

**BOROUGH OF FRANKLIN
ORDINANCE NO. 09-2021**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 196, PARKS AND RECREATION,
TO UPDATE RULES AND REGULATIONS**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Chapter 196 of the Code of the Borough of Franklin entitled "Parks and Recreation" is hereby amended as follows:

SECTION I.

Exhibit A to Chapter 196, Rules and Regulations is hereby replaced in its entirety as follows:

PARKS AND RECREATION

**Chapter 196 - Exhibit A
Rules and Regulations**

- A. Garbage or other materials prohibited. No person shall dump, deposit or leave any broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash ("garbage"). All garbage shall be placed in the proper receptacles.
- B. Use of recreation equipment. Recreation equipment shall only be used for its intended purpose. No person shall climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings and fences or upon any other property not designated or customarily used for such purposes.
- C. Damage of natural resources. No person shall cut, carve, transplant or remove any tree or plant, injure the bark or pick the flowers or seeds of any tree or plant. No person shall dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area. No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.
- D. Motor vehicles.
- (1) It shall be unlawful for any person to stop, stand, park or operate any motor vehicle or other form of conveyance, including, but not by way of limitation, mini-bikes, motor bikes, scooters, motorcycles, snowmobiles, all-terrain vehicles, go-carts, tractors and/or riding mowers within any recreation area.
- (2) All state motor vehicle statutes and municipal ordinances shall apply within the recreation areas.
- (a) Operation confined to roads. No person shall drive any motor vehicle on recreation areas except the paved roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Chief of Police or Recreation Committee.
- (b) Designated areas. No person shall park a vehicle in any area other than an established or designated parking area, and such use shall be in accordance with directions posted.
- (c) Double-parking. No person shall double-park any vehicle on any recreation areas road unless so directed by a police officer.

(d) Speed of vehicles. No person shall ride or drive faster than 15 miles per hour, except upon such roads as may be posted at a different rate of speed.

(e) After hours parking. No vehicle shall stand or park after closure or before opening hours in a recreation area, and any vehicle so parked may be towed at owner's expense.

(f) Snack bar area. The parking area located by the snack bar is used for medical emergencies only.

(g) Vehicle maintenance. Any maintenance, washing or waxing of vehicles is prohibited.

E. Bicycles.

(1) Confined to roads. No person shall ride a bicycle other than on a paved vehicular road. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or on any paved area reserved for pedestrian use.

(2) No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.

F. Animals, wildlife, plant life and waterways.

(1) No pets allowed unless they are certified service animals on softball, baseball, football fields, playground and any posted areas.

(2) No person shall ride a horse in any recreation area.

(3) No person shall tie or hitch an animal to any tree or plant.

(4) The feeding of any wildlife is strictly prohibited.

(5) No person shall throw, discharge or otherwise place or cause to be placed in the water of any pond, lake, stream or body of water in or adjacent to any recreation areas or tributary stream, storm drain or drain flowing onto such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(6) No person shall molest, harm, frighten, kill, trap, pursue, chase, tease or shoot at any animal, wildlife, reptile or bird; nor shall he remove or have in his/her possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. This subsection G(6) shall not apply to Borough employees acting within the scope of a valid depredation permit issued to the Borough.

G. Hunting and trapping. No person shall hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or air rifles, spring guns, bow 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 fire blank cartridges or any kind of trapping device. Excluded from the foregoing definitions are starters' pistols used in connection with any athletic or recreational event used by authorized recreational personnel.

H. Ice skating is prohibited.

I. Fishing and boating.

(1) Boating is permitted, but only with paddles, oars, or electric motors. No gas boat motors are permitted.

(2) No person shall launch or operate any boat of any kind on any water between the closing hour of recreation areas at night and the opening hour of the recreation areas the following morning; nor shall any person be on or remain on or in any boat during the closed hours of the recreation areas.

(3) All fishing must follow all New Jersey Fish and Wildlife regulations.

(4) Ice fishing is permitted at your own risk only after checking the ice conditions. The Borough does not supervise the ice or inspect the ice conditions.

J. Picnic, camping and swimming.

- (1) No person shall picnic or lunch in a place other than those designated for that purpose.
- (2) No person shall leave a picnic area before the fire is completely extinguished.
- (3) No person shall 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 designated areas.
- (4) No camping without a permit from the Borough.
- (5) No person shall swim, bathe or wade in any waters except when lifeguards are on duty..
- (6) No person shall dress or undress on any beach or in any vehicle, toilet or other place except in such structures as may be provided for that purpose.
- (7) No person shall fail to maintain restrooms in a neat and sanitary condition.
- (8) No hitting of golf balls, no mechanical rides and no inflatable devices.

