

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2026-04

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY REPEALING CHAPTER 41 – POLICIES & PROCEDURES,
ARTICLE III CRIMINAL BACKGROUND CHECKS FOR VOLUNTEER YOUTH
SPORTS COACHES; AMENDING CHAPTER 139 – PARKS AND RECREATION ; AND
ESTABLISHING CHAPTER 139 – PARKS AND RECREATION,
ARTICLE IV CRIMINAL BACKGROUND CHECKS FOR VOLUNTEER
YOUTH SPORTS COACHES.**

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, the Township Committee believes it desirable, and in the best interest of the Township and its citizens for the Township Committee to make various amendments to Chapter 139 Parks and Recreation and to repeal the current Criminal Background Checks for Volunteer Youth Sports Coaches which is located in Chapter 41 Article III, know as Policies & Procedures, Criminal Background Checks for Volunteer Youth Sports Coaches and establish Article IV in Chapter 139 which will be known as Parks and Recreation, Criminal Background Checks for Volunteer Youth Sports Coaches.

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. This section amends § 139 - Parks and Recreation as follows:

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 restrooms 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, directions, or Code of Conduct set by recreation staff. **[Added 4-14-1997 by Ord. No. 97-06]**

- (16) Smoke cigarettes, cigars, or other tobacco products within 100 feet of buildings, structures, fields, courts and playgrounds. **[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. **[Amended 9-24-19 by Ord. No. 2019-10]**
 - (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 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 without their schools' authorization. **[Added 4-14-1997 by Ord. No. 97-06]**
- C. While in a public park, public place or recreation area, all persons using, owning or operating a motor vehicle, motorcycle, dirt bike, electric 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: **[Added 4-14-1997 by Ord. No. 97-06]**
- (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.

§ 139-2. Hours of operation. [Amended 12-10-1990 by Ord. No. 90-204; 4-14-1997 by Ord. No. 97-06]

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information and shall be determined from time to time by the Township Committee.

All parks shall be closed from 10:00 p.m. to sunrise except for township sponsored activities.

Any section or part of any park may be declared closed to the public at any time and for any interval of time, either temporary or at regular or stated intervals (daily or otherwise) for certain scheduled uses of the Recreation Department.

§ 139-3. Discrimination.

- A. No person shall, on the grounds of race, color, national origin, religion, age, sex or handicap, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in any park facility, program or activity.
- B. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained in any park on the basis of residence.

§ 139-4. Permits for special events. [Amended 12-10-1990 by Ord. No. 90-204; 4-14-1997 by Ord. No. 97-06]

Permits for special events in parks shall be obtained by application to the Recreation Department in accordance with procedures set forth by the Township Committee.

§ 139-5. Enforcement.

- A. The Recreation Department and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Article. **[Amended 12-10-1990 by Ord. No. 90-204]**
- B. The Recreation Department and any park attendant shall have the authority to eject, or impose suspensions from the park or its facilities, any person or persons acting in violation of this Article. **[Amended 12-10-1990 by Ord. No. 90-204; 4-14-1997 by Ord. No. 97-06]**
- C. This Article shall also be enforced by the New Jersey State Police Department which services the township.

§ 139-6. Violations and penalties. [Amended 12-10-1990 by Ord. No. 90-204; 4-14-1997 by Ord. No. 97-06]

- A. Any person violating any of the provisions of this Article shall, upon conviction in the Municipal Court of the Township of Dennis, be subject to a fine for a first offense of not more than \$500.

- B. For a second or subsequent offense, any person convicted, of a violation of this Article shall pay a fine of not less than \$500 or more than one thousand dollars (\$1,000.). One need not be charged as a second offender to be prosecuted as a second offender.
- C. Any minor under the age of 18 who is apprehended and charged and subsequently found to be in violation of this Article shall also be prima facie evidence of a violation of this Article on the part of the parent or legal guardian having custody or care of said minor. In such case, the parent or legal guardian having custody and care of said minor shall be subject to the penalty of being required to reimburse the Township of Dennis the cost of repairing and/or remedying the damage to the park, playground, recreation area and/or recreation equipment upon being so charged and after a finding of liability by the Township of Dennis Municipal Court following a hearing on issue of liability and the amount of repair costs.

ARTICLE II
Recognition of Recreation Organizations [Adopted 2-10-1992 as Ord. No. 92-223]

§ 139-7. Application for recognition.

- A. The Recreation Director shall provide an application form to any township organization desiring to assist the township in promoting recreation activities with township support.
- B. Upon receipt of a completed application the Recreation Director shall review the same within 30 days and render a written report of recommendations to the Township Committee.

§ 139-8. Standards for review.

The standards of review to be applied by the Recreation Director shall be as follows:

- A. Review bylaws.
 - (1) Nondiscrimination. Any bylaws which contain discriminatory or unfair provisions or discriminate in membership shall be rejected.
 - (2) Equipment. Bylaws must contain provisions that any equipment purchased and to be used in the activity of the organization is to be donated to the Township Recreation Department for use by that organization.
 - (3) Dissolution. Bylaws shall state that in the event that the Association disbands, all money and equipment owned by the Association must be donated to the Dennis Township Recreation Program.
 - (4) Minutes and financial records. Bylaws are to provide that all financial records, statements and meeting minutes shall be maintained by the Association and made available to the Dennis Township Recreation Director and/or members of the public within seven (7) days of any and all requests.
- B. Need for organization. The Recreation Director shall conduct a review to determine the need by the township for the assistance offered by the organization.
- C. Membership. Membership in the organization shall be comprised of at least 60% township residents.

§ 139-9. Submission of application to Township Committee.

- A. Upon completion of said application and application procedure, the Recreation Director shall submit the application and his/her recommendation to the Township Committee.
- B. The Township Committee shall review the application, consider the recommendations of the Recreation Director and public comments. The Township Committee shall render a decision by resolution on whether to recognize the applicant organization.

§ 139-10. Supervision of organization. [Amended 6-4-07 by Ord. No. 2007-08]

- A. Any recognized organization shall be under the control, supervision and direction of the Recreation Director.
- B. Any recognized organization shall have the responsibility of reporting to the Recreation Director, who shall have the final decision-making authority.

§ 139-11. Annual reapplication. [Amended 6-4-07 by Ord. No. 2007-08]

All recognized organizations shall, on an annual basis, reapply for recognition by the township. Said organization shall submit an application at least 30 days prior to the expiration of one year recognition. The Recreation Director shall review the application in the same manner as noted above with the Township Committee to review as noted above.

**ARTICLE III
Fees for Use of Recreational Facilities [Adopted 3-11-1996 by Ord. No. 96-04]**

§ 139-12. Purpose.

The Township of Dennis has constructed various recreational facilities, and created a recreation department to oversee the operation of these facilities.

In order to properly maintain the recreational facilities, insure a safe playing environment, and to help offset the daily operational expenses it is necessary to establish certain fees.

Those fees will be collected by the recreation department in accordance with the schedule established in this Article by the Township Committee.

§ 139-13. Fee schedule. [Amended 11-15-2016 by Ord. No. 2016-08; 4-9-19 by Ord. No. 2019-04; 5-11-2021 by Res. No. 2021-80²]

The following schedule of fees shall be established:

- A. The facilities of the Dennis Township Parks & Recreation Department are available for use by members of the public. There is no charge for individuals to use the facilities as long as it is not an organized or scheduled event and as such use does not interfere with an approved Township event, program or activity. Programs, leagues, activities and events operated or sponsored by the Dennis Township Parks & Recreation Department and Dennis Township Athletic Associations have priority use of all facilities. Providing that there are no games, practices or maintenance scheduled and adequate staff is available, the facilities listed below can be utilized by groups and organizations through the issuance of a permit by the Township Recreation Department.

Township Committee, has the authority, at its discretion and on a case-by-case basis, to waive a portion and/or all of the requirements set forth under paragraph A should a Public Service Organization or its members seek to use a Township recreational facility.

- B. In order to be considered for a permit the applicant must complete and submit the official "Dennis Township Facility Use Application." Applicant will be required to execute an indemnity and hold harmless agreement and provide insurance coverage to the Township at the amount and type recommended by the Township's risk management consultant. All necessary paperwork must be submitted at least 30 days before the requested use date. If approval is granted, fees must be paid in full seven days before the event. Following the use of the Township facility, the building/field/court/rink/pavilion must be left in the same condition as it was prior to the event. Violators will be denied future rental of the facility. Renters will be allowed access to the facility an hour prior to their rental time for set up and an hour after their rental time for clean-up. If additional time is needed for

Township Committee, has the authority, at its discretion and on a case by case basis, to waive a portion and/or all of the requirements set forth under paragraph B should a Public Service Organization or its members, seek to use of a Township recreational facility.

- C. For all Township civic, charitable, fraternal, philanthropic and religious not-for-profit organizations, holding a tax-exempt status under the Federal Internal Revenue Code or Dennis Township based sports organization not associated with a Recognized Recreation Organization as outlined in Article II, and which have their offices or principal place of business in the Township of Dennis the fees will be reduced 50%.
- D. Insurance requirements. Upon the issuance of the permit, unless exempt, the applicant must provide a Certificate of Insurance, naming the Township of Dennis as an additional insured and provide the minimum liability limits:
 - (1) Minimum general liability limit of \$ 1,000,000 per occurrence.
 - (2) If the insurance policy contains an aggregate limit, such aggregate shall equal double the occurrence limit.
 - (3) All leagues and/or teams as well as any commercial (for profit) group, which are not under the direction of the Township associations or the Recreation Department must provide general liability insurance with a minimum limit of one million (\$1,000,000) per occurrence.
 - (4) If the gymnasium is being used for the display of artwork, antiques, or other collectibles that are the property of others, an aggregate value must be provided of the items to be displayed, along with the required certificate of insurance.
 - (5) Additional insurance coverage may be required if recommended by the Township's risk management consultant.
- E. Summer Camp Fees. The Dennis Township Recreation Department Summer Camp fees range from \$35.00 to \$60.00 per day and may be further amended from time to time as needed by resolution. Limited space and enrollment minimums may apply. Morning and evening extended hours may be offered at a rate of \$ 7.00 to \$10.00 per session. Camp is held Monday, Tuesday, Wednesday and/or Thursday 9:00 a.m. to 4:00 p.m.
- F. Program Fees. The Dennis Township Recreation Center and Sports Association reserve the right to charge fees for sign-up and admission to special events to offset the costs of the programs/events.

SECTION 2. This section repeals § 41, Article III - Policies & Procedures – Criminal Background Checks for Volunteer Youth Sports Coaches and establishes §139, Article IV - Parks and Recreation - Criminal Background Checks for Volunteer Youth Sports Coaches as follows:

ARTICLE IV
**Criminal Background Checks for Volunteer
Youth Sports Coaches**

§ 139-14. Purpose.

To preserve the safety and wellbeing of youth participating in activities sponsored by the Township of Dennis Recreation Department, the Township of Dennis hereby requires background screening for all volunteer coaches.

- A. Background screens are mandatory for all head coaches and official assistant coaches. Any person who will be acting in a capacity as coach, or who may be alone with players, or responsible for a team at games or practices, shall be included in this process. Official assistant coaches are defined as those whose name appears in the roster for a respective team.
- B. All coaches shall be required to undergo a criminal background check prior to the start of their first season and then every (3) three years thereafter.
- C. All coaches will be required to submit an authorization form allowing the Township of Dennis to order an individual criminal background check. All authorizations must be submitted to the Township Recreation Director no later than the designated due date. Failure to provide a completed authorization form by the deadline will automatically disqualify the volunteer from coaching.

§ 139-15. Background Screening Process.

- A. The Township of Dennis will utilize a third-party corporation that specializes in conducting criminal background checks for prospective volunteer youth sport coaches.
- B. The Township Recreation Director will administer the process of background checks. In the absence of a Recreation Director the Township Administrator shall administer the process of background checks.
- C. All background screening information will be kept confidential.
- D. Should information be found that would prevent a coach from being accepted, the Township Recreation Director will be responsible for issuing any required written notices to the volunteer in a confidential manner. The individual who has been disqualified will receive written notification informing them of their disqualification and of their right to appeal.
- E. The volunteer is responsible for taking appropriate action to have the results of the criminal check corrected if they believe information was reported in error.
- F. Should the background check indicate that a volunteer has criminal charges pending that fit the description of disqualifiers in § 139-17 the volunteer may be rejected from coaching until there is a resolution of the charges.
- G. Should an approved volunteer subsequently have any criminal changes brought against them that are listed in § 139-17 during their term of service, they will be required to immediately disclose the nature of the charges to the Township Recreation Director and voluntarily terminate their coaching duties until a determination is made by the Township Recreation Director regarding the effect of the pending

charges on the volunteer's functions within the program.

§ 139-16. Appeal Process.

Any individual who has been disqualified from coaching may request a review by the Background Check Sub-Committee to appeal the decision.

- A. The Background Check Sub-Committee shall consist of the Township Recreation Director, the Township Administrator, the Township Solicitor and the Township Committee Member in charge of Recreation.
- B. The decision of the Background Check Sub-Committee is final.
- C. To appeal a decision, the disqualified volunteer must file a notice of appeal with the Recreation Director within 30 days of receiving the background check notification letter. For the notice of appeal to be accepted, it must include:
 - a. The full name and address of the applicant.
 - b. The name and address of the person, if any, making the request for an appeal on behalf of the applicant (e.g. lawyer or spokesperson).
 - c. The grounds for the appeal (provide a detailed explanation of the appellant's objections to the decision; describe additional facts or factual errors in the decision).
 - d. The particulars relevant to the appeal (describe any background facts that relate to the appeal including how you are affected by the decision).
 - e. A description of the relief requested (what do you want the committee to do at the end of the appeal).
 - f. The signature of the appellant and/or the appellant's representative.

§ 139-17. Disqualifiers.

- A. Sex Offenses
 - a. All Sex Offenses – Regardless of the amount of time since offense.
Examples: Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.
- B. Felonies
 - a. All Felony Violence – Regardless of the amount of time since offense.
Examples: Murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
 - b. All Felony Offenses (other than violence or sex) within the past ten (10) years.
Examples: Drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- C. Misdemeanors
 - a. All misdemeanor violence offenses within the past seven (7) years.
Examples: Simple assault, battery, domestic violence, hit & run, etc.
 - b. All misdemeanor drug & alcohol offenses within the past five (5) years or multiple offenses in the past ten (10) years.
Examples: Driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

- c. Any other misdemeanor within the past five (5) years that would be considered a potential danger to children or is directly related to the functions of that volunteer.

Examples: Contributing to the delinquency of a minor, providing alcohol to a minor, theft – if a person is handling money, etc.

SECTION 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. This Ordinance shall become effective immediately upon passage and publication according to law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas Van Artsdalen, 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 March 17, 2026. Publication will be held on March 25, 2026 and a Public Hearing will be held at a meeting of the said Township Committee to be held on April 21, 2026 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk