

PARKS AND RECREATION

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ARTICLE I

LAKE BATHING AREAS

154-1. ADOPTION OF STANDARDS:

A Code regulating and controlling lake bathing areas and establishing bacteriological, sanitary and safety guides and fixing penalties for violations is hereby adopted.

154-1.1 ¹DEFINITIONS:

FEED - to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE - all animals that are neither human nor domesticated.

¹ Amended by Ord. 1,376 Adopted 4/16/07 Effective 5/6/07 ADDED

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154-2. TITLE

The Code establishing and adopted by this Article is described and commonly known as the "Lake Bathing Place Bacteriological, Sanitary and Safety Guides", promulgated by the New Jersey State Department of Health (1967).

154-3. COPIES ON FILE:

Three (3) copies of the Lake Bathing Place Bacteriological, Sanitary and Safety Guides (1967) have been placed on file in the Office of the Director of the Department of Health upon the Introduction of this Article and will remain on file in the Office for the use and examination of the public.

154-4. VIOLATIONS AND PENALTIES:

Persons violating this Article shall, upon conviction, be punished by a fine not exceeding one hundred (\$100.) dollars or by imprisonment not exceeding ten (10) days, or by both such fine and imprisonment.

ARTICLE II

MUNICIPAL SWIMMING FACILITY

154-5. DESIGNATION OF COMMUNITY LAKE:

The Lincoln Park lake, hereinafter referred to as "Community Lake", shall consist of the Borough maintained municipal swimming facility and contiguous beach and picnic areas together with appurtenances thereto and equipment thereof. The Community Lake shall also consist of all other contiguous lake and shore areas situate in the Borough of Lincoln Park.

154-6. RESTRICTION UPON USE OF FACILITY:

The use and operation of the Community Lake for recreational and park purposes shall be subject to the following Rules and Regulations:

- A. All persons shall obey the lifeguards instructions at all times.
- B. Dogs and other pets are not permitted on the grounds.
- C. No glass containers shall be permitted on the grounds.
- D. The use of alcoholic beverages is prohibited.
- E. Automobiles, bicycles, motorbikes and other conveyances shall be parked only in designated areas.

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- F. Rubbish, paper or debris shall be deposited in the proper containers placed around the grounds.
- G. No person shall be permitted on the grounds after the facility is officially closed.
- H. Bicycle riding shall be prohibited, except in specified areas as determined by the Department of Parks and Recreation.
- I. No person shall operate or ride in any boat or raft upon any part of the Community Lake.
- J. No person shall be admitted to the facility without a badge, and any guests of such person shall be accompanied by their hosts.
- K. All persons using the facility shall conduct themselves in an orderly fashion so as not to create any disturbance or to endanger the safety and convenience of other people using the facility.
- L. Feeding of water fowl at the Community Lake shall be prohibited.

154-7. ENFORCEMENT:

The Rules and Regulations so promulgated shall be enforced by the Director of the Department of Parks and Recreation or his duly authorized representative.

154-8. DAYS AND HOURS OF OPERATION:

The swimming facility shall be open on such days and during such hours as shall be determined by the Director of the Department of Parks and Recreation. No person shall enter upon or use the facility except upon such days and within such hours so designated.

154-9. LIFEGUARDS:

A lifeguard shall be on duty and in charge of the swimming areas at all times. All swimming shall be prohibited when said lifeguard is not present or is off duty.

154-10. LIMITATION OF USE TO RESIDENTS AND GUESTS:

Use of said swimming facility shall be limited to residents of the Borough of Lincoln Park and guests, subject to payment of fees as hereinafter provided. A "Resident of the Borough of Lincoln Park" is hereby defined to be a person having his bona fide domicile within the Borough of Lincoln Park.

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^{2,3,4}154-11.

FEES:

- A. All fees shall be specifically provided in Chapter 11, Fees, Section 11-8, Parks and Recreation.
- B. The Recreation Department may require birth certificates or other documentation as proof of age and/or family relationship.
- C. Each member over three (3) years of age, shall be required to have a membership badge.