K. Children to be accompanied by an adult. No child under the age of 12 shall be permitted in a recreation area unless accompanied by an adult. Child's Park is restricted to children under 12 years of age and must be supervised by an adult.

L. No smoking or vaping.

M. Possession of alcohol. No person shall consume or possess alcoholic beverages in any recreation area.

N. Fires/fireworks.

- (1) No person shall 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 recreation area.
- (2) No person shall have in his/her possession or set or otherwise cause to explode or discharge or burn any fireworks, firecrackers or explosives of inflammable material or discharge them or throw them into any such areas from lands or roadways. At the discretion of Mayor and Council, permits may be given for conducting properly supervised fireworks in designated recreation areas.

O. No person shall engage in boisterous, threatening, abusive, insulting or indecent language. No person shall engage in any disorderly conduct or behavior tending to cause a breach of public peace.

P. Posting of signs.

- (1) All persons are required to adhere to all recreation area signs.
- (2) No person shall 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 recreation area except with the Recreation Committee's approval.

Q. Trail use. Trails may be used in accordance with posted signs. Trail users are subject to all recreation areas rules and regulations.

R. Permits.

- (1) A person seeking a permit shall file an application with the Borough Administrator containing the following information:
 - (a) The name and address of the applicant.
 - (b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - (c) The day and hours for which the permit is desired.

(d) The recreation area or portion thereof for which such permit is desired.
(e) The nature of the proposed activity, expected number of participants and time period of the proposed activity.

(f) Any other information which the Borough shall find reasonably necessary to come to a fair determination as to whether a permit should be issued hereunder.

(2) In the case of a youth program, an affidavit certifying that all persons in a position supervising children have had a background check as required by Section X(9), *Background check affidavit*.

(3) Persons applying for reserved use of a recreation area for a private event, as defined below, including field reservations, must complete the required application and reservation forms supplied by the Borough and pay the applicable fee. The permit must be in the permittee's possession when using the reserved facilities. A "private event" is any event that is conducted, sponsored or permitted by an individual, family or organized group of persons, where admission is not open to the general public.

(4) Persons applying for reserved use of a recreation area for a special event, as defined below, including field reservations, must apply to the Borough and pay the applicable fee.

(a) A "special event" shall mean any kind of performance intended to entertain persons, including but not limited to carnivals, circuses, wild animal shows, theatrical exhibitions, bike races, sporting events, festivals, concerts and the like, which are open to the general public.

(b) Large assemblies. It shall be necessary to obtain a permit from the Borough to permit a group comprised of 25 or more individuals to assemble in recreation areas for any public or private purpose, it being understood that the right of peaceful use of park privileges shall not be abridged or unreasonably withheld upon proper application being made and subject to rules and regulations established by the Recreation Committee and the Mayor and Council.

(5) Standards for issuance of a permit by the Borough of Franklin shall include the following:

(a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the recreation area.

(b) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.

(c) A permittee shall be bound by all rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.

(d) The Borough shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

(e) Use of loudspeakers, public address systems or amplifiers need to be approved by the Borough.

(f) That the nature and character of the proposed activity or use of the recreation area is not reasonably anticipated to result in violation of these rules and regulations or to incite violence, crime or disorderly conduct.

(g) That the recreation area desired has not been reserved for other use at that date and hour desired in the application.

(h) The applicant shall make application to the Recreation Secretary on forms provided and shall provide requested information as to the name of a responsible individual who is a resident of the Borough of Franklin, the nature of the proposed activity, expected number of participants, time period of proposed activity and other such information as requested.

(i) Within seven days after receipt of the application of a permit, the Borough will notify the applicant, in writing, of its decision.

(j) That the applicant is in compliance with the Background Check Affidavit requirement of Section X(9), *Background check affidavit*, if the proposed use is a youth program.

(6) Appeal of recreation permits. Within 45 days after the receipt of an application for recreation permit, the Recreation Committee shall apprise an applicant in writing of its determination to grant or deny a permit. In the event of a denial, the notification shall include the reasons for the denial.

(a) Any aggrieved person shall have the right to appeal to the Borough governing body a decision under this section of the Committee or its designee by serving written notice thereof on the Borough Clerk within five working days of said refusal.

