

**AN ORDINANCE ESTABLISHING CHAPTER 149 ENTITLED -PARK RULES
— OF THE GENERAL CODE OF THE
BOROUGH OF HAMBURG.**

ORDINANCE # 18-2011

BE IT ORDAINED, by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, that the Code of the Borough of Hamburg is hereby amended to provide for the establishment of Chapter 149 entitled - Park Rules - as set forth hereafter.

Section 1. Purpose. This Chapter is intended to provide rules and regulations governing conduct on and at parks owned by the Borough of Hamburg.

Section 1. Definition. Park shall mean the land and improvements situated on Block 1, Lot 36, and Block 7, Lot 29.01 as shown on the Tax Map of the Borough of Hamburg.

Section 3. Regulations.

1. Hours of operation. All parks shall open at sunrise and close 1/2 hour after sunset, unless otherwise posted or designated by a permit issued by the Borough of Hamburg. Parks will not be maintained in winter months.
2. Abandonment or unattended property. The Borough is empowered to remove any article or property found in a park after posted hours at the owner's expense.
3. Domestic animals, wildlife and plant life.
 - a. No animal shall be permitted in a park at any time, except for certified service animals for disabled persons when actively working as guides during their presence in a park or if they are in training with proper identification or except in special events by permit of the Mayor and Council.
 - b. No person shall kill, injure or disturb any animal or bird or have in their possession the young of any wild animal or the eggs or the viable next or young of any reptile or bird or damage any grass, trees, flowers, shrubs, plants, soil, rocks, sand, building, sign structure or equipment in any park.
 - c. No person shall track, hunt, trap or otherwise engage in the capture of any animal, bird, reptile or other creature in any park.
4. Weapons, firearms and fireworks.
 - a. No person shall carry or use firearms or explosives, air rifles, slingshots or any weapon in any park.
 - b. No person shall have in their possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks or explosive or inflammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be

dangerous from any of the foregoing standpoints.

5. Fires and smoking
 - a. No person shall build or attempt to build a fire except in designated areas and approved by the Mayor and Council.
 - b. Smoking shall not be permitted within any park.
6. Picnic Area
 - a. No person or group shall build or attempt to build a fire except in designated areas and approved by Mayor or Council
 - b. No person or group shall leave a picnic area before any fire utilized is completely extinguished and before all trash is placed in the receptacles provided. If no such receptacles are available, then the trash shall be carried out of the park.
7. Signs.
 - a. No person or organization shall post by any means or cause to be erected any sign, placard, advertisement or inscription in any park or highway or road adjacent thereto without approval of the Mayor and Council.
8. Solicitation; Games of chance.
 - a. No person or organization shall solicit alms or contributions for any purpose or engage in the business of soliciting, distributing, selling or peddling any liquids, edibles, goods, wares, merchandise services or circulars in any park unless authorized by the Mayor and Council.
9. Motor vehicles and parking.
 - a. Motor vehicles are restricted to paved roadways unless other permission is granted by the Mayor and Council.
 - b. Vehicles must adhere to posted speed limits, and traffic signs.
 - c. Parking is restricted to designated areas.
 - d. No vehicle standing or parked after closure or before park opening in designated parking areas or elsewhere in a park is permitted, and any vehicle so parked may be towed at the owner's expense.
 - e. Walking/Jogging path use. Paths are intended for pedestrian use only. No motor vehicles, bicycles, rollerblades, roller skates, skateboarding shall be permitted along any path.
 - f. All terrain vehicles including snowmobiles, ATV, dirt bikes, motorized scooters and any other recreation vehicle as prohibited.
10. Alcohol
 - a. No person shall have alcoholic beverages in their possession at any time within a park.
 - b. No person shall be under the influence of intoxicating beverages, narcotic, hallucinogenic or habit-producing drug in any Park. Intoxication shall be defined under the laws of the State of New Jersey for the purpose of operating a motor vehicle.
11. Glass containers and garbage.
 - a. No person shall deposit any garbage or refuse in any park.
 - b. No person shall bring, carry or transport any domestic, commercial or industrial waste, refuse or garbage into a park.

- c. No person shall scatter litter or any form of waste material or break or throw or place any glass on turf, walks, roads, benches, tables, wooded or other areas on any park property.
 - d. No person shall throw, discharge or otherwise place or cause to be placed in the water of any pond, lake, stream or body of water in or adjacent to any park or tributary stream, storm drain or drain following into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
12. Disruptive behavior
- a. No person shall foul or pollute any fountain or water area in a park.
 - b. No person in any park shall engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to cause a breach of the public peace.
 - c. No person shall dress or undress in any vehicle, toilet or any other area with a park.
 - d. Loud playing of a radio or other electronic device is prohibited except by special permit.
13. Organized groups, including but not limited to sport teams and leagues are allowed by permit of the Mayor and Council only.

Enforcement:

- A. The designee of Mayor and Council or any police officer shall have the authority to eject from any recreation area any person acting in violation of this chapter.
 - B. The designee of Mayor and Council and any police officer shall have the authority to seize and confiscate any property, thing or device in a park and recreation area if the possession of such property, thing or device is prohibited.
 - C. The designee of Mayor and council and the Chief of Police and their respective staffs shall have the authority to enforce this chapter.
 - D. Any person who violates any provision of this chapter shall be subject to one or more of the following: Imprisonment in the County jail for a term not exceeding ninety (90) days; or by a fine not exceeding \$2,000.00; or by a period of community service not exceeding ninety (90) days.
 - E. The Mayor and Council may exclude any person or group from entering a park found guilty or having pleaded guilty to a violation of any provision of this Chapter for a period not to exceed one (1) year.
14. Severability: This Ordinance is deemed severable. If any provision or provisions are declared invalid by a court of competent jurisdiction, the rest and remainder of this ordinance shall remain in full force and effect.
15. Repealer: Any ordinance or part thereof inconsistent with the terms of this ordinance is hereby repealed.

16. Effect Date: This ordinance shall take effect upon passage and publication as provided by law.

CERTIFICATION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading of the meeting of the Mayor and Council of the Borough of Hamburg, held on Wednesday, September 7, 2011 and will be considered for final passage at a regular meeting of the Mayor and Council to be held on Monday October 3, 2011 at 7:30 p.m. or as soon thereafter as same can be considered in the Municipal Building, located at 16 Walkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of said Ordinance is on file in the office of the Borough Clerk in the Hamburg Borough Municipal Building located at 16 Walkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours,. During the week prior and up to the time of public hearing copies of said Ordinance will be available to the members of the general public who requests same.

A handwritten signature in cursive script, appearing to read "Doreen Schott", written over a horizontal line.

Doreen Schott, RMC-Municipal Clerk