

**CITY OF ABSECON**

**ORDINANCE 07-2017**

**AN ORDINANCE REPEALING THE EXISTING PROVISIONS OF THE CODE OF THE CITY OF ABSECON, CHAPTER 250 – PARK, PLAYGROUNDS AND RECREATION AREAS IN ITS ENTIRETY AND ENACTING THE FOLLOWING PROVISIONS IN ITS PLACE**

**WHEREAS**, the Council of the City of Absecon wishes to ensure that the City of Absecon provides the safest possible recreational and other programs for its residents, and desires to uphold the health, safety and welfare of Absecon residents and others using the City's recreation facilities; and

**WHEREAS**, for those purposes, it is the intent of this Ordinance to repeal the existing provisions of Chapter 250 of the City Code entitled, "Parks, Playgrounds and Recreational Areas", in its entirety and to enact the following provisions in its place; and

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the City of Absecon, County of Atlantic and State of New Jersey that the existing provisions of Chapter 250 are hereby repealed and the following provisions enacted in its place.

Article I: General Provisions

**250-1 Restrictions on Activities and Conduct.**

The following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations or those subsequently adopted Ordinances and/or Resolutions as City Council may see fit.

- A.** No alcoholic beverages shall be consumed in or about the City's parks and recreational areas except in situations where the City Council gives a special permit for a particular event.
- B.** No person shall be permitted in or about a City park, playground or recreational area while under the influence of intoxicating beverages, drugs or narcotics.
- C.** No camping shall be permitted in any park, playground or recreational area without being specifically permitted by City Council.
- D.** No person, other than Parks and Playground Department personnel, Streets and Road personnel and/or Public Safety personnel, while performing their prescribed duties, shall drive or move any vehicle on any park, playground or recreational area without specific authorization from the City Administrator.
- E.** No person shall build, start or maintain a fire within any City park, playground or recreational area except those areas where a grill, fireplace or fire pit has been provided and is maintained for such purpose by the City.
- F.** No person shall discharge any firearm, bow and arrow or weapon within, in or on any of the City parks, playgrounds or recreational areas.
- G.** No person shall play golf or practice golf within or on any of the City parks, playgrounds or recreational areas.

- H. No person shall place or use any boat, vessel or watercraft capable of being used as a means for human transportation on water and propelled wholly or in part by sails, muscular power or mechanical means within the confines of Heritage Park unless such usage is performed in conjunction with safety activities or authorized by the City Administrator.
- I. No person shall take upon or use any mopeds or motorized bikes, carts, scooters or all-terrain vehicles of any description on or within any of the parks, playgrounds or recreational areas of the City. **This prohibition shall not extend to motorized scooters which are used solely by individuals with a recognized disability.**
- J. No person shall operate any bicycle on or within any park, playground or recreational areas within the City of Absecon except as specifically provided in Heritage Park and Dr. Jonathan Pitney Park. All bicycles are to be stored and placed in areas designated and posted for such purpose. This provision shall not apply to police and ambulance squad personnel during the course of their prescribed duties.
- K. No person shall revel, disport or behave in a noisy and boisterous manner, emitting loud cries or other noises, so as to inconvenience other or otherwise disturb or disrupt the peace and dignity within the parks, playgrounds and other recreational areas.
- L. No person shall take upon any park, playground or recreational areas any glass container of any size or description.
- M. No person shall deposit or leave any cans, ashes paper or other refuse within a City park, playground or recreational area except in those containers specifically provided and designated for such use.
- N. No person shall pick any flowers or foliage or cut or break or dig up or in any way mutilate or injure any of the trees, shrubs, plants, grass, railing, seats, fences, structures or any other objects within a City park, playground or recreational area.
- O. No person shall swim in or dive into the pond which is located within the confines of Heritage Park or in the waters in and around the East Faunce Landing Road boat ramp and recreational area, and the Turner Avenue recreational area.
- P. Ice skating in Heritage Park shall be prohibited unless there is posted a green flag, which is an indication that ice skating is permitted.
- Q. No person shall use rollerblades, skateboards, roller-skates, and/or any similar device within the confines of Heritage Park except on the asphalt pathway which is commonly known as the walking and/or jogging path. All persons using rollerblades, skateboards, roller-skates, and/or any similar device shall at all times yield to pedestrians on the asphalt pathway which is commonly known as the walking and/or jogging path. All persons using rollerblades, skateboards, roller-skates, and/or similar device within the confines of Heritage Park in the permissible areas set forth above shall wear basic safety equipment, including, but not limited to, a helmet and knee pads.
- R. The City of Absecon shall assure perpetual public access to and use of the entire tidal lands and bulkhead along Faunce Landing Road in Absecon. All existing on-street

parking on Faunce Landing Road will be maintained. All public access to the tidal areas and bulkhead shall be provided in a nondiscriminatory manner. This provision cannot be modified or repealed in any manner without consent from the State of New Jersey Department of Environmental Protection.

- S. No person upon any City parks and recreational areas, shall engage in conduct or carry on any business trade, or occupation whatsoever, nor solicit nor take orders for goods, wares, merchandise, or carry or expose advertising signs, distribute circulars, pamphlets or printed matter, nor beg nor solicit alms without authorization of City Council.
- T. No Person upon any City park or recreational areas, shall be permitted to dress or undress including upon the docks, ramp or parking areas or in any vehicle parked thereon.
- U. No person upon any City parks or recreational areas, shall set up, post or maintain any sign or advertising matter upon or over said lands or upon vessels or objects floating or stationed in the waters or in the air above or adjacent thereto.
- V. No person upon any City parks or recreational areas, shall in any way litter the facility or cast any waste material, paper, trash, rubbish or any matter thereon.
- W. No person upon any City parks or recreational areas shall park any vehicle or trailer on the facility except in places clearly designated for parking.

### **250-2 Hours of Operation**

Parks, playgrounds and recreational areas of the City of Absecon shall be open to the public with the exception of those times between 11:00 P.M. and sunrise, when such facilities shall be closed. **Nevertheless, any person holding a Permit, as provided herein, may use the Absecon Creek Boat Ramp for the sole purpose of launching or removing from the water a watercraft when that facility is otherwise closed; however such person and any persons accompanying him shall not loiter in the area of the Boat Ramp at such times.**

### **250-3 Permission Required for Group and Field Usage**

Any group wishing to use a park, playground or recreational area must first request and receive permission from the City Administrator at least 48 hours in advance of such contemplated usage. A "group" or "organization" is defined as a collective number of persons, being 15 or more in number, whether related or unrelated, participating in an activity or outing involving the use of any park, playground or recreational area.

### **250-4 through 250-9 (Reserved)**

## **Article II. Faunce Landing Road Boat Ramp and Recreational Area and Turner Avenue Recreational Area.**

### **250-10 Purpose**

The purpose of this Article is to regulate the use of those City properties located on East Faunce Landing Road, Fourth Avenue and on Turner Avenue in Absecon, New Jersey County of Atlantic, in order that the facilities thereon may be safely used for the recreational benefit of the general public.

### **250-11 Blocking the public boat ramp and floating docks**

No person shall block or impede the East Faunce Landing Road Boat Ramp and floating docks beyond a reasonable time required to launch or recover a boat.

### **250-12 Discharging of substances**

No person shall discharge any oil, gasoline or other substance upon the areas governed by this Article II or the adjacent waters.

### **250-13 Maneuvering of vehicles and vessels**

No person shall maneuver any vehicle or vessel on or adjacent to the areas governed by this Article II in any manner that may endanger life, safety or property of any other user of the facility or of the general public.

### **250-14 Restrictions on use of watercraft**

Motorized watercraft may only be launched at the East Faunce Landing Road Boat Ramp. No motorized watercraft may access other areas of the East Faunce Landing recreational areas and the Turner Avenue recreational areas. Only kayaks, paddleboards, canoes and other non-motorized watercraft not exceeding 18Ft. in length may access the water from or within these areas.

### **250-15 Permit required for use of East Faunce Landing Boat Ramp**

#### **A. Permit Required**

All persons who use the East Faunce Landing Road Boat Ramp in the City of Absecon shall display on the vehicle towing a trailer a Permit issued by the City of Absecon. Such permit shall be in a form to be designated by the City and shall be displayed on the rear view mirror inside the towing vehicle or on the dashboard.

#### **B. Fees and Charges**

1. Seasonal Permits purchased prior to April 1: \$50.00
2. Seasonal Permits purchased on or after April 1: \$100.00
3. Daily Permits: \$10.00
4. Any person in possession of a valid State of New Jersey Resident fishing, hunting, trapping or all around sportsmen license may purchase a seasonal permit for \$25.00. Daily permits are in effect regardless of possession of State of New Jersey fishing, hunting, trapping or all around sportsmen license.
5. Any person who is a Veteran of the United States Armed Forces may purchase a seasonal permit for \$25.00. There shall be no discounts for daily permits. Only Veterans who can exhibit a New Jersey's driver's license which contains a veteran designation, a copy of Defense Department for 214 (discharge certificate) or Veterans Administration Identification Card will be eligible for the veteran discount.
6. Fees and charges may be waived by appropriate action of the City Council during a declared emergency.

#### **C. Violations and Penalties**

Any person who shall be convicted of a violation of the terms and conditions of this section shall pay a fine of \$100.00 for the first offense and \$200.00 for any subsequent offense.

**D. Use of Revenue**

All revenue is dedicated to the maintenance, improvement and staffing for the Faunce Landing Road Boat Ramp and Recreation Area.

**250-16 Violations and Penalties**

- A. Any person who shall be convicted of a violation of the provisions of this Chapter, except for a violation of 250-15, shall be fined for each offense in any amount no more than \$500.00 or be imprisoned in the County Jail or place of detention provided by the municipality for any term not exceeding 90 days or both.
- B. Any person who aids, assists or abets in the violation of any provision of this Chapter shall be subject to the penalties herein provided.

**BE IT FURTHER ORDAINED** that:

- 1. This Ordinance shall take effect upon final passage, approval and publications as required by law.
- 2. To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining sections of this Ordinance shall remain in full force and effect.
- 3. All Ordinances and part of Ordinances in conflict with this Ordinance are hereby repealed.

**DATED: June 1<sup>st</sup>, 2017**

**SIGNED: \_\_\_\_\_**  
**John R. Armstrong, Mayor**

**ATTEST: \_\_\_\_\_**  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on May 18<sup>th</sup>, 2017. Laid over and advertised for public hearing and final adoption on June 1<sup>st</sup>, 2017. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on June 1<sup>st</sup>, 2017.