(b) A copy of said notice shall also be served on the Committee within the same time, and said Committee shall immediately forward the application and the reasons for its refusal to the Borough governing body, which shall consider the application and sustain or overrule the Recreation Committee's decision within 30 days from the receipt of the appeal by the Borough Clerk. The decision of the governing body shall be final.

(7) Permit enforcement. The Police Department shall be responsible for enforcing the permit regulations. A violation of any condition of the permit shall be cause for immediate revocation of the permit.

(8) Permit conditions.

(a) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

(b) The Permittee shall provide proof of liability insurance as provided for in Subsection X(12).

(c) All permit holders shall be responsible for: insuring that all participants and spectators adhere to the recreation area rules and for summoning the police if individuals fail to do so; insuring that the field is in a safe condition prior to allowing players to proceed and for reporting unsafe conditions to the Recreation Committee not later than one business day after its use; insuring that upon conclusion of the use, the field is left in the same condition in which it was found, including removal of any equipment, and clean up and proper disposal of any litter; compliance with any special conditions imposed on the permit by the Borough of Franklin.

(d) Any person issued a permit agrees to abide by the provisions of all applicable Borough ordinances, state laws and Recreation Committee rules and regulations.

(9) Field permits.

(a) Any coach, assistant coach, referee, umpire or other person(s) with similar responsibilities who have been disqualified from participation in any youth organization program under that organization's rules and regulations shall be ineligible from participating in functions utilizing the Franklin Borough recreational facilities by any other youth organization.

(b) Adult supervision of children's groups is required at all times.

(c) The Borough of Franklin reserves the first right to schedule recreation programs on all fields first. These dates will be locked in, i.e., carnival, flea market, etc.

(d) No organization may access a facility without a permit.

(e) The designated spring season is April 1 through June 15. Summer season is June 16 through August 15. Fall season is August 16 through November 15. A separate permit is required for each group and each season, with lists of all coaches, assistant coaches, umpires and referees. The fee is \$200 per season. Example: Little League baseball, softball. Cerbo, fall ball, football etc. An extension can be added for playoffs. All requirements must be followed.

(f) A permit is required for "organized" games. Games are considered organized if there is a referee, umpire or other official; if teams are part of a league; have uniforms; have a charge to any team or player for participating; there are trophies, medals or other prizes offered to teams or individuals; spectators are invited; a group of 10 or more of the same players or essentially the same players regularly gather to play at the same time and place; the game or event is sponsored by a business or organization.

(g) The Recreation Committee shall require a deposit in the amount of \$200 to ensure that the person or persons receiving the permit shall thoroughly clean the recreation areas for which the permit is granted. This deposit may be waived at the discretion of the Recreation Committee.

(h) All coaches, assistant coaches, referees and umpires must have a current certificate of training, background check and fingerprinting under Borough of Franklin Ordinance No. 4-2002. A list of all coaches, assistant coaches, referees and umpires must be submitted to the Recreation Committee prior to the receipt of an approved permit.

- (i) No use of fields will be allowed if there are no certified coaches present from the permittee's list.
- (j) All coaches, etc., must sign and adhere to the "Code of Ethics" form.
- (k) No practices after 8:00 p.m., and games must end by 10:00 p.m.
- (l) A field will not be used for any purpose other than which it was specifically created.

(10) Background check affidavit. Prior to any club or organization, other than Borough-sponsored youth programs, receiving any type of permit or written permission to use Borough-owned property or facilities for youth programs, the club or organization must complete an affidavit on a form approved by the Borough Administrator certifying that all official coaches, assistant coaches and adults who are in positions of authority or control of youth participants under the age of 18 have completed and passed a background check within the last four years, meaning that the individual has not been convicted of any of the disqualifying offenses set forth in N.J.S.A. 15A:3A-3. The affidavit shall also state that the affiant is not aware of any relevant convictions subsequent to the background check. In the event that a club or organization cannot comply with this subsection because background checks have been submitted to the State Police but results have not been received, a conditional permit may be issued for up to 60 days.

(11) Lights and security.

(a) No person, firm or corporation may use the lighting facilities in the public parks, recreation fields or open spaces of the Borough of Franklin without having first posted a security deposit with the Borough Administrator for the use of the lighting facilities. The fee for lights shall be \$200, but shall not apply to the use of the recreation areas authorized by Mayor and Council and administered by the Recreation Committee.

(b) There shall be no lights on the Little League field and football field at the same time unless approved by the Recreation Committee for a special event.

(c) If someone forgets to turn off the lights, the security deposit is forfeited. A second offense may result in the loss of field permit or modification of field use.

(d) Permit holders are subject to disciplinary actions for failure to abide by the following items as listed below for permitted field usage:

[1] Field lighting for sports practices must be turned off by 8:00 p.m.

[2] Field lighting for sports games must be turned off within 30 minutes after the game ends.

[3] All field lighting in any usage must be turned off by 10:00 p.m. Eastern standard time.

[4] All buildings lights and scoreboards must be turned off by 10:00 p.m. Eastern standard time or, in the case of lighted buildings or storage units, when not occupied.

(12) Permit violations. All permit conditions shall be strictly adhered to. Any violation of any terms of condition thereof shall constitute grounds for revocation of any permit; permit fees shall be retained by the Borough of Franklin. In the event a permit is forfeited, it shall not relieve the permittee from any liability for violations of Recreation Committee rules and regulations or for any civil or criminal claims.

(13) Indemnification and insurance requirements.

(a) The person or entity to whom a permit is issued shall indemnify, defend and hold harmless the Borough of Franklin Mayor and Council, Recreation Committee, Police Department and any other officer, agent or employee of the Borough against any and all claims, of any nature whatsoever, directly or indirectly related to the permittee's actions or inactions arising out of or in any way connected with the permit issued by the Borough. Any defense provided hereunder shall be at the permittee's sole expense with counsel or attorney(s) of the Borough's choosing. This indemnification shall be construed as broadly as possible in favor of the Borough of Franklin and the individuals or entities named above. It is the intent of this subsection that the permittee's indemnity, defense and hold harmless obligations shall be applied to include any actual or alleged joint or concurrent fault on the part of the Borough. The permittee shall not be required to indemnify the Borough for the Borough's sole negligence.

(b) An individual or individuals issued a permit for a recreation area must provide proof of liability insurance in an amount not less than \$300,000. Individuals shall also sign an indemnification and hold harmless agreement in form and substance acceptable to the Borough.

(c) The liability insurance requirement for other organizations, including, but not limited to, limited liability companies, partnerships or corporations, shall be in an amount not less than \$1,000,000. An indemnification and hold harmless agreement, in form and substance acceptable to the Borough, must also be signed.

(d) A certificate of insurance, in a form acceptable to the Borough, must be presented showing the required limits and indicating that the Borough of Franklin and Recreation Committee are named as additional insureds on the liability policy. The insurance company must have a Best's rating of no lower than an A. The certificate must be received prior to granting use of the facilities, and the insurance must remain in full force and effect during the entire period the facilities are being used. The insurance provided shall contain contractual liability coverage insuring the indemnity and defense obligations undertaken in this subsection, shall include a waiver of subrogation in favor of the Borough and shall be primary and noncontributory to any insurance carried by the Borough. The certificate shall evidence that 30 days' notice be provided to the Borough prior to any material change in the policy(ies) or coverage limits.

SECTION II.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III.

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV.

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:


Darlene J. Tremont, CLERK

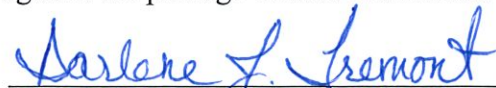
BOROUGH OF FRANKLIN


BY: John M. Sowden IV, MAYOR

DATED: June 10, 2021

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on the 25th day of May, 2021, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on the 9th day of June, 2021, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

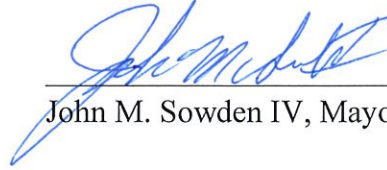

Darlene J. Tremont, Borough Clerk

CERTIFICATION

I, DARLENE J. TREMONT, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of June, 2021.



Darlene J. Tremont, Clerk
Borough of Franklin



John M. Sowden IV, Mayor

Introduced: May 25, 2021

Adopted: June 10, 2021

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
JOSEPH LIMON	X					
JOHN POSTAS	X				X	
STEPHEN SKELLENGER	X					
GILBERT SNYDER COUNCIL PRESIDENT	X					
STEPHAN ZYDON, JR.	X					X
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					X
JOSEPH LIMON				X		
JOHN POSTAS	X					
STEPHEN SKELLENGER	X					
GILBERT SNYDER COUNCIL PRESIDENT	X				X	
STEPHAN ZYDON, JR.	X					
MAYOR SOWDEN, IV (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

ORDINANCE NO. 09-2021

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY AMENDING CHAPTER 196, PARKS AND RECREATION, TO
UPDATE RULES AND REGULATIONS**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 25th day of May, 2021, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of June, 2021, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk