



BOROUGH OF FLORHAM PARK

ORDINANCE # 15-5

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY ESTABLISHING GENERAL PARK RULES AND
REGULATIONS FOR BOROUGH PARKS AND RECREATIONAL FACILITIES**

WHEREAS, the Borough of Florham Park is very proud of and enjoys its current parks, has recently added to, and may in the future have additional: active recreation parks or lands, passive recreation parks or lands, pocket parks, environmental conservation management areas, naturally-wooded and open space properties, lands secured for recreational open space, walking trails, paths, and other active and passive recreational facilities; and

WHEREAS, the Mayor and Borough Council believe that public safety and the ability to protect and control the parks, athletic fields, roads, driveways, sidewalks, paths, docks, lakes, pools, trees, flowers, shrubs, statuary, buildings, and other recreational facilities and amenities contained within and upon property owned and controlled by the Borough of Florham Park is of paramount interest to the Borough and its residents; and

WHEREAS the Mayor and Council believe that the benefits of having such parks and recreational facilities within the Borough contributes to and benefits the Borough community as a whole and the quality of life enjoyed by all residents; and

WHEREAS, the Mayor and Borough Council authorize expenditures for the proper maintenance, upkeep, and improvements to such parks and recreational facilities; and

WHEREAS the Mayor and Borough Council seek to adequately preserve such parks and facilities for the long-term while minimizing potential negative impacts in the short-term through improper or unauthorized use, vandalism, unsafe conditions, or other potential hazardous natural or man-made conditions; and

WHEREAS, the Mayor and Borough Council wish to establish the following General Park Rules and Regulations for the reasons set forth above.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Florham Park, as follows:

ARTICLE I DEFINITIONS

Section 1. Definition of Terms

Whenever used in any Borough of Florham Park, Park Rules and Regulations, the following respective terms, unless otherwise therein expressly defined, shall mean and include each of the meanings herein respectively set forth:

- a. "Borough of Florham Park" or "Parks," "Parkways," "Park Areas," "Recreation Facilities," or "Environmental Areas": All the real property acquired by or under the jurisdiction and care of the Borough of Florham Park; or which may be hereafter acquired by it or come under its jurisdiction.
- b. "Borough," "City," "Town," "Township," or "Village": Respectively any borough, city, town, township, or village within which any portion of said park system is situated.
- c. "The Borough": The Borough of Florham Park, the Mayor and Council or their agents.
- d. "Sunset": official sunset time as per the National Oceanic and Atmospheric Administration web site for the Borough of Florham Park
- e. "Sunrise": official sunrise time as per the National Oceanic and Atmospheric Administration web site for the Borough of Florham Park
- f. "Regulations": Any Regulations duly adopted, posted, and published by the Borough of Florham Park.
- g. "Owner": Any person, firm, association, co-partnership, or corporation owning, operating, or having the exclusive use of a vehicle, under a lease or otherwise, for a period greater than thirty (30) days.
- h. "Parking Place": Any part of the drive or space designated as a place for the standing of vehicles.

- i. "Officer": Any Police Officer of the Borough of Florham Park.
- j. "Bridle Path" or "Equestrian Trail": Any path maintained for persons riding on horseback.
- k. "Walk": Any path maintained for pedestrians.
- l. "Permit": Any written license issued by or under the authority of the Borough, permitting the performance of a specified act or acts.
- m. "Person": Any natural person, corporation, company, association, joint stock association, firm, or co-partnership.
- n. "Vehicle": Any motorized vehicle or any vehicle propelled by muscular power.
- o. "Off Road Vehicles": Any powered vehicle designed for cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other terrain that would include, but not be limited to, such vehicles as all terrain vehicles, dirt bikes, snowmobiles, amphibious and air cushion vehicles; except those vehicles utilized for fire, emergency, or law enforcement purposes and any vehicle whose use is expressly authorized by the Commission.
- p. "Official Opening": The time when gates, entrances, or doors to facilities are opened to allow entrance to the public or signs indicating an opening time are posted.

ARTICLE II PERMITS

Section 1. Permits

A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with terms and conditions thereof. Any violation by its holder or his agents or employees of any terms or condition thereof, shall constitute grounds for its revocation by the Borough, or by its authorized representative, whose action therein shall be final. In case of the revocation of any Borough permit, all monies paid for or on account thereof shall, at the option of the Borough, be forfeited to and be retained by it; and the holder of such permit, together with his agents and employees who violated such terms and conditions, shall be jointly and severally liable to the Borough for all damages and loss suffered by it in excess of the money so forfeited and retained; but neither such forfeiture and retention by the Borough of the whole or any part of such monies, nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of any Borough Park Rule or Regulation. These Regulations shall be deemed a part of each permit issued.

Section 2. Groups

No group of fifteen (15) or more persons shall use a Borough park or recreation area for a picnic or outing without first having obtained a permit in advance from the Borough. Adult supervision of children's groups requiring a permit is required at all times.

No person shall call or hold any public meeting or give any concert or entertainment of any kind or erect any structure, stand, tent, or platform, utilize any loudspeaker, public address system, or amplifier except by the specific written authority of the Borough, as authorized by permit. In addition, any

athletic event or organized game to be played or conducted on Borough facilities shall require a permit issued by the Borough noting the date, hour, and duration. No other organized group or persons other than the one holding the permit shall use such facilities during the time covered by the specific authority of the Borough. All permits that are granted must be produced upon demand.

ARTICLE III PROHIBITED ACTS

Section 1. Advertising

No person shall advertise within the Borough park system without the written authorization from the Borough.

Section 2. Solicitation

No person, business, group, or organization shall solicit for business, alms, contributions, or for any purpose without written authorization of the Borough.

Section 3. Public Demonstrating

Carrying signs, handing out flyers, picketing or demonstrating on Borough park property is prohibited without a permit and shall only be conducted in areas that do not impede the normal operating functions of the public and the Borough.

Section 4. Animals

No person without a permit shall cause or permit any animal owned by him, in his custody or under his control, except a dog in a permitted area when restrained by a leash not exceeding 6 feet in length, or those animals permitted by State Statute, to go or be in any park area, and each such animal so found at large may be seized and handled as provided by the law or ordinance covering stray animals on highways or public property then in effect at the place where such stray animal may be seen.

Any person having control, or person that should have control, over an animal or animals within the Borough park properties shall dispose of any feces left by the animal(s). Any and all feces shall be removed by said person whether feces is located a publicly maintained area or close enough to a publicly maintained area as to cause public annoyance. Such feces is required to be disposed of in a proper, sanitary manner by the person having control or person who should be in control of the animal(s).

Section 5. Explosives

No person shall possess or use any explosives, fireworks or other explosive pyrotechnics in a Borough park without the written authorization of the Borough.

Section 6. Poisons

No person shall bring into, or have in said parks, any poison or poisonous substance, without the written authorization of the Borough.

Section 7. Fires

No person shall build, light, or maintain any fire or discard any burning materials in said parks. Personal charcoal or propane gas grills are not permitted without a permit.

Section 8. Hours of Operation

No person shall be permitted within the Borough's parks, recreation facilities, or environmental areas after sunset and before sunrise except in designated areas or as authorized by a specific Borough park permit or enter the Borough's parks before its official opening.

Section 9. Merchandise Sale Prohibited

No person shall sell or offer for sale any object or merchandise or any other thing, whether corporeal or incorporeal, except pursuant to a permit issued by the Borough. Charter sports clubs of the Borough are permitted to conduct their normal fundraising efforts in accordance with their field permits, these Park Rules and Regulations, and any other relevant Borough requirements such as Board of Health matters.

Section 10. Alcohol

a. Alcoholic Beverages

No person shall possess any unsealed alcoholic beverage container anywhere within the Borough's parks. No person shall consume alcoholic beverage within the Borough's parks, unless granted a Special Permit as explained below.

b. Special Permit

Notwithstanding the provisions contained in Section "a" above of these Regulations, a Special Permit may be issued by the Borough, or its duly authorized representatives, for the consumption of alcoholic beverages, which permit shall include terms and conditions as established by the Borough and shall specify the duration of said permit.

***For the purposes of this section, the term "unsealed" shall mean a container with its original seal broken or a container such as a glass or a cup.**

Section 11. Possession of Weapons

No person shall possess any weapons as defined by NJSA 2C:39-1 unless a permit to do so within the park has been issued by the Borough. Nothing in this section shall apply to **law enforcement officers** possessing their weapons during the course of normal business.

Section 12. Discharge of Weapons

No person shall discharge a weapon within the Borough's parks without the written authorization of the Borough. The term weapon shall include, but not be limited to, firearms, paint guns, toy cannons, bows, and arrows, air guns, and sling shots. Nothing in this section shall apply to **law enforcement officers** discharging their weapons during the course of normal business.

Section 13. Urinating and Defecating

No person shall urinate or defecate in a Borough park except in facilities provided for such use.

Section 14. Changing/Disrobing in Unauthorized Areas

No person shall change in or out of any clothing or bathing attire except in areas designated or customarily provided for such use.

Section 15. Indecent Behavior

No person while in a Borough park shall engage in the act of sexual intercourse or other sexual, indecent or lewd act, or appear in a state of nudity.

Section 16. Improper Conduct

No person shall engage in any course of conduct which disrupts, interferes with, is unduly annoying or prevents or obstructs the lawful use or enjoyment of a Borough park by another.

Section 17. Spitting

No person shall spit within the Borough Park System except into sinks, containers, or materials customarily provided for such purposes, and any such spitting that is allowed shall be disposed of in a sanitary manner.

Section 18. Tobacco

No person shall smoke cigarettes, cigars, or use other tobacco products on or within Borough parks.

Section 19. Camping

No person shall erect or maintain a tent or shelter and/or camp in any area except by permit only.

Section 20. Restricted Areas – No person shall enter a Borough park facility, lands or portions thereof that have been designated or posted as “Closed”, “Park Closed”, “No Trespassing”, “Restricted Area”, “Keep Out” or any other verbal or posted warning or physical barrier.

**ARTICLE IV
REGULATED ACTS**

Section 1. Aviation

No person, except in an emergency, shall launch, land, or operate any aviation apparatus within the Borough's parks without the written authorization of the Borough.

Section 2. Bathing

No person shall bathe, wade, or swim in any park waters except at such times and in such places as the Borough may designate.

Section 3. Boating

No person shall use or operate a boat, kayak, canoe, inflated float, raft, or other watercraft in any park waters without a permit. Where boating is provided, life preservers must be worn at all times while in the boat, and the occupants shall remain seated.

Section 4. Skating, Skiing, and Sledding

No person shall coast, tube, snowboard, sled or ski except at places designated by the Borough. No person shall use in-line skates, roller skates, or skateboards except at places and times designated by the Borough and use of these items is prohibited in all parking areas. No person shall ice skate or go upon the ice except at such times and upon such places as designated by the Borough.

Section 5. Models

No person shall engage in the use of gas- or battery-operated model aviation devices, model motor vehicles, boats, blimps, or balloons whether radio-controlled or not, except at areas designated by the Borough or as authorized by a specific permit.

Section 6. Horses

No person shall use, ride, or drive a horse except at such times and only in paths and areas designated by the Borough.

Section 7. Metal Detectors – No person shall use a metal detector or similar device and/or dig into the surface of Borough property without a permit.

Section 8. Rock and Wall Climbing – No person shall engage in spelunking, rappelling, scaling of cliffs, walls, and / or rock faces or any type of mountain or wall climbing on Borough property without a permit.

Section 9. Obeying Officers – Florham Park Police Officers are fully empowered police officers of the state of New Jersey and are authorized to carry out that responsibility in accordance with all applicable statutes and rules and regulations and their directives are to be obeyed at all times.

Section 10. Regulation of Activities – All permissible activities may not be listed and the Borough may restrict or approve any activity not specifically regulated.

**ARTICLE V
VEHICLES**

Section 1. Motor Vehicle Act and Traffic Laws

All the provisions of the New Jersey State Motor Vehicle Act and Traffic Laws shall apply in the parks and shall be strictly enforced with also such further restrictions as may be hereinafter stated.

Section 2. Vehicles Where Prohibited

No person shall ride or drive any type of vehicle within or upon a walk, trail or any part of the park not designated or customarily used for such purpose except or unless authorized by a specific permit issued by the Borough.

Section 3. Parking

No owner or driver shall park any vehicle anywhere outside of designated parking spaces, or leave the vehicle parked anywhere on Borough property after sunset or before sunrise except at such times and in such places as the Borough may designate. Any vehicle parked or standing as to obstruct or impede: a normal flow of traffic, block entrances or exit ways, loading zones, oil or gas fills, any grass area, fire zone, emergency zone, no parking zone, or pedestrian walkways, or left after sunset, before sunrise, or present in any way a safety or traffic hazard may be removed by towing. The cost of towing and storage shall be borne by the owner and shall be paid before regaining possession of the vehicle. Borough parking areas are provided specifically for the use of Borough visitors. Use of a Borough parking area for non park usage shall be by permit only. When appropriate conditions exist, The Florham Park Police reserve the right to declare "Emergency No Parking" areas within the Borough parks and duly post those areas with appropriate signage so as to prohibit parking.

Section 4. Off-Road Vehicles

No person shall drive or operate any off-road vehicle, all-terrain vehicle, or snowmobile anywhere within the Borough parks except at such times and places as may be designated by the Borough and/or as authorized by a specific permit.

Section 5. Restricted Traffic

When a road, drive, or parkway shall be restricted as to traffic or closed and duly marked by signs, road markings, or barricades, it shall be a violation of this Ordinance to fail to observe and obey such signs, road markings, or barricades.

**ARTICLE VI
PROTECTION OF PROPERTY**

Section 1. Damage to Property

No person without a permit shall damage, deface, remove, install, or tamper with any property or natural features within the Borough's parks.

**ARTICLE VII
WILDLIFE**

Section 1. Wildlife

No person without a permit shall kill, wound, harass, trap, hunt, remove, or have in his/her possession any animal, reptile, bird, or nest to remove the eggs of young of any of the above.

No person shall fish in any of the Borough parks' waters, unless in possession of the required New Jersey fishing license, except in those cases or on those occasions where the New Jersey Division of Fish and Wildlife does not require a fishing license.

No person shall feed any animal or waterfowl any food or other substance except such food or substance expressly permitted by the Borough.

No person shall hunt on any Borough land, excepting those persons who have been issued a permit by the Borough to do so.

Section 2. Releasing Animals – No person shall release or abandon any dog, cat, fish, fowl or any other animal, wild or domestic, in a Borough park without a permit.

**ARTICLE VIII
POLLUTION AND REFUSE**

Section 1. Pollution of Waters

No person shall, within or without said parks, discharge into the waters of the Borough or any tributary river, brook, stream, storm sewer, or drain flowing into said waters any substance that may result in the pollution of said waters.

Section 2. Littering

No person shall throw, deposit, or leave litter or recyclable material within the Borough's parks except in designated receptacles provided therefore. The designated areas may be intended for disposing of personal consumption amounts of trash. See Section 3 – "Dumping" below. Overall, visitors to the parks are encouraged to follow the motto: 'if you carry it in, you must carry it out'.

Section 3. Dumping

No person or company shall dump any material anywhere within or the Borough's parks without the written authorization of the Borough. This is to include depositing in any dumpster, waste station, garbage can, or recycling can any waste that is generated outside of the Borough's parks.

**ARTICLE IX
REPEAL**

Section 1. Repeal

All Regulations or parts thereof and all amendments thereto, heretofore adopted inconsistent with these amendments are hereby repealed. The foregoing repeal shall not affect or impair any act done, offense committed, right accruing or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time these Regulations take effect; but the same may be enjoined, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if these amendments to the Regulations have not been adopted.

**ARTICLE X
PENALTIES**

Section 1. Penalties

Any person violating any of the provisions herein shall, upon conviction thereof, before a Magistrate or Judge having jurisdiction, pay a penalty as provided by Statute, at the discretion of the Magistrate or Judge. In addition to any penalties provided thereof, restitution for the cost of labor can be ordered by the Judge or Magistrate.

**ARTICLE XI
VALIDITY**

Section 1. Validity

These Regulations shall take effect after final adoption, and publication according to the law. If any section, paragraph, subdivision, clause, or regulations thereof shall be adjudged invalid, the remainder of the Regulations shall not thereby be invalidated but shall continue in full force and effect.

**ARTICLE XII
SITE-SPECIFIC RULES AND REGULATIONS**

In addition to these General Park Rules and Regulations described in Articles I through XI, Article XII provides for Specific Rules and Regulations that have been duly adopted and are fully enforceable on a location and facility basis as detailed in Article XII, Sections A and B.

No person shall fail to comply with any site-specific rules that have been adopted and promulgated by the Borough.

No person shall fail to comply with any temporary restrictions that have been approved by the Borough or its designee to which adequate notice to the public has been given.

Any person who fails to comply with either a site-specific rule or temporary restriction may be directed to leave the Park System and may be subject to further penalties as determined by the Borough or Statutes.

<u>Section</u>	<u>Specific Site</u>
A	Elm Street Recreation Center - Turf Field
B	Elm Street Recreation Center - Dog Park

SECTION A

1. The artificial turf field is to be used for the intended sports purposes only – soccer, football, cheerleading and lacrosse. For the Fall 2014 sports season, this is limited to organized, supervised Club and Recreational Department sports with proper permits and will not be open to casual, unstructured, unsupervised use or those not obtaining a permit through the Recreation Department. The entire site may be closed to vehicle access when not in use.
2. A usage permit must be obtained by the Recreation Department before an organized sport/activity can take place. As part of the permitting process through the Recreation Department, club sports must agree to adhere to and provide opposing teams with a copy of this “Usage Policies for Artificial Turf Field” document and the attached “FieldTurf Maintenance and Sample Warranty”. In addition, each Club and Recreational Sport must identify a **Field Marshal** to be present at every game, practice, or event held at the Artificial Turf Field. The Field Marshal will be the designated representative for the Club or Recreational Sport who will be held responsible for adherence to the Field Usage Policy, the “FieldTurf Maintenance and Sample Warranty”, and, as stated above, will be responsible for keeping all players and spectators off the grass areas during the Fall 2014 season.
3. If the artificial turf field is deemed closed by the Department of Public Works, the closure will be communicated to sports club leaders by the Recreation Department. Please do not hold activities. Field lights will not be turned on. If a practice or game is canceled by the Club or Recreational Sport, contact information will be provided to the Club or Sport at the time of permitting so that Artificial Turf Lights can be turned off when not in use.
4. If a sports club or organization has a permit for field use, it has priority to the field before any other groups or pick-up games.
5. The following footwear is acceptable within the artificial turf field boundary: sneakers, sandals, flip-flops, boots (without spike heels), and non-metal cleats. Metal cleats are prohibited.
6. Spectators are to remain **OUTSIDE** the enclosed fenced in area at all times.
7. The following items are representative of the items prohibited inside the artificial turf field boundary and include: food; liquids other than water; lawn chairs of any kind, collapsible tents, gasoline; chewing gum; sunflower seeds; tobacco products; alcohol; matches; lighters; glass;

fireworks; driving stakes; golf tees; dogs; animal waste; tape; javelins; golf clubs; umbrellas; heating and cooking equipment; and any sharp objects that can cause damage to the artificial turf field, players, coaches, spectators, and ground crews. The artificial turf field boundary should be kept free of debris, leaves, paper, bodily fluids, and windblown material.

