

**ORDINANCE 2013-7 ORDINANCE AMENDING ORDINANCES 2011-19 OF
THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW
JERSEY, REVISING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF
BERLIN ENTITLED “PARKS AND RECREATION”**

WHEREAS, Chapter 85 of the Code of the Township of Berlin (“Township”) sets forth the rules and regulations regarding the use of the Township’s parks and athletic fields; and

WHEREAS, on February 9, 2009, the Township adopted Ordinance 2009-1 replacing Chapter 85 of the Township Code with a new Chapter 85; and

WHEREAS, N.J.S.A. 40:61-5 provides that the body or authority having control of any public park, playground or other public place or property in any municipality may permit the same or part thereof to be used for athletic purposes or as playgrounds by the pupils of the public schools of the municipality and the public generally, subject to such reasonable regulations as may be prescribed by the body or authority having control thereof; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to enact such ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, on June 13, 2011, and consistent with the authority cited above, the Governing Body adopted Ordinance 2011-15 which, in pertinent part, provided for a priority of use of the Township owned athletic fields; and

WHEREAS, the Township’s athletic fields and facilities are a limited municipal resource subject to overuse; and

WHEREAS, there are costs associated with the maintenance, use and upkeep of the Township’s athletic fields and facilities; and

WHEREAS, Township residents already subsidize these costs by paying local property taxes; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the Township is authorized to enact and amend ordinances related to the management, regulation and control of the finances and property of the Township;

WHEREAS, on September 26, 2011, the Township adopted Ordinance 2011-19 which, in pertinent part provided for a priority of use of Township owned athletic fields and a fee schedule for non-resident team members; and

WHEREAS, the Mayor and Township Council has deemed it in the best interest of the public health, safety and welfare of the residents and taxpayers of Berlin Township to revise the fee schedule for out-of-town team members for the use of the Township owned athletic fields and facilities.

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, that Ordinance 2011-19 is hereby amended, revised and supplemented as follows:

SECTION 1: §85-7 – Fee Schedule set forth in Ordinance 2011-19 shall be amended to provide as follows:

85-7. Fee schedule.

With the exception of non-resident team members, who shall pay a \$50.00 fee for each sport for use of the Township’s athletic fields and facilities on an annual basis prior to using, practicing or playing upon any Township athletic field or facility, members of an official youth sports organization as recognized by Resolution of the Mayor and Township Council are exempt from all fees. All other persons, groups or organizations shall be subject to the following fee schedule, which fees shall be paid prior to receipt of the permit:

- a. Ball Fields
Per Game / Per ball field:
 - Without lights \$ 250.00
 - With lights \$ 350.00
 - Security Deposit \$ 500.00

- b. Street Hockey/Basketball/Volleyball Courts
 - Without lights \$ 100.00
 - With lights \$ 200.00
 - Security Deposit \$ 250.00

Park areas for:

- c. All other Recreational Activities
 - Daylight \$100.00
 - Security Deposit \$250.00

Park Areas for:

- | | | |
|----|---|-----------------------------------|
| d. | Non-Recreational Activities – e.g. Flea Market, Car Show,
Auction,
Daylight
Security Deposit | \$100.00
\$250.00 |
| e. | Stage – e.g. Musical Shows, Theater acts, Concerts,
Set-up Fee
Per hour fee
Security Deposit | \$100.00
\$125.00
\$1000.00 |
| f. | Gazebo
Per hour fee
Security Deposit | \$ 50.00
\$ 250.00 |
| g. | Concession Stand
Per hour fee
Security Deposit | \$ 150.00
\$ 1000.00 |
| h. | Police Protection | Prevailing overtime
rate. |
| | Need to be determined by the Chief of Police | |
| i. | Public Works Assistance | Prevailing overtime
rate |
| | Need to be determined by the Director of Public Works | |

A person, group or organization that is subject to the aforementioned Fee Schedule may make a request to the Mayor and Township Council, which request shall be in writing, to waive all or part of the fee set forth above which said waiver shall only be granted for good cause which shall include but not be limited to the percentage of Berlin Township residents in said group or organization, said group or organization's past compliance with the provisions of this Chapter and any other matter which the Mayor and Township Council determine is relevant to such waiver request.

SECTION 2: Except as set forth in Section 1 above, the balance of Ordinances 2011-19 shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such

order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: June 10, 2013

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 10, 2013 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on July 1, 2013 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk