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MEMORANDUM

To: Mayor and Council of Princeton

From: Lisa M. Maddox, Esq. 

Date: July 11, 2014

Re: **Recreation and Parks Ordinance**

Attached on behalf of the Code Subcommittee please find a proposed ordinance entitled "Recreation and Parks and Similar Public Places" for discussion (and possible introduction) at the Mayor and Council's meeting on Monday, July 21, 2014. Also attached are copies of Chapter 16 of the Township Code, and Chapter 24A of the Borough Code, which set forth Princeton's existing parks and recreation regulations.

The proposed ordinance contains two major components. First, it establishes the municipal body responsible for overseeing and operating the municipality's parks and recreation areas, and recreation programs and activities. Second, it establishes the rules and regulations applicable to public parks, playgrounds, recreation areas and similar public places. The following addresses several policy issues for discussion at the July 21st meeting.

1. Establishment of Board of Recreation Commissioners or Advisory Recreation Committee

Prior to consolidation in 2013, the former Borough and Township's recreation facilities and programs were under the jurisdiction of an autonomous body known as the "Joint Recreation Board of Princeton Borough and Township" established under the statutes governing Consolidated and Joint Service Projects, N.J.S.A. 40:48B-1.1 et seq. The former Borough and Township created this Joint Board many years ago for the joint planning, development, operation, management and control of recreation facilities, programs and activities for the two municipalities.

The Joint Board was vested with the authority and responsibility to: make and enforce rules and regulations governing the use of recreational facilities and recreation programs under its jurisdiction; prepare an annual budget request to be submitted to the governing bodies; and appoint a director of recreation to serve as chief administrative officer of the joint meeting. Under the joint meeting, the recreation director had the authority to: appoint, supervise and remove personnel; negotiate and sign contracts; supervise administration of the joint meeting; manage the recreational facilities, programs and activities; and assist in the preparation of the budget. The two municipalities were apportioned a share of the costs and expenses of operating the recreation programs and activities.

In addition, since 1981, the Joint Board operated a special revolving fund into which it would deposit revenues generated by its recreation programs and user fees. The Joint Board controlled this fund and would spend monies therefrom on operating, maintaining and improving the recreational facilities and programs.

When the municipalities consolidated in 2013, the Joint Board ceased to exist and the governing body established a new Recreation Board by ordinance, consisting of nine members. The current Recreation Board operates very similarly to the former Joint Board, essentially as an autonomous, rather than advisory, body. The Recreation Board and its executive director hire, manage and compensate their own personnel, and operate, maintain and improve the recreation facilities, programs and activities.

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The 2013 ordinance that established the Recreation Board is silent on the extent of the Board's authority and whether it is intended to continue as an autonomous body, or operate as an *advisory* Recreation Board. Therefore, we recommend that the municipality formally create either a "Board of Recreation Commissioners" with the powers and authority similar to the pre-consolidation Joint Board or a "Recreation Committee" with only advisory authority only.

Pursuant to N.J.S.A. 40:12-1 et seq., a Board of Recreation Commissioners is a statutory board that is autonomous from the governing body. It is comprised of between three and seven members, plus up to two alternates. Subject to the prior approval of the governing body, it may purchase lands for public playgrounds and recreation areas in the name of the municipality. A Board controls, maintains and improves the playgrounds and recreation areas and may operate recreation programs and activities thereon; it may adopt rules and regulations and bylaws for use of the recreation areas under its control. A Board is responsible for appointing personnel to operate the recreation areas and programs, including a recreation director for a term up to three years.

The governing body is responsible for annually appropriating to a Board of Recreation Commissioners an operating budget, as well as sufficient funds for maintaining and equipping the playgrounds and recreation areas. In addition, under N.J.S.A. 40:12-8, all fees and other funds received by a Board are paid to the CFO and kept by the CFO in a special fund which shall be under the Board's control and used only for purposes of defraying the costs of improving, maintaining and policing the recreation areas and programs, and other Board expenses.

A Board of Recreation Commissioners is very similar to the Joint Board which was in place prior to consolidation.

On the other hand, an advisory Recreation Committee would provide recommendations and advice to the governing body regarding the operation of the municipality's parks and recreation areas, as well as its recreation programs and activities. The governing body would maintain control and discretion over the final decisions and formal actions regarding the parks, recreation areas, programs and activities. The governing body would have the power to hire (and remove) the recreation director, and the Administrator would be responsible for hiring and removing all personnel working with the recreation programs and activities.

Also, with an advisory Recreation Committee, the ability to maintain funds in the revolving fund would likely change. Under N.J.S.A. 40:48-2.56, municipalities without a Board of Recreation Commissioners may create a recreation trust fund. However, the ability to maintain and use such funds for recreation purposes is limited. Fees generated from recreation programs are paid into this fund, but the fees received may only be used to offset the costs of operating the recreation programs and more specifically, to operate the programs for which fees are collected and refund payments made to program participants. It is not likely that such funds could be used for capital and other improvements to the recreation facilities, for instance.

The Code Subcommittee has considered the above, and consulted with Executive Director Ben Stentz and Director of Finance Kathy Monzo. To maintain the *status quo* of the existing operations of the Recreation Board and Department, the Code Subcommittee recommends that the Council create an autonomous Board of Recreation Commissioners, rather than an advisory Recreation Committee.

2. Rules and Regulations

The parks rules and regulations in the proposed ordinances merge the rules and regulations that are currently contained in the Borough and Township Code chapters. There are several policy issues for the governing body's consideration:

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A. Use of Alcoholic Beverages in the Parks and Recreation Areas

Under section 16-13(n) of the Township Code, consumption and possession of alcoholic beverages is prohibited in all parks and recreation areas, except for the main dwelling at Mountain Lakes Preserve with a special permit. However, under section 13-5(b) of the Township Code (which addresses alcohol consumption generally), "the possession, distribution or consumption of alcoholic beverages [may be permitted] in any public park, recreation area, public building, or other public area in connection with any organized function or social affair for which express prior permission has been received in writing from the township committee upon prior notice and subject to any terms and restrictions relating to the public safety and the general welfare of the township"

Under section 24A-8 of the Borough Code, alcohol use is prohibited in parks and recreation areas unless the governing body grants approval therefor.

As currently drafted, the proposed ordinance would prohibit alcohol possession and consumption in the parks and recreation areas, except with the governing body's approval and receipt of any required permit from the Division of Alcoholic Beverage Control. Whether the municipality seeks to permit alcohol possession and use in parks and recreation areas, and to the extent allowed, is a policy question for the Council's consideration. Of course, the proposed language can be appropriately revised depending upon the Council's decision on this issue.

B. Exclusive Use Permits

Section 16-16 of the Township Code currently provides that a person may apply for a permit to use a park facility upon written application to the municipality, although there is no procedure set forth in the Code. The Borough Code does not explicitly provide for any permitting procedure.

The Subcommittee discussed the subject of permits with Mr. Stentz. Mr. Stentz has explained that there are areas in certain parks, such as the pavilion in Turning Basin Park, where individuals may request a permit to have exclusive use for a private property; the current fee is \$40 for this permit.

The proposed ordinance sets forth requirements, procedures and conditions that would be allow a person to reserve a park area for a private event. The proposed language includes the (new) requirement that a person reserving a park area provide proof of insurance and a hold harmless agreement.

Again, whether persons should be authorized to apply for, and obtain, permits to hold private events in certain areas in parks is a policy decision for the governing body's consideration.

Also, Mr. Stentz and his personnel are in the process of identifying potential sites that are appropriate for reservation, and we will present that information to the Council on July 21st.

C. Grills and Open Flames

Section 24A-12 of the Borough Code provides that fires are not permitted in any park except in facilities provided for such purposes. Section 16-13-(g) of the Township Code provides similar language, and includes specific requirements applicable to the use of fires. In addition, the Township Code allows other fires to be operated if a permit for same is issued.

The proposed ordinance consolidates the language from the two codes and would allow fire only in a grill or fireplace designated for that purpose. Importantly, there are presently very few grills in the municipality's parks which comply with fire regulations. Therefore, in the event fire is permitted, new

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grills would need to be purchased and installed in the appropriate recreation areas. Similar to the above, Mr. Stentz and his personnel are in the process of identifying potential sites that may be appropriate for grills, and we will present that information to the Council on July 21st

I will be at the meeting on July 21st to discuss these issues, as well as any other issues or concerns that you may have concerning the attached. In the interim, please do not hesitate to contact me if you have any questions or concerns.

Attachs.

cc: Robert W. Bruschi, Administrator (w/attachs.)
Kathy Monzo, Assistant Administrator (w/attachs.)
Linda S. McDermott, Clerk (w/attachs.)
Ben Stentz, Executive Director of Recreation (w/attachs.)
Trishka W. Cecil, Esq., Attorney (w/attachs.)
Edwin W. Schmierer, Esq. (w/attachs.)

AN ORDINANCE BY PRINCETON CONCERNING RECREATION AND PARKS AND SIMILAR PUBLIC PLACES, AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A. 40:43-66.35* consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A. 40:43-66.64*, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council’s Code Subcommittee has reviewed, updated and consolidated Chapter 24A of the “Code of the Borough of Princeton, New Jersey, 1974” and Chapter 16 of the “Code of the Township of Princeton, New Jersey, 1968,” pertaining to recreation and parks and similar public places; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. The following provisions of the “Code of the Borough of Princeton, New Jersey, 1974” and the “Code of the Township of Princeton, New Jersey, 1968,” regarding recreation and parks and similar public places, are hereby repealed:

- A. Section 2-79 of Chapter 2, entitled “Recreation Board,” Chapter 17, entitled “Joint Recreation Board” and Chapter 24A, entitled “Parks and Public Plazas - Regulation of Conduct,” of the “Code of the Borough of Princeton, New Jersey, 1974,” and
- B. Section 2-106 of Chapter 2, entitled “Recreation Board,” and Chapter 16, entitled

“Recreation and Parks,” of the "Code of the Township of Princeton, New Jersey, 1968."

Section 2. A NEW Chapter 16 of the “Code of the Township of Princeton, New Jersey, 1968,” as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the composition, duties and authority of the Board of Recreation Commissioners, and the rules and regulations regarding Princeton’s parks and recreation areas, as well as similar public places, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968.”

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 16 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It creates a Board of Recreation Commissioners, and sets forth said Board’s authority, duties and responsibilities, and establishes rules and regulations affecting the parks and recreation areas, and similar public places, in the municipality.

EXHIBIT A

CHAPTER 16. RECREATION AND PARKS AND SIMILAR PUBLIC PLACES.

Article I. Board of Recreation Commissioners; Executive Director.

Sec. 16-1. Board of Recreation Commissioners created; membership; term of office of members; alternates.

- (a) There is hereby established a board of recreation commissioners consisting of seven members and two alternates, designated as “Alternate No. 1” and “Alternate No. 2,” all of whom shall be Princeton residents. There shall also be one non-voting liaison appointed from the governing body. The mayor, upon consultation with the council, shall appoint the regular and alternate members.
- (b) The term of office of the regular members shall be five years. The term for members of the initial board shall begin on the date of their appointment and shall be as follows: one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, two members shall be appointed for four years, and two members shall be appointed for five years. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1.
- (c) Alternate No. 1 and Alternate No. 2 shall serve during the absence or disqualification of any regular member. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed, the initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the initial alternate members appointed shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be.
- (d) No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the governing body for cause. An alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (e) A vacancy occurring otherwise than by expiration of term for any regular or alternate member shall be filled by the governing body for the unexpired term only.
- (f) Regular and alternate members shall serve until their respective successors are appointed and shall qualify, and shall not receive compensation for service on the board.

- (g) The board shall have the power to appoint from among its members a chairperson, who shall be the presiding officer, and such additional officers as the board may desire, whose terms shall expire on December 31 in the year of appointment or until their successors are elected and qualified. Said appointments shall be made at the first regular meeting in January of each calendar year.

Sec. 16-2. Duties and authority of the board of recreation commissioners.

Subject to the general authority of the mayor and council, and pursuant to *N.J.S.A. 40:12-1 et seq.*, the board of recreation commissioners shall have the authority and duty to:

- (a) Plan, develop and implement balanced recreation programs and activities to serve the needs of Princeton residents through the board and the Princeton recreation department;
- (b) Supervise, oversee and maintain all parks, playgrounds and recreation areas (also referred collectively as “recreation facilities” in this article) belonging to Princeton through the board and the recreation department;
- (c) Make and enforce rules and regulations governing the use of recreation facilities and the conduct of recreation programs and activities under its jurisdiction, including the establishment of user and participant fees, subject to the review of the governing body;
- (d) Upon consultation with the governing body, appoint an executive director for a term not to exceed three (3) years to assist the board execute its responsibilities and to oversee the recreation department;
- (e) Appoint such additional personnel as may be required to carry out the responsibilities of the board and to assist the executive director operate the recreation programs, activities and facilities;
- (f) Collect funds generated by its recreation programs, activities and facilities and maintain same in a revolving trust fund, to be under the control of the board and for purposes of defraying the expense of operating, maintaining and improving the recreation programs, activities and facilities;
- (g) Comply with all local policies and regulations, including Princeton ordinances, as well as all applicable state statutes, including, but not limited to the Local Public Contracts Law, Local Finance Law, Open Public Meetings Act and Open Public Records Act;
- (h) Hold regular public meetings to discuss and act on items within its authority as dictated in this article. Said meeting schedule will be established at the first meeting in January of each calendar year, and all meeting shall comply with the Open Public Meetings Act;

- (i) Provide an accounting of the board's activities to the governing body, which at a minimum will include, but not be limited to, programs run, revenue received and expenditures made. From time to time, the governing body may require additional information and/or reporting requirements that the board shall produce;
- (j) Promulgate and adopt bylaws for governing its own affairs; and
- (k) Such other powers and authority as is provided pursuant to *N.J.S.A.* 40:12-1 through 40:12-15, inclusive, except that the board shall not have the authority to acquire lands for public playgrounds and recreation places without the prior authorization of the governing body, and title to any such land so acquired shall be taken in the name of the municipality.

Sec. 16-3. Executive director; appointment; duties.

In accordance with section 16-2 above, the board of recreation commissioners shall appoint an executive director who shall serve under, and report to, the board and the administrator. The director shall be the head of the recreation department, and shall be subject to all Princeton policies and procedures, including but not limited to personnel policies. The director shall serve until the appointment and qualification of his or her successor, and shall receive such compensation as may be provided for by the governing body in the salary ordinance. The director shall:

- (a) Develop, oversee and administer recreation programs and activities;
- (b) Manage, control and maintain the facilities used in connection with the recreation programs and activities;
- (c) Be responsible to, and consult regularly with, the board and the administrator for compliance with the budget and all financial, personnel and purchasing policies;
- (d) Manage, oversee and direct employees appointed by the board, in consultation with the board;
- (e) As head of the recreation department, manage, oversee and direct the day-to-day operations of the municipal employees assigned to the recreation department;
- (f) Attend all meetings of the board and respond to the direction of the board;
- (g) Administer, implement and enforce personnel, organizational and policy decisions for the recreation department;
- (h) Submit to the governing body an annual report of the work of the executive director and of the department for the benefit of the public, and shall prepare and submit such other reports as may be requested from time to time by the governing body or administrator;

- (i) Upon consultation with the board, prepare and recommend to the governing body an operating budget for the board and the recreation department for each calendar year; and
- (j) Perform such additional duties as may be requested by the board and the administrator.

Article II. General Provisions; Rules and Regulations for Parks and Recreation Areas.

Sec. 16-4. Definitions.

As used this article, the following terms shall have the following meaning:

“Active recreation” shall mean play or instruction requiring equipment by an individual, a league, or a group utilizing areas such as playing fields and courts, playgrounds, jogging areas, bicycle paths, horseback riding, designated dog areas, ponds, barbecue areas and pavilions.

“Animals” shall mean any animals within the jurisdiction of a park, including but not limited to cats, dogs, deer, horses, fowl or birds.

“Board of recreation commissioners” or *“board”* shall mean the board of recreation commissioners, created by section 16-1 above.

“Passive recreation” shall mean activities that are less rigorous and active than those that constitute active recreation, such as hiking and picnicking.

“Path” shall mean any footpath, walk, or any passageway maintained for use by pedestrians.

“Pedestrian” shall mean a person on foot.

“Permit” shall mean any written license or permission issued by or under the authority of the municipality permitting a specific event or activity in Princeton.

“Parks and/or recreation areas” shall mean all the real property, facilities and structures situated in Princeton acquired by or under the jurisdiction and care of the board and municipality, or that is hereafter acquired by it or comes under their jurisdiction, namely all parks, playgrounds, recreational facilities, trails, open space, and any other areas or facilities designated by Princeton to be used for both active and passive recreation.

“Private road or drive” shall mean every road or lane or driveway generally not open to public use.

“Right-of-way” shall mean the privilege of the immediate use of a roadway, drive or path.

“Safety zone” shall mean any space (within a roadway or drive) established for pedestrian use.

"Skate Park" shall mean that portion of Hilltop Park wherein a facility has been constructed for skateboarding.

"Stopping or standing" when prohibited shall mean any cessation of movement of a vehicle occupied or not except when necessary to avoid conflict with other traffic.

"Traffic" shall mean pedestrians, ridden or herded animals, vehicles, either singly or together.

"Vehicle" shall mean any conveyance (except a baby carriage or stroller, in use for the transport of a baby or child) including but not limited to motor vehicles, bicycles, tricycles, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power.

Sec. 16-5. Scope.

This article shall be effective within all the parks and recreation areas, as defined in section 16-4, under the administration of the municipality and the board of recreation commissioners, and to the extent specified elsewhere in this article or chapter, to public plazas, public open spaces and to the Mountain Lakes Preserve, and shall regulate the use thereof by all persons.

All persons using parks and recreation areas must obey the provisions of this article, Princeton ordinances, other chapters of this Code and New Jersey statutes and regulations incorporated herein, and the posted rules and regulations established for the proper, effective and safe utilization of the parks and recreation areas.

No provision of this article shall make unlawful any act necessarily performed by any officer or employee of the municipality or board of recreation commissioners, or any designated agent in line of duty or work as such, or by any person or his or her employees or agents in the proper and necessary execution of the terms of any agreement with the municipality or board of recreation commissioners, or a designated agent of either.

Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

Sec. 16-6. Prohibited uses of the Princeton parks and recreation areas; general regulations and restrictions.

(a) *Advertising.* No person shall post, paint, affix, distribute, hand out, deliver, place, cast, leave about or display any bill, billboard, placard, ticket, handbill, circular, flag, banner, transparency, target, sign or any other matter for advertising purposes, nor shall any person operate any musical instrument, or use any sound-making or amplifying device for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display, unless he or she complies with chapter 14, entitled "Peddling, Soliciting and Related Activities," and obtains a permit therefor, as required by chapter 14, section 14-3. Any such activity shall only be permitted to the extent the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the park or recreation area.

(b) *Peddling and soliciting.* No person shall solicit for any purpose, nor shall any person sell or offer for sale any object or merchandise or any other thing within the parks and recreation areas, unless he or she complies with chapter 14, entitled "Peddling, Soliciting and Related Activities," and obtains a permit therefor, as required by chapter 14, section 14-3. Any such activity shall only be permitted to the extent the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the park or recreation area.

(c) *Animals.*

1. No person owning or in charge of an animal shall permit that animal to run at large. For purposes of this section, "run at large" shall refer to an animal not securely confined by an adequate leash of not more than eight (8) feet long and under the control of its owner or other responsible person whenever the animal is off its owner's or custodian's property. An animal shall not run at large on any public land.
2. Any person owning or in charge of a dog must immediately remove all dog feces deposited on park and recreation areas, including dog parks, by placing it in a bag to be sealed and removed from the area.
3. Dogs, cats and other domestic animals shall not be permitted to be in John Street Public Park, Mary Moss Playground, Potts Park, Barbara Boggs Sigmund Playground, Maggie's Playground and the Pine Street Park Playground.
4. No horse shall be driven or ridden in a park or recreation area except on and along any pipeline right-of-way of Trans-Continental Gas Pipe Line Co.
5. No person shall molest, kill, wound, trap, take, chase, shoot or throw projectiles at, or remove, or have in his possession any animal, reptile, bird or eggs, or knowingly buy, receive, have in his or her possession, sell or give away any such animal, reptile, bird or eggs so taken, except that nothing in this section shall be deemed to apply to any agent specifically authorized by resolution of the municipality to hunt white-tailed deer for deer management purposes.
6. No person shall fish in any of the lakes, ponds, streams or canals bordering or within a park or recreation area without a valid state fishing license, and only during the seasons established by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife. No person shall kill, wound, discharge or throw projectiles at any fish in such waters, or place therein any piscivorous fish, poison or any other substances injurious to fish.

(d) *Alcoholic Beverages.* No person or group shall bring, possess, sell, buy, give away or consume any alcoholic beverages in any park or recreation area at any time, except as follows:

1. In connection with an organized function or social affair for which express prior permission has been received in writing from the governing body and the requisite permit obtained from the Director of the Division of Alcoholic Beverage Control, subject to any terms and restrictions relating to the public safety and general welfare of the municipality; or
2. At the main dwelling unit located within the Mountain Lakes Preserve, when authorized by a special alcoholic beverage permit.

(e) *Barbecues and Cooking Fires.* No person shall build, light or maintain a fire within a park or recreation area except in a grill or fireplace provided and designated for that purpose by the municipality, subject to the following:

1. All fires shall be continuously under the care and direction of a competent adult from the time they are kindled until they are extinguished.
2. No cigar, cigarette, or lighted match shall be discarded carelessly or in a manner which may start a fire.
3. Only charcoal shall be used for cooking fires in the permanent barbecue grills.
4. No barbecue fire shall be left unattended and all fires shall be extinguished immediately after use.

(f) *Motorized Vehicles.* The operation of any state-licensed motorized vehicles, including mopeds and motorcycles, is restricted to designated park roadways and parking areas. Operation of any other motorized vehicle, including snowmobiles, all-terrain vehicles and mini-bikes, is prohibited in any area designated by the board or Princeton as a park or recreation area, with the exception of municipal vehicles. Authorized motorized vehicles shall only be parked in areas and spaces clearly and specifically marked with striping and/or signage or directed by the police or another authorized representative of the municipality. During periods of darkness said vehicles shall have parking lights in operation. No vehicles shall be parked in the parking areas or otherwise left in any park or recreation area except when the parks and recreation areas are open.

(g) *Disorderly Conduct/Petty Disorderly Conduct.* No person shall engage in rough or disorderly conduct which endangers the safety, health or well-being of another, including but not limited to the following:

1. No person shall throw stones or other projectiles so as to annoy or injure other persons.
2. No person shall climb or stand upon any wall, fence, shelter, seat, statue or other structure not constructed for such.
3. No person shall litter in the parks, or deposit on the ice or in the ponds any matter that would tend to damage the ice for skating or pollute the ponds.
4. No person shall fail to obey, or interfere with a police officer, animal control officer or other board or Princeton employee in the proper performance of duties within a park or recreation area.
5. No person shall remove or open permanent or temporary barriers, signs, directionals, gates or fences.
6. No person shall, by any means or instrumentality, threaten or coerce action from another individual, so as to interfere with the individual's lawful use of the parks and recreation areas.

(h) *Explosives.* No person shall bring into, or have in possession, at said parks any fireworks or any other explosives, including any substance, compounds, mixture or article having properties of such a character that alone or in combination or conjunction with other substances or compounds, may decompose suddenly and generate sufficient heat, gas or pressure, or any or all of them to produce rapid flaming, combustion, or administer a destructive blow to surrounding objects.

(i) *Firearms and weapons.* No person shall carry or possess firearms of any description; or air rifles, spring guns, bows and arrows, slings or any other form of weapon (concealed or not) 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 prohibited.

(j) *Property Damage.* No person shall:

1. Injure, deface, displace, remove, fill in, raise, destroy, damage or tamper with any public property located in any park or recreation area, real or personal, including but not limited to trees, plants, pavements, equipment, buildings, signage and furnishings.
2. Take up or remove or carry away any rock, stone, gravel, sand, clay or earth, or make any excavation of any kind, name or nature.
3. Throw or place any foreign or waste substance in any lake, river, lagoon, stream, storm sewer, or drain of the parks or leading into or bordering upon the aforementioned or any substance, matter, or thing which may or shall result in the pollution of said waters.
4. Injure trees, shrubs, and grass, or destroy, cut, break, deface, mutilate, disturb, sever or remove from the ground, any plant, flower, growing thing, stem, branch or leaf thereof, or:
 - a. Pile debris of any kind against same; or
 - b. Attach any rope or cable or other contrivance thereto, except that nothing in this subsection shall be deemed to apply to any agent specifically authorized by the municipality to hunt white-tailed deer for deer management purposes; or
 - c. Set fire or assist in setting a fire to any of the same; or
 - d. Ride or hitch horses or any other animal over or to any of the same.

(k) *Rubbish and refuse matter; household refuse.*

1. No person shall take into, leave in, or throw, drop or discharge in a park or recreation area any rubbish, refuse, garbage or other obnoxious material.
2. No person shall transport or dump household refuse into public receptacles located within any park or recreation area.

(l) *Closing hours.* No person shall enter or remain in a park past closing hours (dusk), except as may be authorized such as in the case of the permitted use of lighted recreation areas.

- (m) *Opening hours.* No person shall enter or remain in a park before opening hours (dawn), except as may be authorized such as in the case of the permitted use of lighted recreation areas.
- (n) *Minors.* No parent or guardian or custodian of any minor shall permit or allow a minor to do any act prohibited by this article.
- (o) No person shall engage in golfing or practice golf shots except as may be authorized by the appropriate municipal officer or duly authorized agent.
- (p) No person shall engage in boating except as may be authorized by the appropriate municipal officer or duly authorized agent.
- (q) No person shall engage in wind surfing, sail boating, motor boating or the use of jet skis or wave runners, except as may be authorized by the appropriate municipal officer or duly authorized agent.
- (r) No person shall engage in scuba diving or spear fishing.
- (s) No person shall engage in archery except as may be authorized by appropriate municipal officer or duly authorized agent.
- (t) No person shall swim or wade except at the Community Park Pools and the John Street Wading Pool, and as authorized by appropriate municipal officer or duly authorized agent.
- (u) No person shall wash automobiles or of other motor vehicles, or vehicles propelled by other than muscular power.
- (v) No person shall sled or ski except as authorized by the appropriate municipal officer or duly authorized agent.
- (w) No person shall engage in model airplane flying except as may be authorized by the appropriate municipal officer or duly authorized agent.
- (x) No person shall skateboard, except within the Hilltop Park Skate Park, in accordance with the requirements of section 16-8 of this chapter.
- (y) No person shall feed wildlife as prohibited in section 16-7 below.
- (z) No person shall gamble.

- (aa) No person shall pitch or otherwise utilize tents or other temporary shelter for camping.
- (bb) No person shall enter or leave park facilities except at established entrances and exits.
- (cc) No person shall bring, carry or cause to be brought into the parks and recreation areas any glass bottles or other glass containers except upon written permission from an authorized officer of the municipality.
- (dd) *Ice skating.* No person shall use any body of water in any recreation area for ice skating, except on the areas of the ponds specifically authorized for same located in Community Park North Park and Barbara Smoyer Memorial Park. In addition, no person shall go upon ice in any authorized ice skating area with or without skates other than between 10:00 A.M. and dusk, and only to the extent authorized by signage or instructions for safety purposes in the permitted skating areas.

Sec. 16-7. No wildlife feeding.

It shall be unlawful for any person to:

(a) Feed, in any park or recreation area, or on any other property owned or operated by the municipality, any wildlife, excluding confined wildlife (for example, wildlife confined to zoos, parks or rehabilitation centers, or unconfined wildlife at environmental educational centers).

(b) For purposes of this section, the following terms, phrases, words and their derivatives shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the text, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

1. "*Feed*" shall mean 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 nor shall it be deemed to apply to any agent specifically authorized by the municipality to hunt white-tail deer for deer management purposes.

2. "*Wildlife*" shall mean all animals that are neither human nor domesticated.

(c) This section shall be enforced by the police department. Any person found in violation of this section shall be ordered to cease the feeding immediately and be subject to penalties and fines as provided for in section 1-6 of this Code.

Sec. 16-8. Hilltop Skate Park.

In addition to the regulations provided for in the other sections of this article, the following regulations shall pertain to the skateboarding facility within Hilltop Park:

- (a) The Skate Park is open dawn to dusk daily, weather and conditions permitting. In addition, if the gate to the Skate Park is locked, the Skate Park shall not be considered open and public access shall not be authorized.
- (b) Skaters must be at least seven years old to use the Skate Park; skaters seven through ten years old must be supervised by a parent/guardian.
- (c) Only skateboards, scooters and inline skates are permitted.
- (d) No bikes are permitted.
- (e) No graffiti, tagging or stickers.
- (f) No pets inside the Skate Park.
- (g) No food or drink inside the Skate Park.
- (h) Non-skaters are not allowed inside the Skate Park.
- (i) No personal ramps, boxes, or other skate elements allowed.
- (j) Profanity and obscene language/behavior is not allowed.
- (k) Skaters must wear at all times helmets, elbow pads and knee pads.

Sec. 16-9. Mountain Lakes Preserve.

In addition to the regulations provided for in the other sections of this article, the following regulations shall pertain to the Mountain Lakes Preserve:

- (a) No person shall harm, hunt, trap or harvest and remove from the Mountain Lakes Preserve any animals, except for (1) fishing with a valid fishing license during the seasons established by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife; (2) such limited and controlled wildlife management activities under the supervision of the municipality as may be necessary to keep the animal population within the numbers consistent with the ecological balance of the area or for public health, safety and welfare purposes; or (3) a certified animal control officer acting under the authority of *N.J.S.A. 4:19-15.16* for community safety purposes as it relates to animal control.

Sec. 16-10. Permits.

A permit authorizing a person or organization the exclusive use of a designated park facility or recreation area in which such reservation is specifically authorized by the board may be granted upon written application to the executive director of the recreation department, payment of the permit fee set forth below and satisfaction of the requirements of this section. All conditions of the permit approval must be adhered to and any violation thereof, the rules and regulations set forth in

this chapter governing the use of parks and recreation areas, or false statements on the application, shall constitute grounds for its revocation by the municipality.

Permits shall only be permitted in park facilities and recreation areas designated by the executive director as appropriate for same.

In addition, the following shall apply:

- (a) A permit shall be obtained by application to the executive director, which application shall contain the following:
 - 1. The name and address of the applicant;
 - 2. The name and address of the person, persons, corporations or associations sponsoring the activity, if any;
 - 3. The day and hours for which the permit is desired;
 - 4. The park or portion thereof for which the permit is desired;
 - 5. The specific activity or use for which the permit is necessary, including the number of persons to be covered by such permit; and
 - 6. A fee in the amount of forty (\$40) per use. The fee shall be used to compensate the municipality for the cost of administering this section, including the regulation of the conduct of the permittee.

- (b) The executive director shall consider such application and, within fifteen (15) days of receipt of a complete application, including the hold harmless agreement and insurance certificate required below, either grant or deny the application. The decision of the executive director shall be transmitted to the applicant shown on the application. The standards for issuance of such permit by the executive director shall include the following:
 - 1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park, nor will it detract from the promotion of public health, welfare, safety and recreation; and
 - 2. That the recreation area or facility desired has not been reserved for other use at the date and hour requested by the application.

- (c) Any person aggrieved by the decision of the executive director as hereinabove provided, shall have the right to appeal to the administrator by serving written notice thereof on the municipal clerk within five (5) days of notification of the decision of the executive director. A copy of such notice shall also be served on the executive director within the same time and he or she shall immediately forward the application and the reasons for its refusal to the administrator who shall consider the appeal under the application standards set forth in this section and sustain or overrule

the decision of the executive director within ten (10) days from receipt of the appeal by the municipal clerk.

- (d) The person to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatsoever by reason of the negligence or intentional act of the person, its agents, servants, employees or guests, to whom the permit was issued. All permittees shall be required to submit a signed and duly authorized hold harmless agreement in a form prescribed by the executive director.
- (e) All permittees shall furnish the executive director with a certificate of insurance confirming general liability insurance with coverage for bodily injury and property damage of at least one hundred thousand (\$100,000.00) dollars combined single limit each occurrence, naming Princeton and the board, and their employees, officers, agents and servants as additional insured, and further confirming that the permittee's insurance is primary insurance for the municipality and board and as to any other insurance that may be in force as to the municipality and board.
- (f) The executive director or his or her designee shall have the authority to revoke any permit upon a finding of violation of any rule, regulation or ordinance or upon good cause shown.
- (g) Notwithstanding any other provisions of this section, the chief of police or his or her designee shall be authorized to revoke a permit issued hereunder when, during the course of the activity for which the permit has been issued, the safety of any persons or the safety of personal property, including that of the municipality, is in clear and immediate danger as a result of the activity authorized by the permit. Where such permit has been revoked or where persons and personal property are endangered as set forth above by a person or persons who do not possess such permit, the chief of police or his or her designee is authorized to require that such person or persons leave the park area and take all steps necessary to eliminate the condition which endangers persons or personal property.

Sec. 16-11. Violations and penalties.

Except for conduct which would constitute a crime or an offense under the criminal laws applicable in the municipality, which would be subject to more substantial penalties, any violation of this chapter shall be subject to the penalty provisions of section 1-6 of this Code.

Sec. 16-12. Validity.

The invalidity of any of the sections of this chapter shall not affect the validity and enforceability of the remaining sections.

Sec. 16-13. Posting of regulations.

The provisions of this article or a summary thereof shall be conspicuously posted at each entrance to the parks and recreation areas where effective and at such other places as the department of infrastructure and operations or recreation department, or a designated agent of either, shall deem advisable.

Article III. Princeton Athletic Code of Conduct.

Sec. 16-14. Code of conduct for recreation athletics programs; violations of code of conduct.

(a) The board of recreation commissioners, in consultation with the governing body, is hereby authorized to approve and adopt an athletic code of conduct applicable to all sporting activities that take place on park and recreation lands in the municipality. The athletic code of conduct shall apply to all athletes, parents/legal guardians, coaches and officials involved in any of the sports activities involving the board and recreation department. Said athletic code of conduct shall address coaches' certification requirements, the type of background checks that will be undertaken and completed for all coaches, and rules and regulations that will encourage all participants in athletic events to practice good sportsmanship and to demonstrate fairness, respect and self-control while engaged in any athletic activity. The board of recreation commissioners is hereby authorized to develop a form of athletic volunteer application, subject to the approval of the executive director, who shall cause copies of the athletic code of conduct to be made available to all those participating in athletic events involving the board and recreation department.

(b) In addition to being subject to fines and penalties for conduct which violates this Code, any Princeton ordinance or any other law, any person violating the athletic code of conduct may be banned from any subsequent athletic event.

Article IV. Public Plazas and Public Open Spaces.

Sec. 16-15. Public Plazas.

Public plazas shall include: Albert E. Hinds Community Plaza, Phyllis L. Marchand Plaza and plaza adjacent to 1 Monument Drive, and any other areas so designated by resolution of the municipality.

Sec. 16-16. Dogs, cats and other animals.

No dogs, cats or other animals shall be permitted in any public plaza at any time, except for service dogs.

Sec. 16-17. Automobiles, motorcycles and motorized bicycles.

No person shall operate any automobile, motorcycle or motorized bicycle in any public plaza, but this section shall not apply to vehicles owned and operated by the municipality.

Sec. 16-18. Gambling.

Gambling of any kind is prohibited in any public plaza.

Sec. 16-19. Disorderly conduct.

No person shall engage in any rough or disorderly conduct which endangers the safety, health or well-being of another who is using any public plaza, as described and prohibited in subsection 16-5(g) of this chapter.

Sec. 16-20. Use of bicycles and skateboards.

No person shall ride a bicycle or skateboard in a public plaza, nor shall a person park a bicycle therein other than a designated bicycle parking area.

Sec. 16-21. Alcoholic beverages.

No alcoholic beverage shall be permitted in any public plaza except as may be authorized in subsection 16-5(d)1 of this chapter.

Sec. 16-22. Garbage and trash.

No person shall deposit any newspaper, bottle or other container, garbage, trash, rubbish, litter or other refuse in any public plaza other than in a receptacle provided for that purpose.

Sec. 16-23. Public plaza property.

No person shall mutilate, damage or destroy, or without authorization remove, any public plaza property, including trees, plants, pavements, equipment and furnishings.

Sec. 16-24. Smoking and fires in a public plaza.

Smoking is prohibited within public plazas and signs shall be posted to advise the public of this prohibition. No person shall light or maintain any other fire in a public plaza.

Sec. 16-25. Public open spaces.

For the purpose of this chapter, public open space shall be defined as that portion of private lands which have been made open to the public for their use and enjoyment by the owner of said lands, in connection with zoning approvals, dedication of said lands or similar means. Where the owner of said lands has filed a written request with the municipality that the provisions of this chapter shall be made applicable to these public open spaces, then the provisions of this chapter, with the exception of that dealing with hours of operation, shall, in the discretion of the municipality, be made applicable thereto.

Article V. Ice-Borne Activity on Lake Carnegie.

Sec. 16-26. Ice-borne activity on Lake Carnegie - Findings and purpose.

The council finds that Lake Carnegie, although privately owned, is a place of public resort and recreation that is used by many persons, both children and adults, for ice skating and other ice-borne activity; that such use extends throughout the lake's length of more than three miles, thus making it difficult to provide surveillance and enforce safety regulations for ice-borne activity; that there have been accidents on the lake, including deaths, caused by persons breaking through the ice; and that the owner of the lake has requested the municipality to restrict the use thereof in the public interest.

It is therefore the purpose of the council, in the exercise of the police power, to restrict ice-borne activity on Lake Carnegie to an area that is manageable for regulatory purposes and thereby to promote the public health, safety and welfare.

Sec. 16-27. Prohibited areas; permitted hours.

No person shall go upon ice on Lake Carnegie, with or without skates, ice-boat or vehicle other than between 10:00 A.M. and dusk and only to the extent authorized by signage or instructions for safety purposes in the permitted skating areas, on that part of the lake lying between the Washington Road bridge and the Harrison Street bridge. This limitation shall be conspicuously posted in the areas where effective.

Sec. 16-28. Persons exempt.

The provisions of section 16-27 shall not apply to persons engaged in emergency operations, maintenance functions duly authorized by the owner or regulatory functions duly authorized by any governmental agency.

§ 24A-1.	Applicability.
§ 24A-2.	Hours of operation of public parks.
§ 24A-3.	Dogs, cats and other animals.
§ 24A-4.	Automobiles, motorcycles and motorized bicycles.
§ 24A-5.	Gambling.
§ 24A-6.	Disorderly conduct.
§ 24A-7.	Use of bicycles and skateboards.
§ 24A-8.	Alcoholic beverages.
§ 24A-9.	Garbage and trash.
§ 24A-10.	Park and public plaza property.
§ 24A-11.	Camping structure.
§ 24A-12.	Fires.
§ 24A-13.	Public open spaces.
§ 24A-14.	Smoking in the public plaza.
§ 24A-15.	Enforcement.

Sec. 24A-1. Applicability.

This chapter shall apply to all public parks and public plazas located in and operated by or under the authority of the borough. The playgrounds covered by this chapter are as follows: Mary Moss Playground, located in the John Street Public Park; Potts Park; Harrison Street Park; Barbara Boggs Sigmund Playground, located on Hamilton Avenue; Maggie's Playground, located in Quarry Park on Spruce Street; and the Pine Street Park Playground. The plaza shall include the public plaza adjacent to the Princeton Public Library on Witherspoon Street. This chapter shall also apply to public open spaces, as herein defined by this chapter and under such terms and conditions as set forth herein. (Ord. No. 78-15, § 1; Ord. No. 92-10, § I; Ord. No. 2005-09, § I.)

Sec. 24A-2. Hours of operation of public parks.

Parks shall be open daily from 8:00 A.M. to 10:00 P.M., and no unauthorized person shall be in a park at any other time. Playgrounds which are located in public parks shall be open daily from 8:00 A.M. to dusk and no unauthorized person shall be in a playground at any other time. Hours of public access to the public plazas and public open spaces are unlimited. (Ord. No. 78-15, § 1; Ord. No. 99-12, § I; Ord. No. 2005-09, § I.)

Sec. 24A-3. Dogs, cats and other animals.

No person who owns or harbors any dog, cat or other domestic animal shall suffer or permit such dog, cat or other animal to be in any park or public plaza at any time, except for service dogs. Notwithstanding the foregoing, dogs under the control of a leash shall be permitted in Harrison Street, Marquand and Quarry Parks with the exception of Maggie's Playground within Quarry Park. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I; Ord. No. 2009-11, § I.)

Sec. 24A-4. Automobiles, motorcycles and motorized bicycles.

No person shall operate any automobile, motorcycle or motorized bicycle in any park or public plaza or park any such vehicle other than in a designated parking area in a public park, but this section shall not apply to vehicles owned by the borough. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-5. Gambling.

Gambling of any kind is prohibited in any park or public plaza. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-6. Disorderly conduct.

No person shall engage in any rough or disorderly conduct that endangers the safety, health or morals of another who is using any park or park facilities or public plaza. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-7. Use of bicycles and skateboards.

No person shall use a bicycle or skateboard in a public plaza nor shall park any bicycle in any park in other than a designated bicycle parking area. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-8. Alcoholic beverages.

No intoxicating liquor or beverage shall be permitted in any park or public plaza except with the approval of mayor and council first obtained. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-9. Garbage and trash.

No person shall deposit any newspaper, bottle or other container, garbage, trash, rubbish, litter or other refuse in any park or public plaza other than in a receptacle provided for that purpose. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-10. Park and public plaza property.

No person shall mutilate, damage or destroy, or without authorization remove, any park or public plaza property, including trees, plants, pavements, equipment and furnishings. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-11. Camping structure.

No person shall bring any tent, shack, or other temporary shelter into any park for the purpose of overnight camping. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-12. Fires.

No person shall light or maintain any fire in any park except in facilities provided for such purpose. No person shall light or maintain any fire in a

public plaza. (Ord. No. 78-15, § 1; Ord. No. 2005-09, § I.)

Sec. 24A-13. Public open spaces.

For the purpose of this chapter, public open space shall be defined as that portion of private lands which have been made open to the public for their use and enjoyment by the owner of said lands, in connection with zoning approvals, dedication of said lands or similar means. Where the owner of said lands has filed a written request with the borough that the provisions of this chapter shall be made applicable to these public open spaces, then the provisions of this chapter, with the exception of that dealing with hours of operation, shall, in the discretion of the borough, be made applicable thereto. (Ord. No. 92-10, § I; Ord. No. 2005-09, § I.)

Sec. 24A-14. Smoking in the public plaza.

Smoking shall be prohibited within public plazas and signs shall be posted to advise the public of this prohibition. (Ord. No. 2005-09, § II.)

Sec. 24A-15. Enforcement.

Except for conduct which would constitute disorderly conduct or the improper destruction of public property, which would be subject to more substantial penalties, any violation of this chapter shall be enforced as a municipal code violation subject to the penalties provided by Section 1-6 of the Borough Code. (Ord. No. 2005-09, § III.)

CHAPTER 24A. PARKS AND PUBLIC PLAZAS - REGULATION OF CONDUCT

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CHAPTER 16. RECREATION AND PARKS.¹

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Article I. In General.

Sec. 16-1. Joint meeting² - Authorized.

A joint contract is hereby authorized to provide for the formation of a joint meeting pursuant to the Revised Statutes of New Jersey, section 40:48B-1 et seq., by and between the Borough of Princeton and the township, for the joint planning, development and operation of recreational facilities, programs and activities. The joint meeting, subject to the terms, conditions and limitations of the joint contract, shall have and exercise the powers conferred by state law. (Ord. No. 528, § 1; Ord. No. 88-21, § 1.)

Sec. 16-2. Same-Name.

The joint meeting authorized by the preceding section shall be known as the Joint Recreation Board of Princeton Borough and Township. (Ord. No. 528, § 2; Ord. No. 88-21, § 1.)

Sec. 16-3. Same-Composition; membership; board of trustees to have ultimate authority.

The joint meeting shall consist of a management committee of two members, one appointed by the governing body of each municipality, and a board of trustees. The board of trustees shall consist of the members of the management committee and six additional trustees, three of whom shall be appointed by the governing body of each municipality. In the exercise of its statutory powers, the management committee shall be limited to such policies, practices and procedures as shall be approved by the board of trustees, pursuant to the joint contract. (Ord. No. 528, § 3; Ord. No. 88-21, § 1.)

Sec. 16-4. Same - Functions.³

The joint meeting shall plan, develop, administer and operate the area known as Community Park, and such additional areas, facilities and projects as may be assigned and transferred to it by resolution of either governing body, subject to contractual provisions for the apportionment of cost. (Ord. No. 528, § 4; Ord. No. 88-21, § 1.)

Sec. 16-5. Repealed by Ord. No. 58-21, § 1.

Sec. 16-6. Ice-borne activity on Lake Carnegie - Findings and purpose.

The township committee finds that Lake Carnegie, although privately owned, is a place of public resort and recreation that is used by many persons, both children and adults, for ice skating and other ice-borne activity; that such use extends throughout the lake's length of more than three miles, thus making it difficult to provide surveillance and enforce safety regulations for ice-borne activity; that there have been accidents on the lake, including deaths, caused by persons breaking through the ice; and that the owner of the lake has requested the township to restrict the use thereof in the public interest.

It is therefore the purpose of the township committee, in the exercise of the police power, to restrict ice-borne activity on Lake Carnegie to an area that is manageable for regulatory purposes and thereby to promote the public health, safety and welfare. (Ord. No. 750, § 1; Ord. No. 88-21, § 1.)

Sec. 16-7. Same - Prohibited areas.

No person shall go upon ice on Lake Carnegie, with or without skates, ice-boat or vehicle; except, that part of the lake lying between the Washington Road bridge and the Harrison Street bridge. This prohibition shall be conspicuously posted in the areas where effective. (Ord. No. 750, § 1; Ord. No. 88-21, § 1.)

Sec. 16-8. Same - Persons exempt.

The provisions of section 16-7 shall not apply to persons engaged in emergency operations, maintenance functions duly authorized by the owner or regulatory functions duly authorized by any governmental agency. (Ord. No. 750, § 1; Ord. No. 88-21, § 1.)

Sec. 16-9. Same - Other regulations not affected.

Nothing in sections 16-6 through 16-8 shall be construed to alter, amend, supersede, annul or affect any regulations governing ice-borne activity on that part of Lake Carnegie lying between the Washington Road bridge and the Harrison Street bridge. (Ord. No. 750, § 1; Ord. No. 88-21, § 1.)

Article II. Rules and Regulations for Parks.

Sec. 16-10. Definitions.

"Animals" shall include cats, dogs, deer, horses, any fowl or birds - any living creatures within the jurisdiction of the park.

"Municipality" shall be the Township of Princeton within which any portion of said park is situated.

"Path" shall mean any footpath, walk, or any path maintained for pedestrians.

"Pedestrian" shall mean a person afoot.

"Permit" shall mean any written license issued by or under the authority of the township or designated agent permitting a special event or activity on park facilities and grounds.

"Person" shall mean any natural person, corporation, company, association, joint stock association, firm or copartnership.

"Princeton Parks/Reservations" shall mean all the real property situated in Princeton Township acquired by or under the jurisdiction and care of the township or designated agent or which may be hereafter acquired by it or come under its jurisdiction.

"Private road or drive" shall mean every road or lane or driveway not open to the use of the public in general

"Right-of-way" shall mean the privilege of the immediate use of the roadway, drive, path.

"Safety zone" shall mean any space (within a drive) established for pedestrian.

"Skate Park" shall mean that portion of Hilltop Park wherein a facility has been constructed or skateboarding.

"Stopping or standing" when prohibited shall mean any cessation or movement of a vehicle occupied or not except when necessary to avoid conflict with other traffic.

"Traffic" shall mean pedestrian, ridden or herded animals, vehicles, either singly or together, while in the confines of the park's jurisdiction.

"Vehicle" shall mean any conveyance (except baby carriage) including motor vehicles, bicycles, tricycles, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power.

(Ord. No. 88-21, § 3; Ord. No. 2008-22, § 1.)

Sec. 16-11. Construction.

The interpretation of any provision of this article shall be construed as follows:

(a) Any term in the singular shall include the plural.

(b) Any term in the masculine shall include the feminine and neuter.

(c) Any requirements or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.

(d) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the municipality or designated agent in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the municipality or designated agent.

(e) Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

(Ord. No. 88-21, § 3.)

Sec. 16-12. Territorial scope.

This chapter shall be effective within all the parks and reservations under the administration of the township or designated agent and regulate the use thereof by all persons. (Ord. No. 88-21, § 3.)

Sec. 16-13. Prohibited uses of the Princeton parks and reservations.

(a) Advertising. No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement or any of the following without the written permission of the municipality or designated agent:

(1) Display any flag, banner, transparency, target, sign, placard or any other matter for advertising purposes.

(2) Operate any musical instrument, soundtrack, or drum for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display without the written permission of the municipality or designated agent.

(b) Soliciting. No person shall solicit for any purpose as regulated by Chapter 14 of this Code.

(c) Animals. No person shall cause or permit any animal owned by him, in his custody or under his control, to go or be at large or threaten or menace another person or domestic animal.

(1) Dogs shall be restrained by a leash not to exceed sixteen feet in length.

(2) No horse shall be driven or ridden in a park or reservation except on and along any pipeline right-of-way of Trans-Continental Gas Pipe Line Co.

(3) No person shall discharge a firearm or bow, hunt, molest, kill, wound, trap, take, chase, shoot or throw missiles at, remove, or have in his possession any animal, reptile or bird, or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or eggs so taken, except that nothing in this section shall be deemed to apply to any agent specifically authorized by the township to hunt white-tailed deer for deer management purposes.

(4) No person shall fish in any of the lakes, ponds, streams or canals bordering or within the park or reservation unless he has a state license. No person shall kill, wound, discharge or throw missiles at any fish in such waters, or place therein any piscivorous fish, poison or any other substances injurious to fish.

(d) Disorderly conduct. No disorderly conduct as defined by the New Jersey Criminal Code, N.J.S.A. 2C, including, but not limited to:

(1) No person shall throw stones or other missiles so as to annoy other persons.

(2) No person shall climb or stand upon any wall, fence, shelter, seat, statue or other erection.

(3) No person shall enter or leave park facilities except at established entrances and exits.

(4) No person shall litter in the park, or deposit on the ice or in the ponds any matter that would tend to damage the ice for skating or pollute the ponds.

(5) No person shall fail to obey or interfere with a police officer or employee in the proper performance of his duties.

(6) No person shall remove or open permanent or temporary barriers, signs, directionals, gates or fences.

(7) No person shall bring, carry or cause to be brought into the parks and recreation areas any glass bottles or other glass containers except upon special permission of the township or designated agent.

(8) No person shall, by any means or instrumentality, threaten or coerce action from another individual, so as to interfere with the individual's lawful use of the parks and recreation areas.

(e) Explosives. No person shall bring into, or have in possession, at said parks any firecrackers or any other explosives, including any substance, compounds, mixture, or article having properties of such a character that alone or in combination or conjunction with other substances or compounds, may decompose suddenly and generate sufficient heat, gas or pressure, or any or all of them to produce rapid flaming, combustion, or administer a destructive blow to surrounding objects.

(f) Firearms, weapons and tools. No concealed weapons according to the New Jersey Criminal Code, N.J.S.A. 2C, including, but not limited to:

(1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.

(2) Any tools, instruments, skeleton keys, picklocks, jimmies or other things known as burglar tools, except when authorized by law.

(3) Any rifle, shotgun, air gun, spring gun, slingshot, bow, or other instrument or weapon in which the propelling force is a spring or air, excepting the lawful uses of such weapons at places and times prescribed by special permission of the municipality or designated agent.

(g) Fires. No person shall kindle, build, maintain or use a fire, except in places provided for such purposes or where a permit has been issued, subject to the following:

(1) All fires shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.

(2) No fire shall be built within ten feet of any tree or building or beneath the branches of any tree or in any underbrush.

(3) No cigar, cigarette, lighted match shall be discarded carelessly or in a manner which may start a fire.

- (h) Closing hours. All parks will close at dusk.
 - (i) Opening hours. All park areas will open at dawn.
 - (j) Vending. No person shall sell or offer for sale any object or merchandise or any other thing within the parks except by special permit of the municipality or designated agent.
 - (k) Minors. No parent or guardian or custodian of any minor shall permit or allow him to do any act prohibited by this article.
 - (l) Vehicle operation. No person shall drive or operate any vehicle except on roadways or parking areas provided unless permitted by signs or directed by designated employees.
 - (m) Vehicle parking. No person shall park or cause to be parked any vehicle within the parks, except in areas established for parking and designated by signs or directed by designated employees. During periods of darkness said vehicles shall have parking lights in operation. Parking shall be within designated parking areas and between said painted lines.
 - (n) Alcoholic beverages. No person shall drink, take, use or have in their possession or be under the influence of any intoxicating liquors, opiates, narcotics, alcoholic beverages on or within any park under the jurisdiction and supervision of the municipality or designated agent. This prohibition shall not apply to the main dwelling unit located within the Mountain Lakes Reserve when authorized by a special alcoholic beverage permit.
 - (o) No mini bikes and other motorized cycles and vehicles.
 - (p) No golfing and practicing golf shots except as authorized by the municipality or designated agent.
 - (q) No motor boating except as authorized by the municipality or designated agent.
 - (r) No wind surfing and sail boating except as authorized by the municipality or designated agent.
 - (s) No scuba diving or spear fishing.
 - (t) No archery except as authorized by the municipality or designated agent.
 - (u) No swimming, bathing, wading except as authorized by the municipality or designated agent.
 - (v) No washing automobiles.
 - (w) No ice skating, sledding, skiing except as authorized by the municipality or designated agent.
 - (x) No model airplane flying except as authorized by the municipality or designated agent.
 - (y) No snowmobiling.
 - (z) No skateboarding, except within the Hilltop Park Skate Park.
 - (aa) No wildlife feeding as provided for in section 16-15.1 herein below.
- (Ord. No. 88-21, § 3; Ord. No. 95-32, § 1; Ord. No. 2001-20, § 9; Ord. No. 2003-18, § 1; Ord. No. 2005-41, § 1; Ord. No. 2008-22, § 2.)

