

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

ORDINANCE NO. 1579-18

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 1579-18 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING CHAPTER 187:
MUNICIPAL FACILITIES USE OF THE CODE OF THE BOROUGH OF EMERSON**

WHEREAS, Chapter 187 of the Code of the Borough of Emerson establishes rules and regulations governing the Use of Municipal Facilities within the Borough; and

WHEREAS, the Mayor and Council wish to clarify provisions providing for the permitted use of municipal facilities; 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 187-3 and 187-4 of the Code of the Borough of Emerson are hereby amended and supplemented as follows:

§ 187-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

LIMITED-USE FACILITIES

The facilities defined herein which are used primarily for one organization or entity, the use by which takes precedence over all other requests for use.

POLITICAL ORGANIZATIONS

Groups and organizations as defined in Chapter 210.

PUBLIC FACILITIES

All public parks, fields, buildings and facilities, both indoor and outdoor, within the Borough of Emerson which are owned, used or controlled by the Borough for recreation, meetings, expositions, social functions and similar activities.

BOROUGH RECREATION TEAMS

Borough sponsored sports activity administered through the Emerson Recreation Committee; insurance for the sports is covered by the Borough. Registration is controlled by the individual sports and is for children that reside in the Borough or attend the Borough schools only. Teams usually play against other teams from within the Borough but some teams will travel to surrounding towns to play against other teams. All individuals have an opportunity to play against regardless of skill level.

BOROUGH RECREATION TRAVEL/ ALL-STAR TEAMS

Borough sponsored sports activity administered through the Emerson Recreation Committee; insurance for the sports is covered by the Borough. Registration is controlled by the individual

sports and is for children that reside in the Borough or attend the Borough schools only. The teams usually travel to surrounding towns and play teams from other jurisdictions. Tryouts may be needed to select players and/or reduce the number of participants for each team and there is no guarantee of playing time as it may be different for each player.

EMERSON CLUB TEAMS

Independently sponsored sports activity run by the individual sports or outside entity and is for children that reside in the Borough or attend the Borough schools. Seventy-Five percent (75%) of the player roster must consist of Borough residents or student athletes that attend Borough schools; at a specific age level as set forth by the sport. Tryouts are conducted annually or more frequently if necessary each year to encourage a well-balanced team and to select players and/or reduce the number of participants for each team; if a roster has reached a desired number of players as set forth by the sport and for each team. There is no guarantee of playing time as it may be different for each player.

NON-RESIDENT CLUB TEAMS

Independently sponsored sports activity, usually run by an outside entity which is not affiliated with the Borough of Emerson. These teams usually charge a fee to participate and may have tryouts to select players and/or reduce the number of participants for each team; there is no guarantee of playing time. Insurance coverage is independently secured by the entity. These teams usually participate in leagues or tournaments that charge a fee for entry and sometimes have paid coaches. All non-resident organizations must pay a fee set forth below in order to use the fields. All non-resident organizations must provide proof of insurance and the Borough must be named as an additional insured.

§ 187-4 Rules and regulations for use of facilities.

Any group or organization, except as prohibited herein, may be permitted to use public and limited-use facilities subject to the following rules and regulations:

A. Any group wishing to use a public facility or limited-use facility shall submit a written application, signed by a person over the age of 18, to the Borough Administrator at least 14 days prior to the desired use date. The application shall include the name and address of the organization, the names and addresses of organization officers and/or trustees, the purpose of the meeting, the expected number of attendees and the facility of which use is requested. The time limit may be waived for good cause by the Borough Administrator.

B. All groups using a public facility or limited-use facility shall execute an indemnity and waiver agreement in the form approved by the Joint Underwriter's Fund prior to use of the facility. The agreement must be signed by a person over 18 years of age.

C. 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.

D. All groups are responsible for cleanup and setup of the facility and responsible for the cost of repair and/or damage to the facility.

E. Any group requesting use of a facility for a single use shall deposit \$100 plus \$1 per person as a cleaning deposit at least seven days prior to the use date. The deposit will be returned by the Borough Administrator upon satisfactory inspection following the use.

F. A record book shall be kept in the administrative offices of the Borough for purposes of scheduling use and for a record of use of municipal buildings and grounds.

G. No alcoholic beverages may be served in or at any public facility or limited-use facility.

H. No smoking is permitted in or at any indoor public facility or limited-use facility.

I. The group or organization, its members, guests and invitees shall follow all the laws of the State of New Jersey and all the ordinances of the Borough, including but not limited to fire regulations and occupancy limits.

J. The Mayor and Council may revoke permission granted to any group or organization for failing to follow laws, ordinances and regulations.

