

Chapter 126. Parks, Facilities, Playgrounds and Recreation

[HISTORY: Adopted by the Mayor and Council of the Borough of Garwood 12-9-2014 by Ord. No. 14-13.¹¹ Amendments noted where applicable.]

[1]

Editor's Note: This ordinance also repealed former Ch. 126, Parks, Playgrounds and Recreation, which was comprised of Art. I, Use of Parks and Playgrounds, derived from Ch. 23 of the 1974 Code, as amended, and Art. II, Employees and Volunteers; Criminal History Background Checks, adopted 5-10-2005 by Ord. No. 05-11, as amended.

Article I. Use of Parks, Facilities and Playgrounds

§ 126-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ATTENDANT

A person employed to provide a service to the public in a particular place; a person who is present at an event, meeting, or function.

MINIBIKE OR MINICYCLE

A small, lightweight motorcycle with a low frame and designed generally for off-highway use.

NIGHT HOURS

Those hours between dusk and 9:00 p.m. for parks without lighting and dusk and 10:00 p.m. for parks with lighting, for consideration in the rental process. For other considerations, night hours are from dusk to dawn in all parks. (Night hours are when parks are closed to the general public)

NONPROFIT ORGANIZATION

A corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

NONPROFIT YOUTH-SERVING ORGANIZATION

A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this state, which provides recreational, cultural, charitable, social, or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

PARENT or GUARDIAN

The adult person having the care and custody of a minor child whether by virtue of parentage, court order, or otherwise.

PUBLIC PARK, FACILITY OR PLAYGROUND

Shall include the following:

A.

Harry Hartman Park, located at the westerly end of Second Avenue.

B.

Garwood Sports and Recreation Complex, heretofore known as Athletic Field Complex, Garwood Memorial Park, James V. Guerriero Memorial Field and

Garwood Little League Field, located at the easterly end of Myrtle Avenue, shall hereby be known for the purpose of this Code as Garwood Sports and Recreation Complex.

C.

Georgiana Gurrieri Memorial Park, located at the westerly end of Fourth Avenue.

D.

All public parks, fields, playgrounds, facilities, or recreation areas and places owned by the Borough of Garwood and operated by the Borough of Garwood and/or the Recreation Commission under the direction of the Mayor and Council.

§ 126-2. Hours for use of public parks, facilities and playgrounds.

A.

Hours for use of public parks, facilities and playgrounds within the Borough of Garwood are as follows:

(1)

Garwood Sports and Recreation Complex, located at the easterly end of Myrtle Avenue: 7:00 a.m. to dusk, daily.

(2)

Hartman Park, located at the westerly end of Second Avenue: 7:00 a.m. to dusk, daily.

B.

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

C.

The hours for use of the public parks, facilities and playgrounds within the Borough of Garwood as set forth in § **126-2A**, shall not be applicable to those recreational activities and programs sponsored or sanctioned by, or under the auspices of, the Recreation Commission and/or the Mayor and Council of the Borough of Garwood. Recreational activities and programs established by the Recreation Commission of the Borough of Garwood shall include specific hours and be contained in a resolution forwarded to the Mayor and Council.

D.

Any section or part of any park may be declared closed to the public by the Mayor and Council or the Recreation Commission at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses, as the Mayor and Council or Recreation Commission shall find reasonably necessary.

§ 126-3. Permit for use during night hours.

A.

The Recreation Commission shall regulate all parks, facilities and playgrounds within the Borough as provided by statute and/or this chapter. Permits shall be issued to individuals or groups for the use of park, facilities and playground property during night hours, provided that a formal application is made for such use and by the providing of sufficient security or other guarantee as the Recreation Commission or Mayor and Council shall deem appropriate to ensure the care, maintenance and safety of the public parks, facilities and playgrounds.

B.

It shall be unlawful for any person to enter or remain upon a public park, facility or playground in the Borough of Garwood during night hours without a permit issued by the Recreation Commission or the Mayor and Council.

§ 126-4. Prohibited activities.

A.

Bicycles, skateboards, roller skates, roller blades and other similar wheeled recreational conveyances and the use of same are prohibited at Georgiana Gurrieri Memorial Park, Fourth Avenue. No person shall be in possession of or shall use any of the above in said park at any time.

B.

No person in a public park, facility and recreation area shall:

(1)

Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, 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 six years 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, except on special written permit issued hereunder;

(5)

Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area;

(6)

Climb any tree or walk or stand 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 or person to any tree or plant;

(8)

Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw missiles at any wildlife, reptile or bird, nor shall he or she 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.

[Amended 2-24-2015 by Ord. No. 15-04]

(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 any 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 such waters;

(10)

Have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or shall be 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 by the person responsible for its presence and properly disposed of elsewhere;

(11)

Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas by the Recreation Commission;

(12)

Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions thereat and with the instruction of any attendant who may be present;

(13)

Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas;

(14)

Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available;

(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)

Ride or bring a minibike into any park or recreational area;

(18)

Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other forms 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. Shooting into park areas from beyond park boundaries is forbidden;

(19)

Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate that activity 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;

(20)

Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like, except in those areas designated by the Recreation Commission for those purposes and with permission;

(21)

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, softball, hockey, soccer, basketball, lacrosse or other sport is prohibited except on the fields

and courts or areas provided therefor. Roller-skating is prohibited unless directed and permitted by the Recreation Commission;

(22)

Horseback riding is prohibited;

(23)

Vandalize a natural grass or turf sport field; and further, motor vehicles, snowmobiles, minibikes, dirt bikes and all other motorized vehicles shall be considered to be unauthorized vehicles, and they are not permitted on athletic fields, park areas or recreation areas within the public parks and/or recreation areas in the Borough of Garwood.

§ 126-5. Conduct.

While in a public park, facility or recreation area, all persons shall conduct themselves in a proper and orderly manner and, in particular, no person shall:

A.

Bring alcoholic beverages or drink the same in a public park or recreation area unless permission is granted for special events by the Recreation Commission and the special event is approved by the Mayor and Council in accordance with this chapter and/or Code of the Borough;

B.

Have in his or her possession or set or otherwise cause to explode or 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 includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints;

C.

Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Recreation Commission by signs bearing the words "domestic animals prohibited in this area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length;

D.

In accordance with § **58-27** of the Code of the Borough of Garwood, pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person;

E.

Proper disposal of pet waste is as follows: placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal;

F.

Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Recreation Commission. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any part or on any highways, roads or streets abutting or contiguous thereto;

G.

Enter an area posted as closed to the public, nor shall any person use or abet in the use of any area in violation of posted notices;

H.

Gamble or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Recreation Commission;

I.

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;

J.

Fail to produce and exhibit any permit from the Recreation Commission that he or she claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any statute, chapter or local ordinance or rule;

K.

Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit;

L.

Expose or offer for sale any article or thing, nor shall he or she 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 regularly licensed concessionaire acting by and under the authority and regulation of the Recreation Commission;

M.

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.

N.

Commit any act that is deemed to be in violation of the criminal or traffic laws of the State of New Jersey and/or of the Code of the Borough of Garwood.

Article II. Fees and Permits for Parks, Facilities and Playgrounds

§ 126-6. Fees and permits for special events.

A.

Permits for special events at the Garwood Sports and Recreation Complex shall be obtained by submitting an application to the Recreation Commission through the office of the Borough Administrator/Clerk in accordance with the following procedure:

(1)

A person seeking issuance of a permit for use hereunder shall file an application with the Recreation Commission on the form prepared by the Borough Administrator/Clerk and provided by the Borough of Garwood to include the following information:

(a)

The name and address of the applicant; proof of residency if applicable;

(b)

The name and address of the person, persons, corporation, association or the nonprofit organization sponsoring the activity, if any;

(c)

The day and hours for which the permit is desired;

(d)

The area of the park, facility or playground or portion thereof for which such permit is desired;

(e)

Any other information which the Recreation Commission shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

(2)

Standards for issuance of a use permit by the Recreation Commission shall include the following findings:

(a)

That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(b)

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

(c)

That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct;

(d)

That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough;

(e)

That the facilities desired have not been reserved for other use at the date and hour requested in the application.

B.

Applications should be submitted to the Recreation Commission at least 90 days prior to the date requested.

C.

All nonprofit organizations must submit proof of nonprofit status with their application.

D.

Fees are based on a four-hour minimum. Fees cover the use of the park grounds and facilities where applicable during hours set forth in this chapter. Each user shall file the application form with the applicable fees set forth below. The form should be submitted through the office of the Borough Administrator/Clerk. Deposit fees will be returned upon inspection that the park, facility or grounds have not been damaged and have been cleaned by the permittee. The deposit shall be returned within 30 days after conclusion of the event, less the cost of any repairs or cleaning necessary to be performed by the Borough to return the park, facility or grounds to its pre-event condition. A release form prepared by the Borough and signed by Recreation Commission indicating that no damages have occurred is required for deposit refunds. Requests for refunds should be submitted in writing through the office of the Borough Administrator/Clerk, 403 South Avenue, Garwood, NJ. Application fees are nonrefundable. Other fees will be refunded if application is not approved and are nonrefundable in the event that the application is withdrawn or canceled by the permittee.

E.

The application, deposit and use fees for Garwood Sports and Recreation Complex are as follows:

(1)

Application fee: \$25.

(2)

Security deposit fee: \$250.

(3)

Use fee for park grounds and facilities (does not include fields):

(a)

Garwood residents: \$125 for four hours; \$25 for each additional hour.

(b)

Nonresident or for-profit organizations: \$250 for four hours; \$50 for each additional hour.

(c)

Nonprofit organizations: \$50 for four hours; \$10 for each additional hour.

(4)

Additional/optional use fees:

(a)

James V. Guerriero Memorial Baseball Field:

[1]

Tier A (Garwood resident or nonprofit): \$40 per hour.

[2]

Tier B (nonresident or for profit): \$80 per hour.

(b)

Multipurpose turf field with stadium lighting:

[1]

Tier A (Garwood resident or nonprofit): \$50 per hour.

[2]

Tier B (nonresident or for profit): \$100 per hour.

F.

The Recreation Commission shall process applications within 30 days after submission, provided that all fees have been paid and the application is complete. Incomplete applications or failure to submit required documentation may cause the process to be extended an additional 30 days.

G.

The process may include any other information which the Recreation Commission may require and, in the case for use at the Garwood Sports and Recreation Complex at the easterly end of Myrtle Avenue, shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

H.

Requests to serve alcoholic beverages at a special event will only be considered for the Garwood Sports and Recreation Complex, located at the easterly end of Myrtle Avenue. Such requests must be approved by Chief of Police and Borough Administrator/Clerk in accordance with law of the State of New Jersey, Division of Alcoholic Beverage Control and the Code of the Borough of Garwood concerning the permitting of alcoholic beverages. In the event of approval, host liquor liability insurance naming, as additional insured, the Borough of Garwood, Recreation Commission, and New Jersey Department of Environmental Protection Green Acres, in the amount determined by the Borough Administrator/Clerk, with recommendation from the insurance broker, shall be provided before the issuance of any permit. Under no circumstances will permits for serving alcoholic beverages be considered in any other park area in the Borough of Garwood.

I.

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

J.

The person(s) or organization(s) to whom the permit is issued shall be liable for all loss, damage or injury sustained by reason of negligence, accident or any other reason of the person(s) or organization(s) to whom such permit shall have been issued. Generally an insurance certificate in the amount of \$1,000,000 naming, as additional insured, the Borough of Garwood, Recreation Commission, and New Jersey Department of Environmental Protection Green Acres may be required and must be approved by the Borough Administrator/Clerk and insurance broker prior to issuance of permits.

K.

The Recreation Commission shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Borough Administrator/Clerk with recommendation from the insurance broker prior to the commencement of any activity or issuance of any permit.

L.

The permit application shall be reviewed and approved by the Recreation Commission. Applicants that are denied by the Recreation Commission may appeal the decision as outlined in § 126-6N.

M.

The Recreation Commission shall have the authority to revoke a permit upon a finding of violation of any rule or statute or local ordinance or upon good cause shown.

N.

Appeal.

(1)

Within 30 days after the receipt of an application that is deemed complete, the Recreation Commission shall apprise an applicant in writing of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Mayor and Council by serving written notice thereof to the Borough Administrator/Clerk within five days of such refusal.

(2)

A copy of such notice shall also be served on the Recreation Commission within the same time, and the Commission shall immediately forward the application and the reasons for its refusal to the Borough Administrator/Clerk in which the Mayor and Council shall consider the application under the standards set forth under this article and sustain or overrule the Recreation Commission's decision within 14 days from the receipt of the appeal by the Borough Administrator/Clerk. The decision of the Mayor and Council shall be final.

O.

Harry Hartman Park, located at the westerly end of Second Avenue, and Georgiana Gurrieri Memorial Park, located at the westerly end of Fourth Avenue, are generally not available for special events and not included in the schedule in § 126-6. Standards and regulations in Article I, §§ 126-1 through 126-5, apply to Harry Hartman Park and Georgiana Gurrieri Memorial Park.

§ 126-7. Enforcement.

A.

The Recreation Commission, staff and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

B.

The Recreation Commission, staff and any park attendant shall have the authority to eject from the park area any person or persons acting in violation of this chapter.

C.

The Recreation Commission, staff and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

D.

This chapter shall also be enforced by the Garwood Police Department.

§ 126-8. Parking.

No owner or driver shall cause or permit his or her vehicle to stand outside of designated parking spaces, except for a reasonable time to take up or discharge passengers or equipment. No motor vehicle shall be parked in the park outside the hours designated in this chapter or except as otherwise permitted.

§ 126-9. Agreements.

The Borough reserves the right with respect to any and/or all public park and recreation areas and any facilities located therein to enter into any agreement concerning the use thereof. Said agreement may include terms, conditions and fees as negotiated between two parties and must be in a form approved by the Borough Attorney, signed by the Mayor and Borough Administrator/Clerk. Agreements for use of the Garwood Sports and Recreation Complex must be approved by New Jersey Department of Environmental Protection Green Acres 45 days prior to execution and must comply with New Jersey Department of Environmental Protection Green Acres rules and regulations contained in N.J.A.C. Title 7, Chapter 36 et. seq., and the Code of the Borough of Garwood. Any such agreement that is executed without New Jersey Department of Environmental Protection Green Acres approval is void and no legal effect.

§ 126-10. Scope.

This chapter is in addition to and not in derogation of any other ordinance involving or affecting any of the subject matters contained in the within chapter.

§ 126-11. Violations.

Any person being found in a public park, facility or playground in violation of this article, and upon being told to remove himself and/or herself from the area or to cease by a police officer of the Borough of Garwood and failing to do so forthwith, shall render said person subject to arrest.

§ 126-12. Penalties.

Any person found guilty of violating the within article shall be subject to a fine of not more than \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

Article III. Employees and Volunteers; Criminal History Background Checks

§ 126-13. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH-SPONSORED PROGRAMS

Any programs sponsored or in any way supported by the Borough, which provide and utilize Borough facilities and/or Borough property.

CRIMINAL HISTORY RECORD BACKGROUND CHECK

A determination of whether a person has a criminal record by cross-referencing that person's name and/or fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and/or the State Bureau of Identification of the New Jersey State Police.

DEPARTMENT

The Borough of Garwood Police Department.

NONPROFIT YOUTH-SERVING ORGANIZATION

A corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this state, which provides recreational, cultural, charitable, social, or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

VOLUNTEER

Any person involved with a nonprofit youth-servicing organization that has direct access to minors as a result of their involvement with the organization.

§ 126-14. Request for criminal background checks; costs.

A.

The Recreation Commission requires that all employees and volunteers of a nonprofit youth-servicing organization request through the Department that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization. No organization shall be permitted to utilize any Borough-owned facilities, or no Borough-sponsored program shall be conducted, and no employee or volunteer shall be permitted to participate in any organization or Borough-sponsored program, except in accordance with this article.

B.

The Division of State Police shall inform the Department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense set forth in § **126-15** of this article.

C.

The Department shall conduct a criminal history record background check only upon receipt of the written consent to the check from the prospective or current employee or volunteer.

D.

The Recreation Commission shall bear the costs associated with conducting the criminal history record background checks for employees and volunteers of the Recreation Commission.

§ 126-15. Conditions under which a person is disqualified from service.

A.

A person may be disqualified from serving as an employee or volunteer of a nonprofit youth-servicing organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:

(1)

In New Jersey, any crime or disorderly person's offense:

(a)

Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A 2C:12-1 et seq., N.J.S.A 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., or N.J.S.A. 2C:15-1 et seq.

(b)

Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A 2C:14-1 et seq.

(c)

Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.

(d)

Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except Paragraph (4) of N.J.S.A 2C:35-10.

(2)

In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in Subsection **A(1)** of this section.

B.

The determination of whether the information contained in the criminal history record is sufficient to disqualify an employee or volunteer shall be made by the Chief of Police, or his designee. Any employee or volunteer dissatisfied with the determination by the Department shall be entitled to file an appeal with the Criminal Background Check Appeal Panel created pursuant to § **126-19** of this article.

§ 126-16. Submissions; exchange of background check information.

A.