8. While **only water is permissible on the artificial turf field**, if liquids/bodily fluids other than water are accidentally spilled on the artificial turf field, the area should be cleaned with water as soon as possible to avoid bugs being attracted to the area or apparel being stained.
9. Mud and dirt should be cleaned from cleats before and after using the artificial turf field.
10. Training devices, such as sleds and tackling dummies, are NOT allowed within the artificial turf field boundary.
11. Coaches and players should not attempt to do the following to the artificial turf field or the infill: clean, drag, sweep, groom, aerate, paint, top dress, bleach, blow leaves, remove animal waste, or remove snow or water.
12. No driving, biking, sledding, roller blading, roller skating, golfing, or skateboarding within the artificial turf field boundary.
13. No disposing of ice chest or water coolers onto the artificial turf field.
14. Open flames of any kind are prohibited.
15. Any equipment used on the field must be lifted and carried for placement. **Do not drag.** Protect the turf surface from sharp or pointed edges of objects or equipment placed on the field. When goals or other equipment are moved, they should be carried or moved on wheels. Dragging game or practice goals damages the turf surface.
16. Do not bring portable benches, goals, tents, canopies, etc. onto the artificial turf field. Do not stake anything into the ground on the artificial turf field. Only approved goals and field equipment may be used.
17. Spitting on the artificial turf field is prohibited.
18. Both home and visiting teams are responsible for leaving the artificial turf field as clean as it was found. When teams are done, participants must remove anything left by players, coaches, officials, or spectators – such as trash, athletic tape, athletic equipment, apparel, bottles, mouth guards, etc.
19. Please notify Florham Park Police Department and Recreation Department immediately if damage, burns, singe marks, non-permitted painting, vandalism, graffiti, or bodily fluids are discovered on the artificial turf field.
20. If you hear or see lightning or thunder, or if the warning siren blows, immediately suspend your activities. Instruct everyone to go to a safe place, such as a sturdy building or car. Do not resume your activity until 30 minutes after thunder or lightning was last seen or heard.
21. Children should be supervised by adults at all times.
22. According to Ordinance #12-1, leashed dogs may be brought onto Florham Park playing fields and open recreational areas. Owners must curb, control, and clean up after their dogs. Dogs may not run at-large. However, **dogs are prohibited within the gated boundaries of the artificial turf field.**
23. Please note that according to Ordinance #11-74, alcohol may not be consumed or distributed on Florham Park playing fields or open recreational areas.

24. The Field Goals on both the Artificial Turf Field and adjacent Multi-purpose Grass Field are to be used for their intended purpose ONLY – kicking field goals through them. Any other purpose or use, such as: climbing, using for exercise pull-ups, attaching ropes, etc. is strictly prohibited. The same applies to any/all backstops, fencing, netting, scoreboards, lighting towers, and the press box/elevated bleachers at the entire Emmett Field Park complex [Edit made Aug. 18, 2014 following additional input from Borough Staff].
25. The above policies may be changed at any time.

SECTION B

The following is a summary of the site-specific Rules and Regulations enforceable under Article XII, Section B for the Elm Street Recreation Center – Off Leash Area

1. Hours of operation: 9:00 am to Sunset
2. Maximum of three (3) dogs per adult
3. Current license tag must be visible on dog collar
4. Dogs are allowed off-leash in fenced in area only. All regulations regarding dogs in a county park apply outside the leash area.
5. Adults must maintain control over their dog(s) at all times and must immediately remove threatening or aggressive dogs. No mounting allowed.
6. Dogs must not be left unattended
7. Fill holes and stop dog from digging.
8. Dog feces must be picked up and disposed of in appropriate container
9. Children under twelve (12) not permitted . Children between twelve (12) and seventeen (17) must be under adult supervision at all times.
10. No food for dogs or people in off-leash area.
11. Only one dog in entry gate at one time. (Keep gate closed at all times)
12. No dogs under six months old allowed in off-leash area
13. No dogs in heat allowed in off-leash area.
14. No bicycles allowed inside off-leash area.
15. All bites to people or dogs must be reported to the Florham Park Police Department at 973-822-2200.
16. All Borough park rules and regulations, as posted in directories, as well as municipal ordinances shall apply.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on February 26, 2015 and will be further considered for adoption after Public Hearing held on March 26, 2015 at 7:00 p.m. in the Borough of Florham Park Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey 07932

INTRODUCED: February 26, 2015

ADOPTED: _____

Mark Taylor, Mayor

ATTEST:

Sheila Williams, Borough Clerk