

**EXPLANATION:** This Ordinance repeals and replaces Chapter 131 of the Code of the Borough of Rocky Hill, titled “Parks and Recreation Areas.”

**BOROUGH OF ROCKY HILL  
ORDINANCE #10, 2009**

**AN ORDINANCE REPEALING CHAPTER 131 OF THE CODE  
OF THE BOROUGH OF ROCKY HILL, TITLED “PARKS AND  
RECREATION AREAS” AND REPLACING IT WITH A NEW  
CHAPTER 131 WITH THE SAME TITLE.**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 131 of the Code of the Borough of Rocky Hill, titled “Parks and Recreation Areas” is hereby repealed and replaced as follows:

**Chapter 131:  
PARKS AND RECREATION AREAS  
ARTICLE I  
Park Rules**

**§ 131-1. Hours established.**

Parks or other public land in the Borough of Rocky Hill, County of Somerset, State of New Jersey, will be closed to the public from sunset to sunrise except by permit or for official business, and it shall be unlawful for any person to trespass, loiter or otherwise enter on said lands, or any part thereof, during said time, or to fail or refuse to depart from said lands upon demand by any Borough official or other lawful authority.

**§ 131-2. Violations and penalties.**

Any person found to be in violation of this Chapter shall be subject to the fines and penalties specified in Chapter 1, Article I, herein.

### **§ 131-3. Prohibited Activities and Conduct.**

Unless specifically authorized or exempted by the Borough or through the issuance of an official permit, the following activities and conduct shall be prohibited within any park belonging to or operated by the Borough:

- A. No person shall post, print, affix, distribute, glue, tack or otherwise post a sign, placard, advertisement or inscription. No signage, excepting that authorized by the Borough may be posted.
- B. No person shall operate any musical instrument, sound track, drum, voice amplifier, or any other sound device for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display.
- C. Unless otherwise provided, no person shall cause or permit any animal owned by him, in his custody, or under his control, to go or be at large.
  - (1) Dogs shall be restrained by a leash, cord, chain, or otherwise.
  - (2) No person shall ride or drive a horse unless it is well broken and constantly held in such control that it may be easily or quickly turned and stopped.
  - (3) No person shall permit a horse to be unbridled or left unattended in any unenclosed area without being securely fastened.
- D. No person shall hunt, molest, harm, frighten, kill, trap, pursue, chase, shoot or throw missiles at any animal, wildlife, reptile or bird; or knowingly purchase, buy, receive or have in his possession, sell, convey or give away any such animal, reptile, bird or eggs of any such reptile or bird.
- E. No person shall throw stones or other missiles so as to annoy or injure other persons.
- F. No person shall climb or stand upon a wall, fence, shelter, monument, statue, or other structure.
- G. No person shall enter or leave the park facilities except at established entrances and exits.

- H. No person shall remove or open permanent or temporary barriers, signs, directionals, gates, or fences.
- I. No person shall have in his possession or bring into any park, or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives or inflammable material or discharge them or throw them into such area from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compounds may decompose suddenly and generate sufficient heat, gas or pressure or any or all of them to produce rapid flaming, combustion, or administer a destructive blow to surrounding objects.
- J. No person shall carry or possess firearms of any description in which loaded or blank cartridges may be used, or air guns, spring guns, slings or any other form of weapon potentially dangerous to wildlife and human safety. Shooting such devices into the park area from beyond the park boundaries is forbidden, except that this section shall not apply to any police officer, constable or other duly constituted officer under the laws of the State of New Jersey, or of the United States of America, authorized to carry firearms in the performance of his official duties.
- K. No person shall kindle, build, maintain or use a fire. This provision shall not prohibit the Rocky Hill Fire Department or any vendor employed by the Borough of Rocky Hill from using grills or portable ovens to prepare food for community events. Further, this provision shall not prohibit vendors from using grills or portable ovens to prepare foods for events sanctioned or authorized by the Borough Council. However, any vendor using grills or portable ovens are not exempt from any fire code requirements specified in this code book or in any Somerset County or State of New Jersey rules, regulations, or statutes.
- I. No person shall operate any vehicle except on roadways or parking areas provided for such purpose. No person shall operate a mini-bike, moped, ATV or snowmobile within the boundaries of any park. See Chapter 188, Motorized Vehicles, of this Code for relevant prohibitions and exceptions.

- M. No person shall park or cause to be parked any vehicle except in areas established for parking or designated by signs for such purposes. No vehicle shall be parked, whether or not the operator is in attendance, after the closing hours of any park.
- N. No person shall throw any substance, matter or thing which may or shall result in the pollution of any lake, river, lagoon, stream, storm sewer, or drain of any park or the like which leads into or passes through the park.
- O. No person shall take into, carry through, leave in, throw, cast, lay, drop or discharge onto or on any park, any rubbish, refuse, garbage, or other material, irrespective of whether the same is organic or inorganic.
- P. No person shall injure any trees, shrubs, grass, or destroy, cut, break, deface, mutilate, disturb, sever or remove from the ground any plant, flower, growing thing, stem, branch or leaf thereof. In addition, no person shall pile debris of any kind against such vegetation, attach any rope or cable or other conveyance thereto, or set fire or assist in setting a fire to any of the same.

This provision shall not prohibit the Borough of Rocky Hill or any of its contractual agents from undertaking whatever activities or conduct are required to maintain the landscaping of the parks and public lands, including but not limited to mowing, weeding, pruning, planting, mulching, fertilizing, removing diseased trees, and clearing of the land for authorized building projects. Further, this provision shall not prohibit activities authorized by the Borough in celebration of Earth Day or other volunteer clean-up programs.

- Q. No person shall willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings, or paving materials, water lines or other public utilities or parts of or appurtenances thereof. This provision shall not prohibit the Borough of Rocky Hill or any of its contractual agents from undertaking whatever activities or conduct are required to maintain and improve the park facilities.
- R. No person shall dig or remove any soil, rock, sand, clay or earth or make any excavation of any kind by any means or agency. This provision shall not prohibit the Borough of

Rocky Hill or any of its contractual agents from undertaking whatever activities or conduct are required to maintain and improve the park facilities.

- S. No person shall gamble or participate in any game of chance, unless under permit issued by the Borough.
- T. No person shall feed any wildlife. As used herein:
  - (1) *Feed* shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife, but shall not include baiting in the legal taking of fish and/or game; and
  - (2) *Wildlife* shall mean Canadian geese and white-tailed deer.
- U. No person shall consume alcoholic beverages except by permit issued by the New Jersey Division of Alcohol and Beverage Control and by resolution from the Borough Council.
- V. No person shall ice skate in parks or other public land in the Borough of Rocky Hill.

#### **§ 131-3A. USES ALLOWED BY PERMIT.**

The following activities and uses are permitted only by persons who obtain a valid permit therefore and are otherwise prohibited within the park:

- A. No person shall cast, hand out or leave about any bill, billboard, placard, tickets, hand bill, circular, flag, banner, transparency or any other matter for advertising purposes without first obtaining a permit therefore in the manner described in section 131-3C and further provided that such person shall, in addition, obtain a permit for such activity in accordance with Chapter 135, Peddling and Soliciting.
- B. No person shall conduct or organize an outdoor assembly of persons within any park at which two hundred (200) or more persons shall be in attendance unless such person shall first obtain a permit therefore from the Borough Clerk. Such permit does not obviate the need to obtain a permit in accordance with the provisions of Chapter 74 of this Code, if such Chapter is relevant to the activities and uses.
- C. No person shall solicit for contributions or for any purpose whether public or private except that a non-profit, religious, charitable, civic or veteran organization, service club,

volunteer fire or first aid company, may solicit in its name, money, donations or financial assistance and may sell or distribute any item of literature or merchandise for which a fee is charged. Such organization shall, prior to any such solicitation in any park comply with the provisions of Chapter 135, Peddling and Soliciting, and obtain, in accordance with that section, the permits and identification cards required.

- D. No person shall sell or offer for sale any object or merchandise or any other thing except by permit issued in accordance with section 131-3C, and, in addition to such permit, no person shall engage in such activities without a permit obtained pursuant to the provisions of Chapter 135, Peddling and Soliciting.
- E. No person shall use the playing fields for commercial, league, or training purposes without first obtaining a permit therefore in the manner described in section 131-3C and section 131-3D.
- F. A person may obtain a permit, in the manner described in section 131-3C, for purposes of reserving for exclusive use a portion or portions of a park, including but not limited to athletic fields or other athletic areas, picnic areas or portion(s) thereof, or the buildings or structures therein.

#### **§ 131-3B. POSTING OF RULES AND REGULATIONS.**

The Recreation Committee and Borough Engineer are hereby authorized to recommend to the Borough Council, rules and regulations for the safe and efficient operation and management of the parks of the Borough. When such rules and regulations are approved, by Resolution of the Borough Council, the Borough Engineer shall post such rules and regulations in appropriate places together with other notices consistent with this Chapter to provide public notice thereof. To the extent that such postings and signs meet the design specifications in the Rocky Hill Development Regulation Ordinances, no other permits for installation of signage will be required. If such rules and regulations shall require the issuance of a permit prior to any activity or group activity, the standards for issuance of permits provided for in section 131-3C (B) shall apply.

It shall be unlawful for any person to use or to be present in a park in a manner prohibited by such rules and regulations.

#### **§ 131-3C. PERMITS.**

A. **Van Horne Park.**

On behalf of the Borough of Rocky Hill, the Township of Montgomery is hereby authorized to issue permits for recreational activities in Van Horne Park in accordance with the Township's ordinances and permit procedures including fee schedules, as specified in the recreation agreement with the Borough of Rocky Hill. Such fees charged and collected by the Township of Montgomery will be reimbursed to the Borough of Rocky Hill in accordance with the recreational agreement between the Township and the Borough.

B. For parks or activities not subject to the recreational agreement with the Township of Montgomery, no person shall engage in any activity or use within any park where a permit is required by this section or by the rules and regulations adopted by the Borough Council pursuant to section 131-3A, without first having obtained such permit in accordance with the following procedure and standards:

- (1) A permit shall be obtained by application submitted to the Borough Clerk of the Borough of Rocky Hill which application shall contain the following:
  - (a) The name and address of the applicant.
  - (b) The name and address of the person(s), corporation(s) or association(s) sponsoring the activity, if any.
  - (c) The days and hours for which the permit is desired.
  - (d) The park or portion thereof for which the permit is desired.
  - (e) The specific activity or use for which the permit is necessary, including the number of persons to be covered by such permit.
  - (f) Proof of insurance as provided in subsection (4) below.
  - (g) Copy of nonprofit certificate or certificate of incorporation.
  - (h) Agreement that no vehicles will be parked on the playing fields.
  - (i) Agreement to remove any trash, garbage, or debris attributable to the activity or use for which the permit is required.

- (j) Agreement to report promptly to the Borough Clerk and to compensate the Borough of Rocky Hill for any damage to the grounds, facilities, equipment, or other property caused by the activity or use for which the permit is required. The cost to remediate such damage will be determined by the Borough Engineer.
  - (k) The type of permit desired as set forth in section 131-3D.
  - (l) The appropriate applicant category as set forth in section 131-3D.
- (2). The Borough Clerk, in consultation with the Mayor, shall consider such application and, within fifteen (15) days of receipt of a complete application, including the insurance certificate and hold harmless agreement required in paragraph (4) below, either grant or deny the application. The decision of the Borough Clerk shall be transmitted to the applicant shown on the application. The standards for issuance of such permit by the Borough Clerk 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 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 for the police operation by the Borough.
  - (e) That the facilities desired have not been reserved for other use at the date and hour requested by the application.
  - (f) That the proposed activity or use will not cause destruction of or damage to the grounds, facilities, equipment or other property.

- (g) That the proposed activity or use will not generate nuisance or harmful levels of noise, odor, dust, or debris.
  - (h) That the proposed activity or use will not create an impediment to the safe and orderly passage of pedestrian or vehicular traffic.
- (3) Any person aggrieved by the decision of the Borough Clerk as hereinabove provided, shall have the right to appeal to the Borough Council by serving written notice thereof on the Borough Clerk within five (5) days of notification of the decision of the Borough Clerk. A copy of such notice shall also be served on the Mayor within the same time and the Mayor shall immediately forward the application and the reasons for its refusal to the Borough Council who shall consider the appeal under the application standards set forth in this section and sustain, modify, or overrule the decision of the Borough Clerk within ten (10) days from receipt of the appeal by the Borough Clerk. If no scheduled Borough Council session occurs within the (10) day appeal period, then a subcommittee of the Borough Council consisting of the Borough Council President, the Chair or Deputy of Public Safety, and the Chair or Deputy of Finance shall meet and consider the appeal.
- (4). The person to whom the permit is issued shall hold the Borough harmless and be liable for all loss, damage or injury sustained by any person whatsoever by reason of the negligence or intentional act of the person, its agents, servants, employees or guests, to whom the permit was issued. In addition, permittees shall be required to comply with the following hold harmless and insurance requirements, as appropriate:
  - (a) All permittees shall be required to submit a duly executed hold harmless agreement in a form prescribed by the Borough Clerk and produce valid photo-identification, which the Borough Clerk shall photocopy and attach to the permit application;
  - (b) All permittees receiving weekly or seasonal use permits shall be required to furnish the Borough Clerk with a certificate of insurance

confirming general liability insurance with coverage for bodily injury and property damage of at least one million (\$1,000,000.00) dollars combined single limit each occurrence, naming the Borough of Rocky Hill and its employees, officers, agents and servants as ~~an~~ additional insureds, and further confirming that the permittee's insurance is primary insurance for the Borough and as to any other insurance that may be in force as to the Borough. In addition, if the activities to be conducted by the permittee include any sporting or athletic games, contests, exhibitions or tournaments, the insurance shall contain the following provision: The insurance afforded includes coverage for any bodily injury, sickness, disease or death, sustained by any person or persons or injury or damages to, or destruction of, any property directly or indirectly arising out of, relating to, or in connection with the use of the park and its facilities.

(c) Companies, corporations, organizations and associations receiving daily use permits, as set forth in section 131-3C, shall be required to furnish the Borough Clerk with a certificate of insurance in accordance with subparagraph (b) immediately above. Certificates of insurance shall not be required of individual permittees.

- (5) The Borough Clerk shall have the authority to revoke any permit upon a finding of violation of any Borough, state or federal rule, regulation or ordinance or upon good cause shown.
- (6) Notwithstanding any other provisions of this section, the State Police or the designated Police Force of the Borough of Rocky Hill shall be authorized to revoke a permit issued hereunder when, during the course of the activity for which the permit has been issued, the safety of any persons or the safety of personal property, including that of the Borough of Rocky Hill is in clear and immediate danger as a result of the activity authorized by the permit. Where such permit has been revoked or where persons and personal property are endangered as set forth above by a person or persons who do not possess such permit, the

State Police or the designated Police Force of the Borough of Rocky Hill is authorized to require that such person or persons leave the park area and take all steps necessary to eliminate the condition which endangers persons or personal property. The provisions of this Chapter and the provisions of any rules and regulations adopted by the Borough Council may be enforced in Van Horne Park by the Police Department of the Township of Montgomery.

**§ 131-3D. PERMIT FEES.**

The Township of Montgomery is hereby authorized to issue permits for recreational activities in Van Horne Park in accordance with the Township's ordinances including fee schedules as specified in the recreation agreement with the Borough of Rocky Hill. Such fees charged and collected by the Township of Montgomery will be reimbursed to the Borough of Rocky Hill in accordance with the recreational agreement between the Township and the Borough.

For parks or activities not subject to the recreational agreement with the Township of Montgomery, in order to defray ~~increased~~ maintenance, materials, labor and utility costs incurred by the Borough resulting from permittees' use of recreational facilities, permit fees, as follows, are herewith established:

- A. *Permit Types and Applicant Categories.* The following permit types and applicant categories are hereby established:

“Daily use” shall mean a reservation, obtained by permit granted under section 131-3D for use of a portion or portions of a Borough park for an amount of time during a one (1) day period.

“Nonresident for profit” shall mean any organization, company, or corporation that is organized for profit and whose principal place of business is not located within the Borough. The term “nonresident for profit” shall also refer to an individual who does not reside within the Borough and who organizes an activity at which an admission fee or participant's entrance fee is charged.

“Nonresident individual” shall mean an individual who does not reside within the Borough and who organizes an activity at which no admission fee or participant's entrance fee is charged.

“Nonresident nonprofit” shall mean any nonprofit corporation, organization or association that is not organized for profit and the majority of whose members do not reside within the Borough.

“Resident for profit” shall mean any organization, company, or corporation that is organized for profit and whose principal place of business is within the Borough. Also as used herein, “resident for profit” shall refer to an individual who resides within the Borough and who organizes an activity at which an admission fee or participant’s entrance fee is charged.

“Resident individual” shall mean an individual who resides within the Borough and who organizes an activity at which no admission fee or participant’s entrance fee is charged.

“Resident nonprofit” shall mean any nonprofit corporation, organization or association that is not organized for profit and the majority of whose members reside within the Borough.

“Seasonal use” shall mean a reservation, obtained by permit granted under section 131-3C, for use of one or more athletic fields or other athletic areas, including but not limited to tennis and basketball courts, over the course of multiple weeks during a 12-month period.

“Weekly use” shall mean a reservation, obtained by permit granted under section 131-3C, for use of one or more athletic fields or other athletic areas, including but not limited to tennis and basketball courts, during the course of a one week period.

- B. *Facility Reservation Fee:* Permit fees will be charged in accordance with the following schedule. No fees will be charged either to individuals or to non-profit entities that do not charge a fee for the permitted event.

**Daily Use**

Resident nonprofit                   \$ 25.00 per site, per day or fraction thereof.

Nonresident nonprofit               \$ 50.00 per site, per day or fraction thereof.

Resident for profit	\$ 50.00 per site, per day or fraction thereof.
Nonresident for profit	\$100.00 per site, per day or fraction thereof.

**Weekly or Seasonal Use**

Resident nonprofit	\$ 10.00 per field or athletic area, per day or fraction thereof.
Nonresident nonprofit	\$ 20.00 per field or athletic area, per day or fraction thereof.
Resident for profit	\$ 20.00 per field or athletic area, per day or fraction thereof.
Nonresident for profit	\$ 40.00 per field or athletic area, per day or fraction thereof.

- B. *Security Deposit.* In addition to the above fees, a five hundred (\$500.00) dollar security deposit shall be required of any for profit permittee. Further, such security deposit shall also be required of any nonprofit permittee conducting a use for which an admission fee or participant's entrance fee is charged. Any damages exceeding the amount of the security deposit, as determined by the Borough Engineer, will be billed to the party or parties named in the permit application. The security deposit shall be returned by the Borough to the permittee within thirty (30) days after the conclusion of the permitted event provided there was no damage to Borough facilities as a result of the event. In the event of damage, the Borough shall apply the security deposit to costs incurred or to be incurred for repairs to the damaged facility.
- C. *When Fees Paid.* All fees and security deposits shall be paid prior to issuance of the permit.
- D. *Exemption From Fees and Security Deposits.* The Borough and other governmental entities shall be exempt from the payment of all fees and security deposits set forth in this section.
- E. *Refunds.* In general, no refunds will be granted. However, if an event is canceled because the Borough has closed the park due to inclement weather and the permittee is unable to reasonably reschedule the event within ninety days, subject to the availability

of the park facilities, a refund may be issued at the discretion of the Borough Clerk.

## ARTICLE II

### Tennis Courts

#### § 131-4. Permit required.

- A. The tennis courts and practice facilities located in the Borough of Rocky Hill are available for the personal use of the residents of the Borough and, to the residents of other municipalities through explicit agreement.
- B. Personal use includes private tennis lessons given to residents of the Borough of Rocky Hill or to those residing in a municipality with which the Borough has made explicit agreement as well as lessons sponsored by the Borough Recreation Committee.
- C. Personal use shall mean the use of a single court or practice facility. Play on the court is limited to no more than 60 minutes if others entitled to use the court indicate their desire to do so. Priority use of practice facilities is to be given to those seeking to practice tennis.
- D. The tennis courts may not be used for roller skating, skate boarding, or any other activity.
- E. No pets are permitted on the courts or practice facility.
- F. Any person, not a resident of the Borough or of a municipality with which the Borough has made explicit agreement, wishing to use the tennis courts owned by the Borough of Rocky Hill for personal use must obtain a permit to do so from the Borough Clerk of the Borough of Rocky Hill.
- G. No individual or commercial enterprise may use the tennis courts for profit or to give lessons to individuals who are not residents of the Borough or of a municipality with which the Borough has made explicit agreement.
- H. **Proof of Permit:** Any resident of the Borough of Rocky Hill or of a municipality with which the Borough has made explicit agreement may show either the permit issued by the Rocky Hill Borough Clerk, a valid New Jersey Driver's License or other ID reflecting residency. Nonresidents must show the permit issued by the Rocky Hill Borough Clerk.

**§ 131-5. Fees.**

- A. Residents of the Borough of Rocky Hill or of a municipality with which the Borough has made explicit agreement do not have to pay a fee for the use of tennis courts.
- B. The fee for a personal use permit to use the Borough tennis courts shall be \$75 per year for each family or individual wishing to use the tennis courts but who does not reside in the Borough of Rocky Hill or of a municipality with which the Borough has made explicit agreement.

**§ 131-6. Validity of permits.**

Any permits to use the tennis courts shall be valid until December 31 of the year in which it is obtained.

**§131-7. Severability.**

Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

**§131-8. Effective Date.**

This Ordinance shall take effect in accordance with law.

ATTEST:

BOROUGH OF ROCKY HILL

\_\_\_\_\_  
Donna M. Griffiths,  
Borough Clerk

By: \_\_\_\_\_  
Edward Zimmerman, Mayor

Introduced: September 21, 2009  
Public Hearing Scheduled: October 5, 2009  
Adopted: October 5, 2009