

BOROUGH OF CRESSKILL

ORDINANCE NO. 22-11-1593

ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE BOROUGH OF CRESSKILL, SPECIFICALLY CHAPTER 192, PARKS AND RECREATION AREAS

WHEREAS, Borough Officials have been inundated with Complaints from Municipal Residents that the Parks and other Open Space Municipal Properties have been overrun with private sports training companies and their guests, thus precluding the use and enjoyment of the Parks by Borough Residents; and

WHEREAS, the individuals operating these private sports training companies have used Municipal properties without authorization.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of the Borough of Cresskill does hereby amend Chapter §192-3, "General Use", by adding the following provisions:

§192-3 (C)

All Parks and Open Space Municipal Properties shall not be utilized by any Private Sports Training Companies or Individuals who are tutoring or training any person or persons unless the following conditions, as enumerated in §192-3 (D), are satisfied.

§192-3 (D)

The Parks and Open Space Municipal Properties will be available for use by Private Sports Training Companies or Individuals upon meeting the following criteria:

- (1) Completion of an Application form, and approval from the Recreation Department
- (2) Submission of an Insurance Certificate naming the Borough of Cresskill as an insured, with coverage subject to the JIF requirements. But in any event, not less than One Million (\$1,000,000.00) Dollars per occurrence (personal or property damages) for an aggregate of One Million (\$1,000,000.00) Dollars.
- (3) List of all trainees, their parent or guardians, and respective addresses who are participating in the Private Sports Training Company's or Individual's activities.
- (4) Indemnity and Hold Harmless Agreements between the Private Sports Training Company's Principals, individuals, the Trainees and their respective parents or guardians, holding the Borough of Cresskill harmless from any and all injury which may occur during the use of the Municipal Parks and/or Open Space Municipal Properties.
- (5) Permits
 - (i) Permit fee of Two Hundred Fifty (\$250.00) Dollars per each respective use of the park;
 - (ii) Permits shall be valid for 60 days, and are required to renew as needed;
 - (iii) All IRS §501(C)(3) recognized companies shall be exempt from permit fees;
 - (vi) All permits shall be on a daily basis;
 - (v) Permits shall be issued in the reasonable discretion of the Parks Department. If any individual or company is denied a permit, they shall appeal the Parks and Recreation Department Decision to the Borough Administrator whose Judgment is final.

BE IT FURTHER ORDAINED, that §192-4 (A) and (B) are readopted in their entirety and the new provisions are Ordained to supplement the existing Ordinance.

BE IT FURTHER ORDAINED, that the Mayor and Council of the Borough of Cresskill does hereby amend §192-10 "Violations and penalties", by including the following provisions:

§192-10 Violations and Penalties

- A. It is determined that any entity or individual who has obtained a valid permit and is observed violating a park's rules or regulations, or violating a Borough Ordinance shall have their permit immediately revoked by either the Parks and Recreation Department or Department of Public Works, or Police Department.
- B. Violators and each respective Violator is subject to the issuance of Municipal Summonses;
- C. Permits are non-assignable and/or transferrable;
- D. The Parks and Recreation Department may reject any Park Application for profit entities including but not limited to
 - (1) Private Lessons of 5 people or more;
 - (2) Unaffiliated Non-IRS §501(C)(3) entities;
 - (3) Fundraising Functions
- E. Any person or entity who violates any provision of Section §192-3, "General use", of this Chapter shall, upon conviction, be punished by a fine less than five hundred (\$500.00) dollars for each offence, with the fine increasing for subsequent offences not to exceed two thousand five hundred (\$2,500.00) dollars per offence. Each conviction shall be deemed a separate offence for the purpose of sentencing, or by imprisonment for a term not to exceed ninety (90) days or both.

The persons deemed in violation of this Section §192-3, "General use", (c), shall be the private sports training companies' or individual's entities and/or their respective officers, with the highest-ranking officer or the registered agent of the entity being responsible for the actions of the company;

AND/OR

The Parents and/or Guardians of the minors enrolled in the programs;

AND/OR

The Persons eighteen (18) years or older enrolled in the program(s).

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.