

**BOROUGH OF GARWOOD
ORDINANCE NO. 23-16**

Adopted: _____

Introduced:	
Motion:	
Seconded:	

Public Hearing:	
Motion:	
Seconded:	

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 126, ENTITLED “PARKS, FACILITIES, PLAYGROUNDS AND RECREATION”, ARTICLE II “FEES/PERMITS FOR PARKS, FACILITIES AND PLAYGROUNDS” AND ARTICLE IV “RECREATION FEES”.

WHEREAS, the Borough of Garwood (the “Borough”) has previously adopted Chapter 126 of the Code of the Borough of Garwood which established and governs the parks, facilities, playgrounds and recreation policies and fees for the Borough; and

WHEREAS, the Borough is seeking to update the fees for the Garwood Sports Complex and Recreation in order to be comparable with other similar facilities as well as insure any employee services or utilities afforded are covered by the renter; and

WHEREAS, all applications received prior to the adoption of this ordinance shall be processed and approved at the current rates established as of July 1, 2023; and

WHEREAS, the Borough Council has determined it appropriate to amend said Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 126 of the Borough Code of the Borough of Garwood entitled, “Parks, Facilities, Playgrounds and Recreation”, Article II “Fees/Permits for Parks, Facilities and Playgrounds” and Article IV “Recreation Fees” are hereby amended as follows (additions underscored, deletions struck-through):

Article II
Fees/Permits for Parks, Facilities and Playgrounds

§ 126-6 Fees/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 Director in accordance with the following procedure:

(1) A person seeking issuance of a permit for use hereunder shall file an application with the Recreation Director on the form prepared by the Borough of Garwood to include the following information:

- (a) The name and address of the applicant; proof of residency if applicable and valid driver's license or state issued ID; **[Amended 3-24-2022 by Ord. No. 22-02]**
- (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 portion thereof for which such permit is desired; **[Amended 3-24-2022 by Ord. No. 22-02]**
- (e) Any other information which the Recreation Director 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 Director 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 Director at least 30 days prior to the date requested.
- C. All nonprofit organizations must submit proof of nonprofit status with their application.
- D. Fees cover the use of the park grounds and facilities where applicable during hours set forth in this chapter (park grounds are still open to the public). Each user shall file the application form with the applicable fees set forth below. The form should be submitted to the Recreation Director. 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 the Recreation Director indicating no damages have occurred is required for deposit refunds. Requests for refunds should be submitted, in writing, to the Recreation Director, 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 the application is withdrawn or canceled by the permittee. **[Amended 3-24-2022 by Ord. No. 22-02]**
- E. The application, deposit and use fees for the Garwood Sports and Recreation Complex are as follows:
- (1) Application fee: ~~\$25~~ \$30, applications received less than two weeks before the reservation date will have a \$20 late fee.
 - (2) Security deposit fee: \$250.
 - (a) Lost key or fob fee \$100 for keys not returned within 72 hours of event
 - (b) Late Key or fob Return Fee \$25 if keys are not returned within 24 hours of event.
 - (3) Use fee for recreation meeting room (does not include fields, park grounds are still open to the public) and bathroom (bathroom open to the public): **[Amended 3-24-2022 by Ord. No. 22-02]**
 - (a) Garwood residents: \$50 for first two hours; \$25 for each additional hour.
 - (b) Nonresident: \$100 for first two hours; \$50 for each additional hour.
 - (c) Organizations: \$100 per hour.
 - (4) Additional/optional use fees: **[Amended 3-24-2022 by Ord. No. 22-02]**
 - (a) James V. Guerriero Memorial Baseball Field (rental includes bathroom use):
 - [1] Tier A (Garwood resident): \$40 per hour.
 - [2] Tier B (Nonresident): \$80 per hour.

[3] Tier C (Organization): \$125 per hour.

(b) Multipurpose turf field with stadium lighting (rental includes bathroom use):

[1] Tier A (Garwood resident): \$50 per hour.

[2] Tier B (nonresident): \$100 per hour.

[3] Tier C (Organization): ~~\$125 per hour.~~

Effective August 1, 2023 \$130 per hour

Effective January 1, 2024 \$140 per hour

Effective January 1, 2025 \$150 per hour

(c) Recreation complex basketball court:

[1] Tier A (Garwood resident): \$25 per hour.

[2] Tier B (Nonresident): \$50 per hour.

[3] Tier C (Organization): ~~\$125~~ \$75 per hour.

(d) Additional Service Fees:

[1] Water and Electric Fee for non-building use and non-field lighting (stages, water slides, amusements)

[a] \$25 per day

[2] Public Works Employee Rates when staffing deemed necessary by Recreation Director or Borough Administrator

[a] Monday Through Friday (Non-Borough-Holidays) 7AM to 3PM \$75 per hour

[b] Monday Through Friday (Non-Borough Holidays) after 3PM and all-day Saturday \$100 per hour

[c] Sundays and Borough Holidays \$125 per

(5) Fee waivers: **[Added 3-24-2022 by Ord. No. 22-02]**

(a) The above-referenced fees set forth in Subsection **E(3)** and **(4)** shall be waived for Garwood School District programs, Borough of Garwood municipal organizations and the Garwood-based nonprofit organizations (this excludes any political group regardless of nonprofit status). In addition, the Borough Administrator has the discretion to waive fees for an applicant which is a charitable organization. However, any denial of waiver of fees is not subject to appeal. Insurance, application fees, and other policy related requirements for use of the Garwood Sports and Recreation Complex shall not be waived.

F. The Recreation Director shall process applications after submission providing 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. The Recreation Director shall submit application to the Borough Administrator or Assistant Administrator for final approval.
[Amended 3-24-2022 by Ord. No. 22-02]

G. The process may include any other information which the Recreation Director may require and, in the case for use at the Garwood Sports and Recreation Complex, 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-Clerk in accordance with laws 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 and NJDEP Green Acres, in the amount determined by 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. **[Amended 3-24-2022 by Ord. No. 22-02]**
- I. No person shall be allowed to use the kitchen in the Michael R. Crincoli Building unless they possess a valid food handler's permit as issued by the Westfield Regional Board of Health.
- J. 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.
- K. 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 and NJ DEP Green Acres may be required and must be approved by the insurance broker prior to issuance of permits.
- L. The Recreation Director 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 insurance broker prior to the commencement of any activity or issuance of any permit.
- M. The permit application shall be reviewed and approved by the Recreation Director and the Borough Administrator or Assistant Borough Administrator. **[Amended 3-24-2022 by Ord. No. 22-02]**
- N. Any facility or field rental that involves the bringing in or set up of special equipment, tents, staging or requires vehicles to be driven on the field turf must be noted on the application. **[Added 3-24-2022 by Ord. No. 22-02]**
 - (1) Additional \$750 security deposit required.
- O. The Recreation Director or Borough Administrator 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. **[Amended 3-24-2022 by Ord. No. 22-02]**
- P. 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, § 126-5, apply to Harry Hartman Park and Georgiana Gurrieri Memorial Park.

§ 126-7 **Enforcement.**

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

[Amended 3-24-2022 by Ord. No. 22-02]

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. Vehicles must be actively loading or unloading if parked outside of designated parking locations.

§ 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, Borough Administrator/Clerk and Recreation Director. Agreements for use of the Garwood Sports and Recreation Complex must be approved by NJ DEP Green Acres 45 days prior to execution and must comply with NJ DEP 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.

§ 126-10 Scope.

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

§ 126-11 Arrest for violation.

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 Violations and 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 IV
Recreation Fees

§ 126-20 Fee schedule.

- A. The Recreation Director shall periodically review fees for recreation programs/activities and submit a fee schedule to the Finance Department of the Borough of Garwood.
- 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 Director and Finance Department.
- C. All applicants requesting use of the 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 Director and Finance Department.

D. Fees

(1) Registration Fee \$3

(2) Late registration fees

(a) \$10 for Recreation Programs Registrations within in the two weeks prior to the first class or session

(b) \$25 Summer Camp Registrations within 30 days of the first day of camp, additional \$25 late fee within 7 days of the first day of camp

(3) Non electronic registration processing fee \$5

(4) Non-Resident registration fee \$10

(5) Cancellation Fee \$10- All cancellations and requests for a refund must be 72 hours prior to the start of a program

§ 126-21 New programs.

For any program for which a fee has not been established, the Recreation Director shall be authorized to establish a fee based on estimated costs for said program and submit it to Finance Department.

§ 126-22 Trips and special events.

For trips and other special events, the Recreation Director 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 Director 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.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

ATTEST:

APPROVED:

Catherine D. Cameron, R.M.C.

Jennifer Blumenstock, Mayor

Borough Clerk

RECORDED VOTE

INTRODUCTION:

ADOPTION

**COUNCILWOMAN HERZ
COUNCILMAN KEARNEY
COUNCILMAN LAZAROW
COUNCILWOMAN NOLDE
COUNCILWOMAN SALMON
COUNCIL PRESIDENT GRAHAM**