

TOWNSHIP OF DENNIS

**CAPE MAY COUNTY
STATE OF NEW JERSEY**

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING SECTION 139-1(B)(1) OF THE DENNIS TOWNSHIP CODE, GOVERNING PROHIBITED ACTS IN TOWNSHIP PARK AND RECREATION AREAS

The foregoing ordinance was introduced and passed at a first reading of the Township Committee of the Township of Dennis held on September 10, 2019 and was scheduled for adoption at its second and final reading after a public hearing thereon at a meeting of the Dennis Township Committee at the Municipal Building, 571 Petersburg Road, Dennisville on September 24, 2019 where it was unanimously adopted.

ATTEST

Jacqueline B. Justice, RMC/Clerk

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2019-10

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING SECTION
139-1(B)(1) OF THE DENNIS TOWNSHIP CODE, GOVERNING PROHIBITED
ACTS IN TOWNSHIP PARK AND RECREATION AREAS**

WHEREAS, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

WHEREAS, Section 139-1(B)(1) of the Revised General Ordinances of the Township of Dennis currently outlines prohibited acts in Township Park and Recreation Areas;

WHEREAS, Specifically, Section 139-1(B)(1) of the Revised General Ordinances of the Township of Dennis sets forth, among other things, a requirement that all persons are prohibited from consuming alcoholic beverages under any circumstance at all Township park and recreation areas;

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to allow the consumption of alcoholic beverages in a public park or recreation area when it is being done so in conjunction with a special event preapproved by the Township Committee and the State of New Jersey Division of Alcoholic Beverage Control;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

Section 1. Section 139-13 of the Township of Dennis Municipal Code is amended as follows (additions are underlined; deletions are [bracketed]):

**ARTICLE I Park and Recreation Area Regulations
[Adopted 11-28-1988 as Ord. No. 88-159]**

§ 139-1. Prohibited acts.

A. It shall be unlawful for any person in a public park or recreation area to:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, railings, pavings or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property, either real or personal.
- (2) Failure to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.
- (3) Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seed of any tree or plant, dig in or otherwise disturb grassed areas or in any other way injure the natural beauty or usefulness of any area.
- (4) Hunt, molest, kill, wound, trap, abuse, shoot, pursue, throw missiles at, remove or have in his possession any animal, reptile or bird found within a township park or disturb its habitat within a township park or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or eggs so taken, except as may be specifically provided for and being in accordance with state/federal fish and game laws.
- (5) Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste or refuse or other trash. No such refuse or trash shall be placed in any waters in the park or left anywhere on the grounds thereof, but it shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (6) Use of any portion of the picnic area or any of the buildings or structures therein for the purposes of holding picnics to the exclusion of other persons or use such areas and facilities for an unreasonable time if the facilities are crowded unless issued an authorized permit by the Recreation Department. **[Amended 4-14-1997 by Ord. No. 97-06]**
- (7) Set up tents, shacks or any other temporary shelters for the purpose of overnight camping or leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like, except in those areas designated by the Recreation Department for those purposes. **[Amended 12-10-1990 by Ord. No. 90-204]**
- (8) Leave a picnic area before all trash is placed in the disposal receptacles where provided. If such trash receptacles are not available, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. **[Added 4-14-1997 by Ord. No. 97-06]**
- (9) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility

into, upon, or across such lands, except on special written permit issued hereunder. **[Added 4-14-1997 by Ord. No. 97-06]**

(10) Climb any tree, or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes. **[Added 4-14-1997 by Ord. No. 97-06]**

(11) Leave a bicycle in a place other than a bicycle rack, where other persons may trip or be injured by it, when such is provided and there is space available. **[Added 4-14-1997 by Ord. No. 97-06]**

(12) Swim, bathe, or wade in any waters or waterways in or adjacent to a park. **[Added 4-14-1997 by Ord. No. 97-06]**

(13) Carry or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings, knives or any other forms of weapons potentially harmful to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden. **[Added 4-14-1997 by Ord. No. 97-06]**

(14) Carry or use any golf club to hit golf balls except in a designated area. **[Added 4-14-1997 by Ord. No. 97-06]**

(15) Fail to follow rules or directions of recreation staff. **[Added 4-14-1997 by Ord. No. 97-06]**

(16) Smoke cigarettes, cigars, or other tobacco products within fifty (50) feet of the main entrance of the Recreation Building. **[Added 4-14-1997 by Ord. No. 97-06]**

B. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and, in particular, no person shall:

(1) Bring alcoholic beverages [or drink the same at any time] or be under the influence of intoxicating liquor in a park. All persons, who are of the legal drinking age, are permitted to consume alcoholic beverages in a public park or in a recreation area when said consumption is being done so in conjunction with a special event that has been preapproved by the Township Committee and the State of New Jersey Division of Alcoholic Beverage Control. No person shall be permitted to possess, consume or distribute any alcoholic beverage in a public park or in a recreation area at any time that has not been preapproved in accordance with the approvals set forth above.

(2) Have in his possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable 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. At the discretion of the Recreation Department, permits may be given for conducting properly supervised fireworks in designated park areas. **[Amended 12-10-1990 by Ord. No. 90-204]**

(3) Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Recreation Department by signs bearing the words "Domestic Animals Prohibited in this Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length. **[Amended 12-10-1990 by Ord. No. 90-204]**

(4) Enter an area posted as "Closed to the Public," or use or abet in the use of any area in violation of posted notices.

(5) Upon request, fail to produce and exhibit any permit from the Recreation Department he claims to have to any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule. **[Amended 12-10-1990 by Ord. No. 90-204]**

(6) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(7) Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Recreation Department. **[Amended 12-10-1990 by Ord. No. 90-204]**

(8) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, erect or cause to be erected any sign whatever on any park lands or highways or roads in any park.

(9) It shall be unlawful for any person to enter any public facility during those posted times when it is not open for public use. **[Added 4-14-1997 by Ord. No. 97-06]**

(10) No school age children will be permitted at township recreation facilities or at the Recreation Center during the hours in which school is in session. **[Added 4-14-1997 by Ord. No. 97-06]**

C. **[Added 4-14-1997 by Ord. No. 97-06]** While in a public park, public place or recreation area, all persons using, owning or operating a motor vehicle, motorcycle, dirt bike, or other similar mechanical vehicle shall abide by all Laws of the State of New Jersey as it relates to the ownership, use and operation of a motor vehicle as set forth in Title 39 of the Revised Code of the State of New Jersey. It shall be unlawful for any person in a public park or recreation park to:

(1) Operate any vehicle in any portion of a park except the paved, stoned, or graveled roadways or parking areas where vehicles are permitted.

(2) Park any vehicle, except upon a designated parking area, and except in accordance with the posted directions and/or instructions of any park attendant who may be present.

(3) Except that, the operation of vehicles shall be prohibited except for:

(a) Authorized vehicles of the township and/or recreation department.

(b) Vehicles using the designated driveways and approaches to the recreation buildings to park momentarily and unload and pick up handicapped persons.

(c) Commercial vehicles using the designated driveways and approaches to the recreation buildings, while unloading supplies and conducting business.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas VanArtsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 10, 2019. Publication will be held on September 13, 2019 and a Public Hearing will be held at a meeting of the said Township Committee to be held on September 24, 2019 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk