

**BOROUGH OF EMERSON  
COUNTY OF BERGEN**

**NOTICE OF ADOPTION**

**ORDINANCE 1662-22**

**Introduced: November 22, 2022**

**Adopted: December 6, 2022**

**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 6<sup>th</sup> day of December, 2022. Copies of Ordinance 1662-22 are available by contacting the Borough Clerk or visiting our website at [www.emersonnj.org](http://www.emersonnj.org).

**AN ORDINANCE TO AMEND CHAPTER 200 PARKS, PLAYGROUNDS AND RECREATION AREAS, SECTION 8-B 7a HOURS; PERMIT REQUIRED FOR ORGANIZED ACTIVITIES**

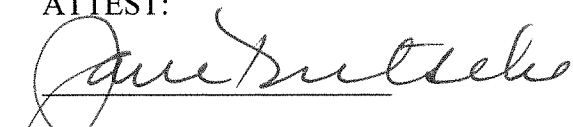
**§ 200-8 Hours; permit required for organized activities.**

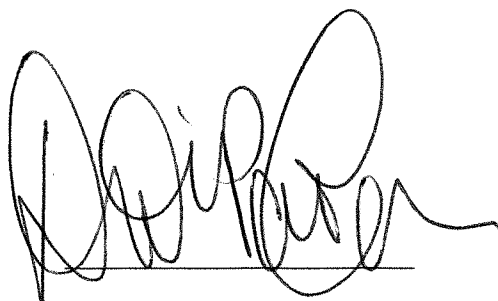
- A. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public during designated times. The opening and closing hours for each individual park shall be posted therein for public information. All parks shall open at 8:00 a.m. and shall close at 10:00 p.m., and no person or 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 30 people in attendance, and are not exchanging any fees (either for participation, the sale or exchange of goods, i.e., a farmers' 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 30 people. All other applicants shall obtain insurance in the amounts and forms that 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 and 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 per game and \$35 per nighttime game (sessions not to exceed two hours) for use of one of the basketball courts. **For teams with a roster of less than 75% Emerson residents the fee shall be \$500 per team per game.**
  - (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, Borough Clerk

  
Danielle DiPaola, Mayor