154-12.

ICE SKATING:

Ice skating or other entry on the ice surface shall be prohibited at any time on the Lincoln Park Community Lake.

154-13.

CLOSING OF FACILITY:

The Director of the Department of Parks and Recreation or his duly authorized representative, may close the swimming facility in inclement weather or whenever, in the judgment of the person in charge thereof, such action is deemed necessary or desirable as a matter of health and safety.

⁵154-14.

TENNIS COURTS; FEES:

- A. The Governing Body shall annually Adopt, by Resolution, fees and charges for the use of tennis courts by Borough Residents and non-residents.
- B. All fees for use of tennis courts shall be collected by the Recreation Department or its designee.
- C. Upon presentation of adequate proof of age, residents sixty (60) years and over shall receive free membership.

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² Amended by Ordinance 1,100 Adopted on April 10, 1994

³ Amended by Ordinance 1,139 (Reduction of Fees) Adopted on May 1, 1995

⁴ Amended by Ordinance 1,399 Adopted 6/16/08, Effective 7/6/08

⁵ Amended by Ordinance 1,089 Adopted on October 13, 1993

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ARTICLE III

PUBLIC PARKS

154-15. HOURS OF USE:

- A. No person shall be allowed in the following parks before 7:00 a.m. or after 9:00 p.m. or sunset, whichever shall first occur, without prior permission of the Governing Body of the Borough of Lincoln Park:
- (1) John Street Park
 - (2) Lynn Park Field
 - (3) Elm Street Park
 - (4) Algonquin - Davit Court Park
 - (5) Willow Street Park
 - (6) Aqueduct Park
 - (7) Lincoln Park Community Lake
 - (8) Beavertown Park
- B. No person shall be allowed in the municipal complex before 7:00 a.m. or after 10:00 p.m. without prior permission of the Governing Body.
- C. The opening and closing hours of each park shall be posted therein for public information.

154-16. RESTRICTIONS ON USE:

- A. No person shall enter upon any portion of the lawn or ground within a public park or such other public place if notice is given by a sign placed in such a park or public place or when notified by a police officer not to enter.
- B. No glass containers shall be permitted on the grounds.
- C. The use of alcoholic beverages is prohibited.
- D. Automobiles, bicycles, motorbikes and other conveyances shall be operated and parked only in designated areas.

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- E. Rubbish, paper or debris shall be deposited in the proper containers placed around the grounds.
- F. No person shall be permitted on the grounds after the facility is officially closed.
- G. All persons on the grounds shall conduct themselves in an orderly fashion so as not to create any disturbance or to endanger the safety and convenience of other people on the grounds.

154-16.1. MUNICIPAL COMPLEX; LIGHTING; FEES:

- A. The Governing Body shall annually adopt, by Resolution, fees and charges for the exterior lighting for the use of the baseball fields, football fields, volleyball courts, tennis court, and other facilities located within the municipal complex from dusk to closing.
- B. Such fees shall be collected by the Recreation Department of the Borough of Lincoln Park.

154-16.2. ⁶WILDLIFE FEEDING:

- A. The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Lincoln Park, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.
- B. No person shall feed, in any public park or on any other property owned or operated by the Borough of Lincoln Park any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environmental education centers.)
- C. This section shall not be construed to prohibit humane acts towards wild animals in individual cases, such as the temporary nurturing of a wounded animal on one=s own premises.
- D. This section shall be enforced by Police Department and the Animal Control Officer of the Borough of Lincoln Park.
- E. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished in accordance with Section 1-15 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

⁶ Amended by Ord. 1,376 Adopted 4/16/07 Effective 5/6/07 ADDED

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154-17. VIOLATIONS AND PENALTIES:

- A. Persons violating this Article shall be punished by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding ten (10) days, or both, such fine and imprisonment.
- B. In addition to the penalty set forth in Subsection A, the Director of Recreation may suspend or revoke the membership badge and/or swimming privileges of any person or persons who shall violate or fail to comply with any of the provisions of this Article or the Rules and Regulations set forth herein.

ARTICLE IV

FEEES FOR SPECIAL PROGRAMS

^{7 8 9 10 11}154-18. FEES; COLLECTION:

- A. All fees shall be specifically provided in Chapter 11, Fees, Section 11-8, Parks and Recreation.
 - (1) Preschool arts and crafts;
 - (2) Women's Volleyball;
 - (3) Aerobics (20 weeks);
 - (4) Tot Time (children 3 & 4 years);
 - (5) Preschool arts and crafts;
 - (6) Women's Volleyball;
 - (7) Aerobics (20 weeks);
 - (8) Kinder-Rec (children 5 & 6 years old);
 - (9) Adult Basketball (Residents & Non-residents);
 - (10) Summer Day Camp;
 - (11) Tennis Lessons;
 - (12) Mommy & Me (pre-school age) (September through June)
 - (13) Co-Ed Volleyball
- B. All fees for Special Programs shall be collected by the Recreation Department or its designee.

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⁷ Amended by Ordinance 1,069 Adopted on March 17, 1993

⁸ Amended by Ordinance 1,194 Adopted on August 10, 1997

⁹ Amended by Ordinance 1,202 Adopted on December 15, 1997 (Added Co-Ed Volleyball)

¹⁰ Amended by Ordinance 1,211 Adopted on June 7, 1998 (Fees set by Resolution)

¹¹ Amended by Ordinance 1,399 Adopted 6/16/08, Effective 7/6/08

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ARTICLE V

FEE FOR USE OF PUBLIC BUILDINGS

^{12, 13}154-19: RESERVED

^{14, 11, 15}154-20. PAL/COMMUNITY CENTER

- A. All fees shall be as specifically provided in Chapter 11, Fees, Section 11-8, Parks and Recreation.
1. For purposes of this Section, the term "civic organization" shall mean and include, any community-based, not-for-profit organization, organized exclusively for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic or scientific purposes, whose membership shall consist solely of volunteers.
 2. For purposes of this Section, the term "local organization" shall mean and include any group or organization, or a chapter, ledge, or similar sub-unit of a group or organization, having its sole or primary office or address within the Borough of Lincoln Park; or a majority of its membership residing within the Borough of Lincoln Park.
 3. Separate fees shall be determined for the following categories of users:
 - a. Local Civic Organizations;
 - b. Non-Local Civic Organizations;
 - c. Local, Non-Civic Organizations;
 - d. Non-Local, Non-Civic Organizations; and
 - e. Commercial

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¹² Amended by Ordinance 1,069 Adopted on March 17, 1993

¹³ Amended by Ordinance 1,414 Adopted on 12/15/08 Effective 1/4/08 Removed Constance Midkiff Center

¹⁴ Amended by Ordinance 1,137 Adopted on April 2, 1995

¹¹ Amended by Ordinance 1,282 Adopted on May 20, 2002

¹⁵ Amended by Ordinance 1,399 Adopted 6/16/08, Effective 7/6/08

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- B. The following programs, organizations and/or activities shall be exempt from the imposition of the fee for use of the PAL/Community Center:
- (1) Any Borough based group or organization with membership consisting of Borough residents fifty-five (55) years of age or older.
 - (2) Borough sponsored programs, including, but not limited to, members of appointed Boards and Committees, Mayor, Council and staff directed ceremonies, regional meetings, educational, civic and recreational programs conducted by the Borough of Lincoln Park.
 - (3) Borough service/non-profit organizations including, but not limited to P.A.L., civic, political and charitable organizations serving the Borough.
- C. All fees shall be collected and made payable to the Recreation Department of the Borough of Lincoln Park.

¹⁶ARTICLE VI

RECREATION FACILITIES

154-21. DESIGNATION OF PAL/COMMUNITY CENTER:

The Lincoln Park PAL/Community Center shall consist of the Borough maintained municipal recreation facility, located at 10 Boonton Turnpike, together with appurtenances thereto, and all contiguous parking, outside storage and lawn areas (hereinafter FACILITY).

154-22. RESTRICTION UPON USE OF FACILITY:

- A. The use and operation of the PAL/Community Center, as well as the conduct of persons making use of the facility shall, at all times, be subject to the provisions of this Ordinance, as well as the overall supervision, direction and control of the Director of the Department of Parks and Recreation, a Borough on-site facility monitor, or any other designated representative of the Director (Facility Director).
- B. No use, possession or consumption of food, drink, gum or similar items shall be permitted within the gymnasium area.
- C. No glass containers or alcoholic beverages are permitted within the facility.

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¹⁶ Added by Ordinance 1,213 Adopted on June 7, 1998

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- D. All persons within the facility shall conduct themselves in an orderly fashion, and shall not obstruct, interfere with, or prevent the reasonable and lawful use of the facility for its intended purpose as may be determined by the Facility Director.
- E. All persons within the facility shall obey all posted rules and regulations and shall obey the lawful orders of the Facility Director.

154-23. ENFORCEMENT; VIOLATIONS AND PENALTIES:

- A. The Rules and Regulations set forth herein, or Adopted and published by the Department of Parks and Recreation, shall be enforced by the Facility Director.
- B. Any person violating any provision of this Article, any Rule or Regulation Adopted and published in accordance herewith, or any lawful orders of the Facility Director shall be subject to a fine not exceeding One-Hundred (\$100.00) Dollars, by imprisonment not to exceed ten (10) days, or community service not to exceed ten (10) days, or any combination thereof. In addition to the penalties set forth in Section 154.23.B, the Facility Director may bar from the Facility, or otherwise suspend or restrict the use by any person, who shall violate or fail to comply with any of the provisions of this Article, any Rule or Regulation Adopted and published in accordance herewith, or any lawful orders of the Facility Director.

¹⁷ARTICLE VII

USE OF WATER CRAFTS

154-24.DEFINITIONS

For the purposes of this Article VII, Use of Water Crafts, the following words and phrases shall have the meanings ascribed to them by this section:

Water craft Any device intended to carry a human passenger upon the water including, but not limited to, boats of any type, canoes, rowboats, and paddle boats. Rafts and flotation devices are specifically excluded. Hobby or toy-sized water crafts are also specifically excluded.

54-25.WHERE PERMITTED

The use of non-motorized water crafts at the Lincoln Park Community Lake by Borough residents is permitted under the terms and conditions as

¹⁷ Added By Ordinance 1,425 Adopted 6/26/09 Special Mtg., Effective 6/26/09 as Per Resolution R09-175

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specifically set forth in this Article VII, Use of Water Crafts. On any water body over which the Borough of Lincoln Park has jurisdiction, the use of any water craft that is not specifically permitted by this Article VII or the use of any water craft in a manner that is inconsistent with this Article VII is specifically prohibited.

154-26.RENTAL OF BOROUGH WATER CRAFT

A. Non-motorized water craft may be rented from the Borough for use on the Lincoln Park Community Lake by Borough residents.

B. Rentals may be obtained on the Lake beach. The rental days and hours shall be set by the Superintendent of Parks and Recreation. Rental days and hours may be cancelled by the Superintendent of Parks and Recreation on those days when special events are scheduled. Rentals shall be for a period of 30 minutes, which includes five minutes of instruction, approximately twenty minutes water time and five minutes to return equipment.

C. All such water craft users must attend five minutes of instruction prior to use of the water craft.

D. All rented equipment shall be returned to the designated areas.

E. Rental prices for the Borough equipment shall be as specifically set forth in Chapter 11, Fees, Section 11-8, Parks and Recreation, of the Ordinances of the Borough of Lincoln Park.

F. The use of any rented water craft shall be in accordance with a best practices policy and guide prepared by the Superintendent of Parks and Recreation and approved by the Morris County Joint Insurance Fund. Said best practices policy and guide shall be explained to users of rented water crafts during the five minute instruction prior to use of the water craft.

154-27.USE OF PRIVATE WATER CRAFT

A. Privately owned, non-motorized water crafts, including rowboats, canoes and kayaks, may be operated by Borough residents on the Lincoln Park Community Lake.

B. All privately owned, non-motorized water crafts operated on the Lincoln Park Community Lake must first be annually registered with the Borough of Lincoln Park, Superintendent of Parks and Recreation. Each such water craft shall have a separate registration and the vehicle transporting it shall have a parking permit. Said registration shall be in accordance with the registration process as set forth by the Superintendent of Parks and Recreation. At a minimum, said registration shall include

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submission of name, address, phone number, type and make of water craft, license plate and make of vehicle used to transport water craft. The annual registration fee shall be as set forth in Chapter 11, Fees, Section 11-8, Parks and Recreation.

C. The Superintendent of Parks and Recreation may revoke a water craft registration upon a finding that one or more of the provisions of this Article have been violated. Any person who has had their water craft registration revoked may apply to the Superintendent of Parks and Recreation for a new registration upon submission of the full registration fee. In the event any person has their water craft registration revoked by the Superintendent of Parks and Recreation more than three times during any twelve month period, they shall be prohibited from applying for a new water craft registration for twelve months from the date of the fourth registration revocation.

154-28.GENERAL RULES AND REGULATIONS

The following rules and regulations apply to the use of all non-motorized water crafts, whether rented from the Borough or owned by the resident, on the Lincoln Park Community Lake.

A. Use of non-motorized water crafts is permitted on the Lake from April 1 through October 31. Use of non-motorized water crafts is limited to from dawn to dusk.

B. Use of non-motorized water crafts is limited to Borough residents and their guests only.

C. The length of non-motorized water crafts is restricted to less than 18 feet long for canoes and less than 14 feet for kayaks.

D. Use of non-motorized water crafts is limited to within the designated areas of the Lake only. Non-motorized water crafts are specifically prohibited from operating within 25 feet of the municipal swim lanes.

E. All non-motorized water crafts shall be launched and docked at the designated areas only. Docking such water crafts at any other location is strictly prohibited.

F. Fastened life jackets or flotation devices, which meet United States Coast Guard standards, must be worn by everyone using non-motorized water crafts.

G. Use of the non-motorized water crafts shall comply with the occupancy limits and weight load for the particular non-motorized water craft.

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H. All children on such non-motorized water crafts under the age of 14 must be accompanied by an adult (age 18 and older).

I. All hands, feet and objects must stay inside the non-motorized water craft at all times. Standing while the water craft is in use is prohibited.

J. Rocking, tipping or otherwise operating the non-motorized water craft in an unsafe manner is prohibited.

K. Food or beverages are prohibited on any non-motorized water craft.

L. Swimming is prohibited within the areas of the Lake designated for use by non-motorized water crafts.

M. Use of non-motorized water crafts on the Lake is subject to any restrictions imposed by the New Jersey Green Acres Program where applicable.

N. The Superintendent of Parks and Recreation has the authority to close the Lake to all non-motorized water crafts during special events or for other reasons that effect the safety and welfare of the Lake members, Lake staff and Borough residents. In the absence of the Superintendent of Parks and Recreation, the Lake Director shall have the authority to close the Lake to all non-motorized water crafts.

O. The registration of privately owned water crafts and the waiver for water crafts rented from the Borough must be completed and submitted to the Superintendent of Parks and Recreation prior to use of the water craft.

154-29 VIOLATIONS

Persons violating this Article shall, upon conviction, be punished by one or more of the following: imprisonment not exceeding 90 days, or by a fine not exceeding Two Thousand Dollars (\$2,000.00) or by a period of community service not exceeding 90 days.