Sec. 16-14. Regulated uses.

All persons using the park or reservation facilities must obey the posted rules and regulations established for the proper, effective and safe utilization of the said facility. (Ord. No. 88-21, § 3.)

Sec. 16-15. Protection of property.

It shall be unlawful for any person to:

- (a) Throw or place any foreign or waste substance in any lake, river, lagoon, stream, storm sewer, or drain of the parks or leading into or bordering upon the aforementioned or any substance, matter, or thing which may or shall result in the pollution of said waters.
 - (b) Injure trees, shrubs, and grass, or destroy, cut, break, deface, mutilate, disturb, sever or remove from the ground, any plant, flower, growing thing, stem, branch or leaf thereof.
 - (1) Or, pile debris of any kind against same.
 - (2) Or, attach any rope or cable or other contrivance thereto, except that nothing in this subsection shall be deemed to apply to any agent specifically authorized by the township to hunt white-tailed deer for deer management purposes.
 - (3) Or, set fire or assist in setting a fire to any of the same.
 - (4) Or, to ride or hitch horses or any other animal over to any of the same.
 - (c) No person shall injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto, take up or remove or carry away any asphalt, concrete, flagstone, rock, stone, gravel, sand, clay or earth, or make any excavation of any kind, name or nature, or harvest, cut, injure or remove any ice, or injure, deface, displace, remove or destroy any structure, building, post, railing, bench, seat, platform, stand, tree guard, telephone, telegraph, pipe, or main for conducting gas, water or wires, or any hydrant, sewer, drain, pipe, main, receiving basin, covering manhole, vent forming a part thereof or any appurtenance or appendage connected therewith or any other property or equipment, real or personal, owned by or under the jurisdiction or control of the municipality or designated agent, or appertaining to the creation, government, use or maintenance of said parks, or injure, or in any way interfere with the operation of any machine, instrument or contrivance used in said parks, or injure, deface, displace, remove or destroy any sign, inscription, post or monument, erected or marked for any purpose or any mile board, milestone, danger sign or signal, guide sign or post, or any signaling device sanctioned, installed or placed by the municipality or designated agent within the parks for the purpose of direction, restricting or regulating traffic, establishing zones, or giving information or direction to the public, or interfere with any lamp, lamp post, gas or electric apparatus, or extinguish the light therein, except upon proper authority, or without a permit, attach, string, adjust or carry any wire or other object in, on, or over any part of said parks.
 - (d) Rubbish and refuse matter. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into or on said parks any rubbish, refuse, garbage or other material.
- (Ord. No. 88-21, § 3; Ord. No. 2003-18, § 2.)

Sec. 16-15.1. No wildlife feeding.

It shall be unlawful for any person to:

- (a) Feed, in any park or on any other property owned or operated by the township, any wildlife, excluding confined wildlife (for example, wildlife confined to zoos, parks or rehabilitation centers, or unconfined wildlife at environmental educational centers).
 - (b) For purposes of this section, the following terms, phrases, words and their derivatives shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the text, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
 - (1) "Feed" shall mean 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 nor shall it be deemed to apply to any agent specifically authorized by the township to hunt white-tail deer for deer management purposes.
 - (2) "Person" shall mean any individual, corporation, company, partnership, firm, association or political subdivision of the state subject to municipal jurisdiction.
 - (3) "Wildlife" shall mean all animals that are neither human nor domesticated.
 - (c) This section shall be enforced by the police department. Any person found in violation of this section shall be ordered to cease the feeding immediately and be subject to penalties and fines as provided for in section 1-6 of this Code.
- (Ord. No. 2005-41, § 2.)

Sec. 16-15.2. Hilltop Skate Park.

In addition to the regulations provided for in sections 16-13 and 16-15 of article II, chapter 16 of this Code, the following regulations shall pertain to the skateboarding facility within Hilltop Park:

- (a) Skate Park is open dawn to dusk daily.
- (b) Skaters must be seven years old to use the Skate Park; ten years old or younger need parent/guardian supervision.
- (c) Skateboards, scooters and inline skates only (No bikes).
- (d) No graffiti, tagging or stickers.
- (e) No pets inside Skate Park/No food and drink inside Skate Park.
- (f) Non-skaters are not allowed inside Skate Park.
- (g) No personal ramps, boxes, or other skate elements allowed.
- (h) Profanity and obscene language/behavior is not allowed.

(i) Skaters must wear at all times helmets, elbow pads and knee pads.

(Ord. No. 2008-22, § 3.)

Sec. 16-15.3. Mountain Lakes Preserve.

In addition to the regulations provided for in section 16-13 and 16-15 of article II, Chapter 16 of this Code, the following regulations shall pertain to the Mountain Lakes Preserve:

(a) No person shall harm, hunt, trap or harvest and remove from the Mountain Lakes Preserve any animals, except for (1) fishing with a valid fishing license during the seasons established by the New Jersey DEP, Division of Fish and Wildlife; (2) such limited and controlled wildlife management activities under the supervision of the township as may be necessary to keep the animal population within the numbers consistent with the ecological balance of the area or for public health, safety and welfare purposes or (3) a certified animal control officer acting under the authority of N.J.S.A. 40:19-15.16 for community safety purposes as it relates to animal control.

(Ord. No. 2011-17, § 1.)

Sec. 16-16. Permits.

A permit authorizing a person or organization the use of a facility of the municipality may be granted upon written application to the municipality or designated agent and written approval. All conditions of the permit approval must be adhered to and any violation of the terms and conditions, rules, regulations, or falsifications shall constitute grounds for its revocation by the township or its authorized representative. (Ord. No. 88-21, § 3.)

Sec. 16-17. Penalty.

Any person violating any provision of these rules and regulations shall be punishable pursuant to section 1-6 of this Code. (Ord. No. 88-21, § 3.)

Sec. 16-18. Validity.

The invalidity of any of the aforesaid rules and regulations shall not affect the validity and enforceability of the remaining rules and regulations. (Ord. No. 88-21, § 3.)

Sec. 16-19. Posting of regulations.

The regulations set forth in sections 16-10 through 16-18 or a summary thereof shall be conspicuously posted at each entrance to the parks and reservations where effective and at such other places as the engineering department or designated agent shall deem advisable. (Ord. No. 88-21, § 3.)

Article III. Princeton Athletic Code of Conduct.

Sec. 16-20. Code of conduct for recreation sports programs.

Pursuant to N.J.S.A. 5:17-1 et seq., the Joint Recreation Board of Princeton Borough and Township are hereby authorized to adopt by resolution an athletic code of conduct applicable to all sporting activities which take place on recreation lands under the jurisdiction of said board. The athletic code of conduct shall apply to all athletes, parents/legal guardians, coaches and officials involved in any of the sports activities involving the board. Said athletic code of conduct shall address coach's certification requirements, the type of background checks that will be undertaken and completed by the board for all coaches, rules and regulations which will encourage all participants in athletic events to practice good sportsmanship and to demonstrate fairness, respect and self-control while engaged in any athletic activity involving the board. The board is hereby further authorized to develop a form of athletic volunteer application and shall make a copy of the athletic code of conduct available to all those participating in athletic events involving the board. Any person violating the athletic code of conduct shall be subject to fines and penalties as prescribed in section 1-6 of this Code. (Ord. No. 2005-14, § 1.)

² Editor's note. - The joint contract authorized by this section was implemented by an agreement dated July 20, 1964.

For state law authorizing two or more municipalities to enter into a joint contract for public undertakings, see R. S., i 40:48B-1 et seq.

³ For state law as to powers and authority of the joint meeting, see R. S., § 40:48B-2. 1.