

BOROUGH OF CRESSKILL

ORDINANCE NO. 13-05-1448

AMEND CHAPTER 192 – ARTICLE III – LIGHTNING DETECTION

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, as follows:

SECTION I

§192-12. Closing of Parks or Recreational Facilities; Lightning Risk Warnings.

- A. As used in this section, the term “ lightning risk warning” shall mean notice to the Borough of a lightning risk, the activation of the lightning warning system siren or strobe or the happening of any event deemed by any of the appropriate enforcing authorities to be a risk to health and safety due to lightning.
- B. If a lightning risk warning occurs, all parks and recreational facilities will be closed including (but not limited to) the Cresskill Municipal Pool, municipal fields, lots and other areas.
- C. If a park or recreational facility is closed, as provided in this Chapter:
 - 1) All activities within such park or recreational facility shall immediately cease until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open; and
 - 2) All persons within the park or recreational facility when the lightning risk warning occurs shall immediately exit the park or recreational facility and not return until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open. “All persons” shall include all employees of the Borough of Cresskill, volunteers, coaches, team members and their families and umpires/referees as well as all members of the public.
- D. The Borough may act to temporarily close or limit the use of parks, recreational facilities, including (but not limited to) the Cresskill Municipal Pool, school and municipal fields and lots, whenever, in the judgment of any of the appropriate enforcing authorities, as defined in Chapter 192 of the Code of the Borough of Cresskill, such action is deemed necessary or desirable for the protection of public health or safety.

- E. Nothing in this Chapter is intended to negate the authority of the appropriate enforcing authorities, as defined in Chapter 192 of the Code of the Borough of Cresskill, to take such action as deemed necessary or desirable for the protection of the public's health or safety.

§192-13. Lightning safety policy.

- A. Organized activities.

The person or persons seeking issuance of such a permit shall be responsible to ensure all coaches, umpires, referees, and or coordinators shall sign the Borough of Cresskill Lightning Safety Policy.

The umpire, coach, coordinator or adult in charge is responsible to ensure that their group follows the Lightning Safety Policy. Disregarding the policy subjects the umpire, coach, coordinator and adult in charge to a suspension, up to and including a lifetime suspension, from all Cresskill Recreation activities, and privileges including using the fields and parks for organized activity.

- B. Unorganized activities.

Members of the Public informally using the parks, fields, lots or other facilities are also subject to the terms of this Chapter.

§192-14. Enforcing authorities.

Members of the Police Department of the Borough of Cresskill, members of the Cresskill Fire Department, designated agents of the Department of Public Works, Recreation Department, the Mayor and Council and any other agents designated by the Mayor and Council shall be the "enforcing authorities" authorized to enforce the terms of this Chapter.

§192-15. Violations and penalties.

- A. If the Code of the Borough of Cresskill provides for the licensing or permitting of any person or entity who/which violates the terms of this Chapter, the Mayor and Council of the Borough of Cresskill reserve the right to revoke such permit or license.
- B. Any person or entity found guilty of violating this Chapter of the Code of the Borough of Cresskill shall be subject to a penalty consisting of a fine not to exceed \$1,000.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication according to law.