K. Youth groups and organizations shall be supervised by one person 18 years of age or older.

L. Application for use of facilities shall be on a first-come-first-served basis unless as otherwise set forth for limited-use facilities.

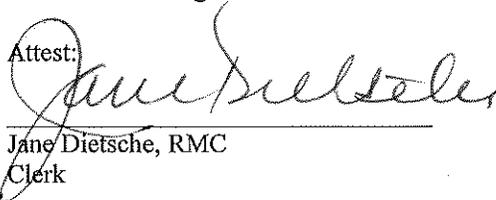
M. Inventory of Borough Facilities:

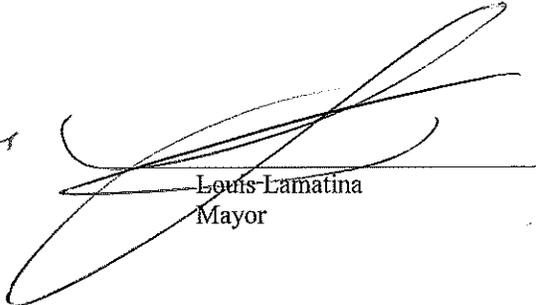
Benkovic Field - Baseball
Hillman Field - Baseball Field
Hillman Field - Soccer Field
Ackerman Park - Basketball Courts

Other Borough Parks:

Ackerman Park
Centennial Park
Emerson Woods
Leo Rosengart Memorial Park (Sunset Park)
Longview Park
Washington Park

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 1579-18 was duly adopted by the Borough of Emerson at a meeting held on December 18, 2018.

Attest:

Jamie Scutale
Municipal Clerk



AGREEMENT FOR USE OF BOROUGH FIELDS & FACILITIES

This Agreement, dated _____ (insert month, day, year) between the Borough of Emerson (hereinafter "Borough") and _____ (insert name of Organization, mailing address, town, state, zip code) hereinafter referred to as the "Organization", for the use of the Borough's fields and/or facilities:

Description of Premises

The Borough agrees to permit the use of its facility known as _____ (list any parks, fields and facilities that will be used) hereinafter referred to as "Premises", for the term of this Agreement. Each submission must be received in its entirety prior to _____. If any portion of the submission is missing, the submission will not be considered for approval.

Term

The term of this Agreement shall be _____ (insert beginning date) through _____ (insert ending date), for the purpose of using the Premises for organizing and implementing athletic league use on Borough of Emerson facilities.

Please Check the Box(es) that Apply Using the definitions listed below.

Youth sports

- Borough Recreation Team
- Borough Recreation Travel Team/ All-Star Team
- Non-Resident Club Team
- Background checks are required for all youth activities

Adult Sports

- Adult Activities (18 and over) _____

Definitions

Borough Recreation Teams – Borough sponsored sports activity administered through the Emerson Recreation Committee; insurance for the sports is covered by the Borough. Registration is controlled by the individual sports and is for children that reside in the Borough or attend the Borough schools only. Teams usually play against other teams from within the Borough, but some teams will travel to surrounding towns to play against other teams. All individuals have an opportunity to participate regardless of skill level.

Borough Recreation Travel / All-Star Teams - Borough sponsored sports activity administered through the Emerson Recreation Committee; insurance for the sports is covered by the Borough. Registration is controlled by the individual sports and is for children that reside in the Borough or attend the Borough schools only. The teams usually travel to surrounding towns and play teams from other jurisdictions. Tryouts maybe needed to select players and/or reduce the number of participants for each team and there is no guarantee of playing time as it may be different for each player.

Emerson Club Teams - Independently sponsored sports activity run by the individual sports or outside entity and is for children that reside in the Borough or attend the Borough schools. In some instances, teams may need to complement rosters with participants from outside the Borough. Seventy-Five percent (75%) of the player roster must consist of Borough residents or student athletes that attend Borough schools; at a specific age level as set forth by the sport. Tryouts are conducted annually or more frequently if necessary each year to encourage a well-balanced team and to select players and/or reduce the number of participants for each team; if a roster has reached a desired number of players as set forth by the sport and for each team. There is no guarantee of playing time as it may be different for each player.

Non-Resident Club Teams – Independently sponsored sports activity, usually run by an outside entity which is not affiliated with the Borough of Emerson. These teams usually charge a fee to participate and may have tryouts to select players and/or reduce the number of participants for each team; there is no guarantee of playing time. Insurance coverage is independently secured by the entity. These teams usually participate in leagues or tournaments that charge a fee for entry and sometimes have paid coaches. All non-resident organizations must pay a fee set forth below in order to use the fields. All non-resident organizations must provide proof of insurance and the Borough must be named as an additional insured.

