

# ORDINANCE

O-12-20

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY

## AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTERS 71 AND 45 OF THE CODE OF THE BOROUGH OF NORTH CALDWELL CONCERNING FIELD USE FEES AND SCHEDULING

**WHEREAS**, the Governing Body has reviewed the Code of the Borough of North Caldwell and finds it to be in the best interest of the Borough to amend the regulation of athletic field use fees and scheduling; and

**NOW, THEREFORE, BE IT ORDAINED** By the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. Chapter 71, §71-2 of the Code of the Borough of North Caldwell be and is hereby supplemented with the following definitions:

A. DEFINITIONS.

IN-SEASON - the predominant season in which a sport is typically played. Soccer's predominant season is the Fall; Baseball's predominant seasons are the Spring and Summer; Lacrosse's predominant season is the Spring; and Field Hockey's predominant season is the Fall. (Chapter 71)

IN-TOWN TRAVEL TEAM - non-profit organizations authorized and/or recognized by the Borough as those teams not managed, directed or organized by the Borough of North Caldwell Recreation Department whose participants are comprised of at least seventy-five (75) percent of residents from a West Essex Community. (Chapter 71)

OFF-SEASON - any season in which a sport is played that is not identified as the sport's predominant season. (Chapter 71).

OUT-OF-TOWN TRAVEL TEAM - volunteer-associated teams who are not directly affiliated with the West Essex Community or whose participants are not comprised of at least seventy-five (75) percent of residents from a West Essex Community. (Chapter 71)

WEST-ESSEX COMMUNITY - includes residents of North Caldwell, Roseland, Essex Fells, and Fairfield. (Chapter 71)

2. Chapter 71 §71-2 of the Code of the Borough of North Caldwell be and is hereby amended to read as follows:

B. Whenever any person, group, association or organization desires to reserve any field, park, public land or other Borough facilities for a particular purpose, such as games, sports practices, picnics, parties or theatrical or entertainment performances, or any other activity or event, a representative of said person, group, association or organization shall first obtain a permit from the Borough Administrator or their designee.

C. The Borough Administrator or their designee, upon approval of the Recreation Committee of the Borough Council, hereinafter referred to as the "Recreation Committee," shall

grant the permit if it appears that the person, group, association or organization meets all of the conditions contained herein and contained in an application form to be hereinafter provided by the Mayor and Council. The application may also contain a requirement for an indemnity bond or insurance policy to protect the Borough from any liability of any kind or character and to protect Borough property from damage.

D. In scheduling and prioritizing any use of Borough facilities or fields, the Recreation Committee shall have the discretion to give priority to all in-season sports, activities or events over all off-season sports, activities or events. The Recreation Committee, at its own discretion, may limit or deny any use of all Borough facilities or fields for out-of-town travel teams. In evaluating and prioritizing any facility or field request, the Recreation Committee of the Borough Council shall at a minimum consider the following factors, which may not be exclusive, and shall include such additional guidelines as may be established by the Recreation Committee:

- (1) The seasonal nature of the sport to be played or event to be held.
- (2) The number of North Caldwell participants to be served;
- (3) The ages of the participants in order to assure the appropriateness of the field or facility requested or assigned by the Recreation Committee; and
- (4) The condition of the Borough's field and facilities and the potential impact of the activity on the condition of the field or facility.

E. Fees for the use of Borough facilities may be charged pursuant to fee ordinances which may be adopted by the Borough. Fees for the use of Borough fields will be charged as follows:

- (1) Liberty Turf Field Use Fees.
  - (a) All Borough Recreation Department sports, activities or events shall not incur a field use fee regardless of sport, season, or field.
  - (b) All in-town travel teams will pay a use fee as follows:
    - (i) In-season use fees shall be \$25 per player per season;
    - (ii) Off-season use fees shall be \$35.00 for two (2) hours of permitted use. An additional \$35.00 is required for an additional two (2) hours of permitted use.
- (2) Mountain Avenue Field One (1) and Mountain Avenue Field Two (2) Use Fees.
  - (a) All Borough of North Caldwell Recreation Department programs will pay \$100.00 per team for the season regardless of season.
  - (b) All in-town travel teams will pay \$100.00 per team for the season regardless of season.

(c) All out-of-town travel teams will pay \$200.00 per team for the season regardless of season.

2. Chapter 71 § 71-17 of the Code of the Borough of North Caldwell be and is hereby amended to read as follows:

§71-17 Enforcement

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished for each offense by a penalty as stated in Chapter I, Article II General Penalty, Section 1-5 et seq. The Department of Recreation, its agents and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this section and all other applicable ordinances.

3. Chapter 45, Fee Schedule, Section 1, Rates and Fees of the Municipal Code of the Borough of North Caldwell is hereby amended as follows:

Section 1, Rates and Fees

Liberty Turf Field fees In-town travel teams: in-season	\$25 per player
Liberty Turf Field fees in-town travel teams: off-season	\$35 per two (2) hours
Mountain Avenue Field 1 and Field 2 fees Recreation Department programs and in-town travel teams	\$100.00 per team per season
Mountain Avenue Field 1 and Field 2 fees out-of-town travel teams: in-season and off-season	\$200.00 per team per season

4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.
5. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

**INTRODUCED:** June 23, 2020  
 Moved By: Council President Santomauro  
 Seconded By: Councilman Kessler

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ASTORINO	X				REES	X			
CHIAIA	X				SANTOMAURO	X			
KESSLER	X				TILTON	X			

**PUBLIC HEARING:** July 21, 2020

**ADOPTED:** July 21, 2020

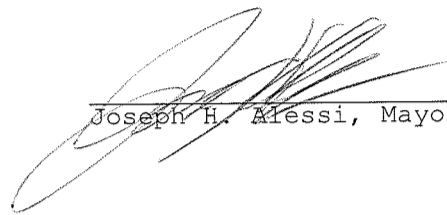
Moved By: Council President Santomauro

Seconded By: Councilman Kessler

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ASTORINO	X				REES	X			
CHIAIA	X				SANTOMAURO	X			
KESSLER	X				TILTON	X			

**ATTEST:**

  
Tami Michelotti, Borough Clerk

  
Joseph H. Alessi, Mayor