Prospective or current employees and volunteers of nonprofit youth-serving organizations and/or employees and volunteers of the Recreation Commission, and Borough-sponsored programs involving minors shall submit their name, address, fingerprints and written consent to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the Chief of Police, or his designee, who shall coordinate the background check.

B.

The Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this article.

C.

The Department may, in its discretion, engage the services of a third-party independent agency to conduct the criminal history record background checks authorized under this article.

D.

The Chief of Police, or his designee, shall coordinate a criminal history background check every two years after the initial check.

E.

The Director of the Recreation Commission shall be responsible to submit names to the Department for any new volunteer or employee of the Recreation Commission, Borough or nonprofit youth-serving organization prior to participation or employment.

§ 126-17. Limitations on access and use of criminal history record background checks.

A.

Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to the Chief of Police, or his designee, and any member of the appeal panel pursuant to § **126-19** of this article, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this article.

B.

The Chief of Police, or his designee, and any member of the appeal panel pursuant to § **126-19** of this article, shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. The record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

§ 126-18. Employee or volunteer may challenge the accuracy of the report.

If this criminal history record may disqualify an applicant or existing employee or volunteer for any purpose, the person making the determination shall provide the disqualified person with an opportunity to complete and challenge the accuracy of the information contained in the criminal history record. The disqualifying person shall be afforded a reasonable period of time to challenge and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

§ 126-19. Appeal process; Criminal Background Check Appeal Panel.

A.

Criminal background checks appeal process. If the Chief of Police or his designee disqualifies an employee or volunteer or denies the challenge concerning the accuracy of a criminal history report, the employee or volunteer may appeal that determination by filing a written notice of appeal with the Borough Administrator/Clerk of the Borough of Garwood no later than 20 days after receiving the determination from the Chief of Police or his designee. Any appeal requested shall proceed before the Criminal Background Check Appeal Panel.

B.

Criminal background check appeal panel. In order to monitor and supervise the enforcement of this article by the Chief of Police or his designee, the Borough of Garwood hereby creates a Criminal Background Check Appeal Panel, which shall consist of three members. The composition of the Criminal Background Check Appeal Panel shall be as follows:

(1)

One member of the Criminal Background Check Appeal Panel shall be the Chief of Police of the Borough of Garwood, or his designee.

(2)

One member of the Criminal Background Check Appeal Panel shall be the Borough Administrator/Clerk of the Borough of Garwood.

(3)

One member of the Criminal Background Check Appeal Panel shall be the Police Commissioner of the Borough of Garwood.

C.

Powers. The Criminal Background Check Appeal Panel is granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this article, including but not limited to the following:

(1)

To hold hearings and adjudicate appeals by employees and volunteers dissatisfied with the determination of the Chief of Police or his designee concerning the disqualification of the employee or volunteer.

(2)

To hold hearings and adjudicate appeals by employees and volunteers dissatisfied with the determination of the Chief of Police or his designee concerning the accuracy of the criminal history record.

Article IV. Recreation Fees

§ 126-20. Fee schedule.

A.

The Recreation Commission shall annually review fees for recreation programs/activities and by Resolution of the Commission adopt annually a fee schedule and forward the schedule to the Finance Department of the Borough of Garwood within 10 days of adoption.

B.

All participants in a recreation program offered by the Borough of Garwood Recreation Department shall be required, prior to the commencement of the program, to pay the fee set forth in the fee schedule. All fees shall be payable to the Borough of Garwood and processed by the Recreation and Finance Departments.

C.

All applicants requesting use of Garwood Sports and Recreation Complex shall be required, prior to the commencement of the activity, to pay the fee set forth Article II, § 126-6E. All fees shall be payable to the Borough of Garwood and processed by the Recreation and Finance Departments.

§ 126-21. New programs.

For any program for which a fee has not been established, the Recreation Commission shall be authorized to establish a fee based on estimated costs for said program. Prior to the second offering of said program, this fee shall be incorporated into the annual fee schedule.

§ 126-22. Trips and special events.

For trips and other special events, the Recreation Commission shall be empowered to fix a fee with the intention that the total receipts reasonably projected for the event shall equal the approximate direct cost anticipated for sponsoring of said event. The Recreation Commission and/or Mayor and Council may reduce, waive or recommend fees for trips and other special events that vary from approximate direct cost with prior approval from the Finance Committee of the Governing Body.

§ 126-23. Accounting of fees.

All fees shall be received, kept and accounted for in accordance with statutory requirements and Borough financial procedures.

