Bayley			X			
Wolf			X			
Knoller	X		X			
Falotico					X	
Downing		X	X			

I hereby certify that the above Ordinance No 1573-18 was duly adopted by the Borough of Emerson at a meeting held on December 18, 2018.

Attest:



Municipal Clerk