If a team roster is comprised of seventy-five percent (75%) of Emerson residents or more the field fee is waived.

Please Check the Box that Applies.

- Hillman Field- Soccer Field
- Hillman Field- Baseball Field
- Benkovic Field- Baseball Field
- Ackerman Park- Basketball Court
- Other- _____

Article I. General Terms and Conditions

Section 1.01 The Organization shall not assign this Agreement, nor shall it assign, sublet, or rent out any property of the Borough without prior written consent of the Borough, granted in its sole and absolute discretion. This provision includes any camps, scrimmages, and/or tournaments.

Section 1.02 Registration of Participants: The Organization will provide verified forms, which will contain the names, emergency contact information, school, and grade of all participants. Said forms should be signed by the minor's legal guardian. Along with the verified forms, the Organization must provide Rosters listed the information set forth above. All forms and rosters must be provided to the Borough of Emerson with the application.

Section 1.03 In compliance with existing laws, or in addition thereto where no applicable law exists, the Organization shall conduct criminal background checks on all persons acting as head coaches, assistant coaches, board members and any other person acting in an official capacity. These checks shall be conducted prior to the beginning of each playing season and shall remain valid for one year. The Organization shall furnish to the Borough a listing of the persons that have successfully undergone a criminal background check prior to the beginning of any individual's involvement with any youth related activities.

Section 1.04 Organizations must clean all areas used, facilities and fields, and place all litter in trash receptacles. Each coach is responsible for checking areas, including the playing field, dugouts and bleachers, before leaving the premises.

Section 1.05 The Organization must have the Borough's approval for all Tournaments and Special events before an announcement of any event is made to the public. The number of fields required, and parking accommodations will be reviewed and approved by the Borough, in consultation with the Organization, prior to approval of the special event or its public announcement.

Article II. Statement of Program Considerations

Section 2.01 During the performance of its respective duties and responsibilities, as related to the execution of this Agreement, the Organization shall not discriminate on the basis of race, creed, color, age, national origin, religion, sex, sexual orientation, or disability in accordance with current state or federal laws.

Article III. Borough Charges

Section 3.01 A User Fee in the appropriate category below shall be paid by check 10 days in advance of use the field, or facility. For the purposes of determining whether a group or organization is categorized as resident or non-resident, the group or organization shall submit a notarized, signed statement certifying that at least 75 % of the members of the group or organization utilizing the field (s) or facilities reside in the Borough of Emerson and the State of New Jersey, as applicable.

Section 3.02 Field Permit Fees:

Day time-Field (maximum game time 2.5 hrs.) \$100.00
Night time-Field (maximum game time 2.5 hrs.) \$125.00
Field use requires a \$25.00 processing fee.

Section 3.03 Court Permit Fees:

Day time-Court (maximum game time 2.0 hrs.) \$25.00

Night time-Court (maximum game time 2.0 hrs.) \$35.00

Court use requires a \$25.00 processing fee.

Article IV. Indemnification

Section 4.01 The Organization shall defend, indemnify and hold harmless the Borough and its respective elective and appointive officers, and their duly authorized agents, members, servants, and employees from any liability, including liability to third parties, for personal injury, including death, and/or property damage which are caused by or arise from the negligence or willful misconduct of the Organization or any subcontractor, agent, or person selected and approved by the Organization. The Organization shall inspect the fields and facilities prior to their use of said location. The Organization has the legal duty to warn all participants, in the event that a dangerous/ hazardous circumstance present itself on any portion of a field or facility. The Organization also has the duty to immediately report any dangerous/hazardous circumstance to the Borough.

Article V. Insurance

Section 5.01 The Borough assumes no general liability for the Agreement holder. 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. The minimum amount of insurance coverage is to be \$ 1,000,000 for personal injury and \$100,000 for property damage/general liability.

Section 5.02 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 following amounts and forms, which the Municipality deems reasonable and necessary.

Article VI. Statement of Operating Procedures

Section 6.01 The Organization is required to comply with all the General Ordinances and administrative regulations of the Borough that are applicable.

Section 6.02 The Organization is an independent entity and is not a program agent of the Borough of Emerson.

Section 6.03 This Agreement may be revoked for failure to comply with provisions of this Agreement.

Signatory Page:

By affixing their respective signatures, the parties acknowledge that they understand, accept and will comply with the provisions of this Agreement.

For the Borough:

Signature

Date

Name and Title

For the Organization:

Signature

Date

Name and Title