

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2020-6

AN ORDINANCE AMENDING CHAPTERS 142 AND 146 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF CHESTERFIELD, RESPECTIVELY ENTITLED “PARENTAL RESPONSIBILITY” AND “PARKS AND RECREATIONAL AREAS”

WHEREAS, public parks and recreational facilities have been repeatedly defaced and vandalized, causing increased maintenance and repair costs for the taxpayers of the Township; and

WHEREAS, much of the recent damage has occurred in connection with the use of recreational facilities by organizations and athletic teams; and

WHEREAS, the Township Committee of the Township of Chesterfield desires to preserve and properly maintain public parks and recreational facilities for the use and enjoyment of the public; and

WHEREAS, the Township Committee thereby now seeks to enhance organizational and parental responsibility as it relates to the use of recreational facilities and public parks.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the Code of the Township of Chesterfield be amended as follows:

ARTICLE I: AMENDED SECTIONS

1. Chapter 142 of the Code of the Township of Chesterfield entitled “Parental Responsibility”

is hereby amended as follows [newly added material is indicated by underlined text]:

[§142-1 to -3 to remain unchanged.]

§142-4 Violations and penalties.

Any parent who shall violate the terms of this chapter shall, upon conviction thereof, be subject to punishment by a fine not exceeding \$500 in the discretion of the court. In addition, if the violation of this chapter results in damage or defacement of public property, the parent shall be charged with the cost of repairing the damaged or defaced property.

[§142-5 to remain unchanged.]

2. Chapter 146 of the Code of the Township of Chesterfield entitled “Parks and Recreational areas” is hereby amended as follows [newly added material is indicated by underlined text, deletions shall be indicated by ~~strikethroughs~~.]:

[§146-1 to -3 to remain unchanged.]

§146-4 Permit for Use of Parks and Recreational Fields and Facilities ~~special events~~.

Permits for special events and requests for the reservation of ~~in~~ parks and recreational fields and facilities shall be obtained by application to the Recreation Director of the Township or other person designated by the Township Committee in accordance with the following procedure:

- A. A person seeking issuance of a permit hereunder shall file an application stating as follows:
 1. The name and address of the applicant.
 2. The name and address of the person, persons, organization, corporation or association sponsoring the activity, if any.
 3. The day and hours for which the permit is desired.
 4. The park, field, or recreational facility or portion thereof for which such permit is desired.

5. The number of guests and/or participants at the permitted event and their estimated age ranges.
6. The number and names of any adult supervisors/coaches to be present at any registered event.
7. An estimate of the percentage of guests/participants who are residents of the Township of Chesterfield
8. Any other information which the Township Committee shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

B. Issuance of permit

1. Standards for issuance of a use permit by the Township Committee include the following findings:
 - a. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - d. That the proposed activity will not entail extraordinary or burdensome expense or police protection by the Township of Chesterfield.
 - e. That the facilities desired have not been reserved for other use at the date and hour requested in the application.

f. The applicant or applicant organization's prior compliance with this Chapter and the Rules and Regulations Governing the Use of Township Facilities.

2. The Township Committee may refer the application to other official township bodies for study and a written advisory report.

C. Appeal

1. Within 35 days after receipt of an application, the Township Committee shall appraise an applicant, in writing, of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Township Committee to reconsider its decision by serving written notice thereof on the Clerk of the township within five days of said refusal.

2. A copy of said notice shall also be sent by the Clerk to any of the official township bodies referred to by the Township Committee for study and a written advisory report prior to its action to refuse to issue a permit. The Committee shall reconsider the application under the standards set forth under Subsection B hereof and sustain or amend its decision within 35 days from the receipt of the appeal. The decision of the Township Committee on appeal shall be final.

D. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

E. The person, corporation, association, or organization to whom the permit is issued shall be liable and responsible for all violations of this Chapter by their guests, participants, and visitors. In addition the permit holder is solely liable for 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. The Township Committee shall have the right

to require any permittee to submit the evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Township Committee prior to the commencement of any activity of issuance of any permit.

F. Revocation. The Township Committee shall have the authority to revoke a permit upon finding of violation of any rule or ordinance or upon good cause shown.

G. The person, corporation, association, or organization to whom the permit is issued shall be responsible for the oversight and supervision of the permitted event. In the event a guest, participant, or visitor shall violate this chapter or damage or deface public property the Township shall take the following actions:

1. For a first offence, the permit holder, the offender and, if applicable under §142, the offender's parents, shall be held jointly and severally accountable for the cost of repairing any defacement or damage of public property committed by guests, participants, or visitors of the permit holder and shall receive a warning.
2. For a second offence, the offender and the person, association, or organization to whom the permit is issued shall be suspended and barred from any activities or events on municipal parks, fields, or recreational facilities for a period of four (4) weeks. Any associated permit or registration fees shall be forfeited and no pro rata refunds shall be given.
3. For a third offense, the offender and the person, association, or organization to whom the permit is issued shall be permanently expelled and barred from municipal parks, fields, or recreational facilities and shall be barred from applying for future permits.

§146-5 Enforcement

- A. The police officers, park attendants, and any other municipal employee or official so
~~and park attendants~~ designated by the Township Committee shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The police officers, park attendants, and any other municipal employee or official so
~~and park attendants~~ designated by the Township Committee shall have the authority to eject from the park area any person or persons acting in violation of this chapter.
- C. The police officers park attendants, and any other municipal employee or official so
~~and park attendants~~ designated by the Township Committee shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

[§146-6 to remain unchanged.]

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: 5/7/2020

Adopted: 5/28/2020

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Dhopte	X					X	S Dhopte	X					X
D Koetas-Dale	X						D Koetas-Dale	X				X	
J Liedtka	X						J Liedtka	X					
L Panfili	X						L Panfili	X					
M Russo	X				X		M Russo	X					
X – Indicates Vote			NV – Not Voting			AB – Absent		ORD – Motion		SEC - Seconded			

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