

CITY OF ABSECON

ORDINANCE 10-2014

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF
ABSECON, CHAPTER 250 – PARKS, PLAYGROUNDS
AND RECREATION AREAS IN ITS ENTIRETY**

WHEREAS, the Municipal Council of the City of Absecon is desirous of amending Chapter 250 of the Code of the City of Absecon entitled Parks, Playgrounds and Recreational Areas; and

WHEREAS, the Municipal Council of the City of Absecon wishes to ensure that the City of Absecon is providing the safest possible recreational and other programs for its residents; and

WHEREAS, by amending Chapter 250 of the Code of the City of Absecon the health, safety, and welfare of Absecon residents and others using City's recreation facilities will be enhanced.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Absecon, County of Atlantic and State of New Jersey as follows:

Article I: General Provisions

250-1 Restrictions on Activities and Conduct.

250-2 Hours of Operation.

250-3 Permission Required for Group and Field Usage.

250-4 Application, Use Restrictions and Fees.

250-5 Playground Use.

250-6 Public Access Faunce Landing Road.

250-7 Faunce Landing Boat Ramp Permit.

250-8 Fees and Charges.

250-9 Violations and Penalties.

250-10 Use of Revenue.

250-11 Perpetual Public Access.

250-12 Repealer.

250-13 Effective Date.

250-14 Severability.

250-1 Restrictions on Activities and Conduct.

A. No person in a public park and/or recreation area located within the City of Absecon shall:

1. Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, railings, pavings or paving materials, waterlines, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stake posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five shall use the restrooms and washrooms designated for the opposite sex .
3. Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.
4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, unless authorized to do so by the appropriate official of the City of Absecon.
5. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seeds of any trees or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any public park and/or recreation area.
6. Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
7. Tie or hitch an animal to any tree, plant, fence or structure.
8. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall any person remove or have in his or her possession the young of any wild animal or the eggs or nest or young of any reptile or bird.
9. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or tributary stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

10. Dump in, deposit or leave, any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash in any public park and/or recreation area. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park and/or recreation area by the person responsible for its presence and properly disposed of elsewhere.
11. Other than City employees, while performing their prescribed duties, drive or move any vehicle on any park, playground or recreation area not specifically designated for such use without specific authorization from the City Administrator.
12. Park a vehicle in other than an established or designated parking area, except in accordance with posted directions thereat and with the instruction of any attendant who may be present.
13. Take upon or use any mopeds or motorized vehicles, including bikes, carts, scooters or all terrain vehicles of any description on or within any of the parks, playgrounds or recreation areas of the City.
14. Leave a vehicle standing or parked at night in established parking areas or elsewhere in any park and/or recreation areas.
15. Ride a bicycle without reasonable regard to the safety of others.
16. Leave a bicycle lying on the ground or paving or set against trees or in any place or position where other persons may trip over or be injured by it.
17. Except for authorized by employees, ride a bicycle within the confines of Heritage Park on the asphalt pathway which is commonly known as the walking and/or jogging path. Use of bicycles elsewhere shall be permitted in those specifically designated park and/or recreation areas. All persons operating bicycles at or near Heritage Park are strongly encouraged to use bicycle racks.
18. Use rollerblades, skateboards, rollerskates, and/or any similar device within the confines of Heritage Park.
19. Frequent any waters or places designated for the purpose of swimming or bathing or congregate thereat, except between such hours of the day as shall be designated for such purposes for each individual site.
20. 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 Bulkhead.
21. Ice skate in Heritage Park unless there is posted a green flag, which is an indication that ice skating is permitted.
22. 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 any park and/or recreation area unless such usage is performed in conjunction with public safety activities or specifically authorized by the City Administrator.

23. No person shall carry or possess firearms of any description or air rifles, paint ball guns, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and that is capable of firing blank cartridges, or any kind of trapping device. Shooting into park and/or recreation areas from beyond its boundaries is forbidden. Permits may be obtained for special events as provided hereunder.
24. Picnic or lunch in a place other than those designated for that purpose. Attendants specifically designated by City Officials shall have the authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
25. Use any portion of the picnic area or any of the buildings or structures therein for the purposes of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
26. If fires are specifically permitted in a park and/or recreation area, leave that area before the fire is completely extinguished and before all trash is placed in the disposal receptacles where provided. If no such trash receptacles are available, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
27. Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as but not limited to a house trailer, camp trailer, camp wagon or the like, except in those areas designated for those purposes and specifically permitted by the City of Absecon City Council.
28. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited except in the fields and courts or areas provided therefor.
29. Play golf or practice golf within or on any of the City parks, playgrounds or recreational areas.
30. Place in any pond or other body of water any non-nature species of fish, reptile or other aquatic animal.
31. Violate any of the posted rules of any park or recreation area within the City of Absecon.
32. Bring or consume any alcohol beverages in a park and/or recreation area except in situations where City Council grants a special permit for a particular event and subject to the rules and regulations of the Alcoholic Beverage Control Commission for the state of New Jersey, as the same may apply.
33. Be permitted in or about a City park, playground and/or recreational area while under the influence of intoxicating beverages, drugs or narcotics.
34. Take upon any park, and/or recreational area any glass container of any size or description.

35. Without specific written permission from the City Administrator have in his/her possession, or set or otherwise cause to explode, discharge or burn, any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition shall include any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. Permits may be given for conducting properly supervised fireworks in designated park and/or recreation areas.
36. Permit a dog to run at large. All dogs shall be restrained at all times on adequate leashes.
37. Occupy any seat or bench or enter into or loiter or remain in any pavilion or any other park and/or recreation structure or section thereof which may be reserved and designated for the use of the opposite sex. Exception is made for children under six years of age.
38. Appear at any place in other than proper clothing.
39. Solicit alms or contributions for any purpose, whether public or private, without a municipal permit.
40. Build or attempt to build a fire except in such areas and under such regulations as may be designated. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other flammable material within any park and/or recreation area or any highways, roads or streets abutting or contiguous thereto.
41. Gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated.
42. Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
43. Fail to produce and exhibit any permit he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
44. Disturb or interfere unreasonably with any activity under the authority of a permit.
45. Expose or offer for sale any article or thing, nor station or place any stand cart or vehicle for the transportation, sale, or display of any such article or thing. Exception is here made as to any properly licensed concessionaire acting by and under the authority and regulation of the City of Absecon.
46. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.
47. Burn a cigar, cigarette or pipe or any other matter or substance which contains tobacco and/or other similar product in parks and/or recreation areas according to Ordinance 06-2006, Chapter 297 and in accordance with N.J.S.A. 40:48-1 and N.J.S.A. 40:48-2.

250-2 Hours of Operation.

1. Parks, playgrounds or recreational areas of the City of Absecon shall be closed during the following hours, except by special permission from the Parks and Playgrounds Committee.
 - A. Heritage Park: 11:00 p.m. to 6:00 a.m.
 - B. Tennis Courts: 11:00 p.m. to 7:00 a.m.
 - C. All other parks, playgrounds and recreational areas: 11:00 p.m. to 8:00 a.m.

250-3 Permission Required For Group Usage and Athletic Field Usage.

1. Any "Sponsored Programs and Supported Programs" as defined in the Background Check Ordinance wishing to use a park, playground or recreational area must first request and receive permission from the Parks and Playground Committee at least seven days in advance of such contemplated usage.
2. All scheduling of athletic fields shall be through the Absecon Social and Athletic Club (ASAC) approved by the City of Absecon with the following criteria:
 - A. Dates, times, locations are assigned per age group and distributed by ASAC through the direction and oversight of the City of Absecon utilizing preference to Absecon team programs first, shared services with other entities second, and percentages of Absecon residents on travel teams third.
 - B. In the case of any facilities funded in whole or part by Green Acres, assignment shall be made strictly based upon the time of application.

250-4 Athletic Field Schedule, Usage and Fees.

A. Applying for Field Usage.

1. Initially, to be considered for field usage, there will be a need for identification of all coaches and other volunteers with compliance of having a complete criminal background check. In addition, identification of all participants, including their ages and proof of parental consent will accompany the application. Also, all teams must fill out an application for field usage and supply a copy of their General Liability Insurance adding the City of Absecon as "Additional Insured". The Insurance must have a minimum combined single limit of liability per occurrence for bodily injury and property damage on one million (\$1,000,000.00) dollars with a minimum annual aggregate of two million (\$2,000,000.00) dollars. Also, teams should have accident coverage for the players with minimum limits of \$100,000.
2. Each application for use of field will have attached a list of each team's roster. Permits will not be issued without team's roster. Any roster changes must be copied to ASAC immediately. Failure to comply could mean loss of field usage.

B. Rules and Regulations.

1. Clean the area of litter before leaving site.
2. Park in designated areas only, not on grass or walkways.
3. Alterations to any field is prohibited. For example but not limited to: no moving of bases, pitching mounds, goal posts, etc.
4. Each organization that uses the field should bring its own supplies. For example but not limited to: chalk, bases, soccer nets, etc.
5. Bathrooms will be made available via combination lock.
6. Use of lights without proper permit will result in cancellation of permit and denial of future permit request by that person and their whole organization.
7. Lighting may only be used with specific permission and only during times permitted.
8. Dates, times, and locations are assigned per age group and distributed by ASAC through the direction and oversight of the Parks and Playgrounds Committee utilizing preference to Absecon Team programs first, shared services with other entities second, and percentages of Absecon Residents on travelling teams third.
9. Teams that change their rosters (players) any time during the year must contact ASAC immediately. Failure to do so could mean loss of field usage.
10. All individuals subject to the City's Criminal Background Check Ordinance shall demonstrate proof of compliance at all times while using fields, playgrounds or courts.
11. In addition to the imposition of fines or penalties provided herein, failure to comply with any requirement set forth herein may result in the cancellation of a permit or denial of a future permit application within the discretion of the City Administrator or his/her designee. Not only the person who makes the request but their whole organization.
12. Block of time is three (3) hours.

C. Permit Rates (fees) for Athletic Fields Usage.

1. All Absecon Resident Youth teams with 80% or above of Absecon Residents total on one team are considered Absecon Teams and have no charge for field use.
2. Non-resident youth play – **17 and under the fee is: \$20.00 per hour.**
3. Resident and Non-Resident Adult Play (for non-City of Absecon sponsored teams): **\$25.00 per hour.**
4. If an event is cancelled by weather the Permit holder will need to contact ASAC to reschedule their event with no additional fees.

D. Fees.

1. All fees that are collected will be placed into a Trust Account to be used for field expenditures.

250-5 Playground Use.

1. The Playground area is designed for children 5 to 12 years of age.
2. Children should be supervised at all times.
3. Parents and guardians are responsible for the safety of the children they bring to the playground.

250-6 Public Access Faunce Landing Road Boat Ramp.

A. Regulations.

1. The purpose of this article is to regulate the use of that property located on Faunce Landing Road and Fourth Avenue in Absecon, New Jersey, County of Atlantic, commonly referred to as "The Absecon Boat ramp", in order that the facilities thereon may be safely used for the recreational benefit of the general public.
2. No person, upon any such lands, may 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.
3. No person shall be permitted to dress or undress on the docks, ramp or parking areas or in any vehicle parked thereon.
4. No person shall setup, 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.
5. No person shall in any way litter the facility or cast any waste material, paper, trash, rubbish or any matter thereon.
6. No person shall park any vehicle or trailer on the facility except in places clearly designated for parking.
7. No person shall block or impede the floating docks or the public boat ramp beyond a reasonable time required to launch or recover a boat.
8. No person shall discharge any oil, gasoline or other chemical substance upon the facility or the adjacent waters.
9. No person shall maneuver any vehicle or vessel on or adjacent to the facility in any manner that may endanger life, safety or property of any other user of the facility or of the public.
10. These Regulations shall be enforced by members of the Absecon Police Department and Auxiliary Staff of the City of Absecon's Police Department.

270-7 Faunce Landing Boat Ramp Permit:

1. Permit Required.

All persons who use the Faunce Landing 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 Governing Body and shall be displayed on the rear view mirror inside the towing vehicle or on the dashboard.

250-8 Fees and Charges:

- Seasonal Permits purchased prior to April 1 = \$50.00.
- Seasonal Permits purchased on or after April 1 = \$100.00.
- Daily Permits = \$10.00.
- Weekly Permits = \$25.00.
- 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 and weekly permits are in effect regardless of possession of State of New Jersey fishing, hunting, trapping or all around licenses.
- Fees and charges may be waived by appropriate action of the City Council during a declared emergency.

250-9 Violations and Penalties.

- A. Any person(s) violating any of the provisions of this article or any rule or regulation promulgated pursuant, shall upon conviction, be subject to the replacement, repair or restoration of any damaged park property and/or shall be subject to a fine of not more than one thousand (1,000.00) dollars and/or be imprisoned for not more than ninety (90) days, and/or serve a period of community service or not more than ninety (90) days or both replacement, repair, or restoration and a fine, imprisonment or community service for each offense.
- B. Any person(s) who aids, assists or abets in the violation of any provisions set forth for the Faunce Landing Boat ramp and surrounding areas shall be subject to the same penalties herein provided.

250-10 Use of Revenue.

- A. All revenue is dedicated to the maintenance, improvement and staffing for the Faunce Landing Road Boat Ramp and Bulkhead area.

250-11 Perpetual Public Access.

- A. 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 arrears and bulkhead shall be provided in a nondiscriminatory manner. This paragraph cannot be modified or repealed in any manner without consent from the State of New Jersey Department of Environmental Protection or the State Attorney and/or the State Attorney General's Office.

250-12 Repealer:

- A. All Ordinances and part of ordinances in conflict with this Ordinance are hereby repealed.


250-13 Effective Date:


- A. This Ordinance shall take effect upon final passage, approval and publications as provided by law.

250-14 Severability:

To the extent that any part or parts of this Ordinance are repealed or otherwise modified or voided by the State Statute or case law, the remaining sections of this Ordinance shall remain in full force and effort.

DATED: May 1st, 2014

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 April 17, 2014. Laid over and advertised for public hearing and final adoption on May 1, 2014. 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 May 1, 2014.