

***AN ORDINANCE TO AMEND AND CONSOLIDATE ALL ORDINANCES, SECTIONS OF ORDINANCES, AND RESOLUTIONS CONCERNING THE ESTABLISHMENT OF RULES AND REGULATIONS FOR THE PROTECTION, SAFETY CONDUCT, CONTROL AND USE OF THE RESERVATIONS, PARKWAYS, PLAYGROUNDS, GOLF COURSE AND OTHER PARK PROPERTY UNDER THE CONTROL OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF PASSAIC PURSUANT TO N.J.S.A. 40:37-152***

**ARTICLE I**

**Section 1. Construction, Scope, and Enforcement**

- (a) The provisions of this Ordinance shall be construed as follows:
- (1) Words and phrases shall be read and construed within their context, and shall, unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Passaic, or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of language. Technical words, and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning.
  - (2) Any term in the singular shall include the plural.
  - (3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act.
  - (4) No provision hereof shall make unlawful any act necessarily performed by any law enforcement officer, emergency personnel or employee of the County of Passaic in the 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 County of Passaic. The County Administrator is hereby empowered to waive any of the prohibitions contained in this Ordinance in the interest of the public health, safety or welfare.
  - (5) Any act otherwise prohibited by this Ordinance or any other Ordinance adopted by the County of Passaic, provided it is not otherwise prohibited by law, shall be lawful if performed under, by virtue of, and strictly with the provisions of a permit to do so, and the extent authorized thereby.
- (b) This Ordinance shall be effective within all the Park Property, golf course, facilities, parks, parkways, and playgrounds which are owned, leased, maintained or otherwise under the control of the County of Passaic.
- (c) Complaints for the violation of any of the provisions of the within Ordinance shall be cognizable in the County District Court pursuant to N.J.S.A. 2A:6-37 or in the Municipal Court having jurisdiction over the territory wherein the violation shall have occurred. The provisions of this Ordinance shall be enforced by the Passaic County Sheriff's Department and by any other enforcement officer having the powers of peace officers as defined by the laws of the State of New Jersey.

- (d) If any section, article, or provision of the Ordinance, or the application thereof to any person or circumstance, shall be declared to be invalid or inoperative by any court of competent jurisdiction, the remaining sections, articles, or provisions, to the extent that they are not invalid or inoperative, shall not be affected not invalidated thereby and shall be enforced and effectuated.
- (e) All Ordinances, rules and regulations promulgated during the existence of the Passaic County Park Commission are hereby repealed, except those which are specifically incorporated herein or incorporated in any other Ordinance. Any other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
- (f) Any person who is found guilty of committing an act which is prohibited or which is declared to be unlawful or an offense, or is found guilty of the non-performance of an act which is required to be done by the Ordinance, or is found guilty of violating either a rule or regulation promulgated pursuant to this Ordinance, or any of the terms or conditions of any permit issued hereunder, and for which this Ordinance provides no specific penalty, shall be punished by imprisonment in the County jail for a term not to exceed 90 days or by a fine not to exceed \$200.00 (Two Hundred Dollars), or both, and, shall further be subject to the replacement, repair or restoration of any damaged County property, if the unlawful act or offense involved the damage or destruction of County property.

### **Section II Definitions**

**Unless other wise expressly provided or unless inconsistent with the expressed intention of the Passaic County Board of Chosen Freeholders the following words and phrases when used in the Ordinance shall mean the following:**

- (a) Bicycle: any device or conveyance upon which a person or persons may ride propelled wholly in part by human muscular power and having one or more tandem wheels.
- (b) County: the Board of Chosen Freeholders of the County of Passaic, the Sheriff of the County of Passaic and their authorized representatives.
- (c) Litter: any refuse, garbage, rubbish, paper, metal, wood, beverage container, glass or other material or substance which is thrown, deposited or permitted to collect or remain in a place on park property which could effect health, welfare or safety of the public or wildlife therein or render the roadways, playgrounds, streams, lawn, tree unsightly.
- (d) Loiter: remaining idle in approximately on location, including the concept of spending time idly, loafing or walking about aimlessly. Standing or speaking in a quiet, reasonably and orderly manner shall not be considered as loitering.
- (e) Motorcycle: as defined in TITLE 39 of the Revised Statute of the State of New Jersey.
- (f) Motor Bike: as defined in TITLE 39 of the Revised Statute of the State of New Jersey.

- (g) Motor Vehicle: as defined in TITLE 39 of the Revised Statute of the State of New Jersey.
- (h) Park: any park, parkway, playground, golf course, reservation, wilderness area or other recreational facility owned, leased, maintained or otherwise under the control of the County of Passaic which is devoted to active passive recreation. This may also include any buildings which are situated on or in any of the areas heretofore mentioned.
- (i) Path or Bridal Path: any path, footpath, walk or walkway maintained for pedestrian or person riding horses respectively.
- (j) Permit: any written license issued by or under the authority of the County of Passaic any written license issued by or under the authority of the County of Passaic
- (k) Person: any natural person, corporation, company, unincorporated association, organized group, firm or partnership.
- (l) Drives and Roadways: as defined in TITLE 39 of the Revised Statutes of the State of New Jersey.
- (m) Snowmobiles: as defined in TITLE 39 of the Revised Statutes of the State of New Jersey.
- (n) Wildlife: means any wild mammal, bird, reptile, amphibian, fish, crustacean or other wild animal or any part, product, egg or offspring thereof.

## Article II

- Section 1.** No person shall remove cut, break, deface, defile, ill use of damage any manner whatsoever any building, equipment, fence, plant shrub, tree, turf or any other thing located on Park premises.
- Section 2.** No person on or within Park premises shall have in his possession, or use or employ, any firecrackers, torpedo, firework or explosive of any kind or nature whatsoever, or use or employ any bow or arrow, slingshot, or weapon whose propelling force is a spring of air, without prior written permission from the County or its designated representative.
- Section 3.** No person not duly authorized by law shall discharge or use or employ any firearm, without prior written permission of the County or its designated representative.
- Section 4.** No person shall sell, expose for sale or give away any comestibles, goods, wares or circulars without prior written permission from the County.
- Section 5.** No person shall expose or post or display any sign, placard or advertising without prior written permission from the County.
- Section 6.** No person shall play, engage or take part in any game or sport for money or other valuable thing, nor shall any person wager or play or participate in any game of chance, or have possession of any instrument or device of trophies, medals or other none monetary prizes for competition in organized activities or sporting contest.
- Section 7.** No person not an employee of the County shall go within the shrubbery or climb a tree or sit or stand on a balustrade, wall, or fence, or stand or lie down on a bench or picnic table on or within park premises, nor shall any employee of the County do any of the foregoing unless such act is done in the actual performance of his duties as such employee and in the furtherance of the business of the County.
- Section 8.** No person or group on or within park premises shall conduct a public meeting or gathering or an entertainment of any kind, or preach or make any harangue, or conduct or move in parade or procession without prior written permission from the County.
- Section 9.** No person shall solicit alms or contribution for any purpose.
- Section 10.** No unauthorized person shall loiter in or be present on park premises except during the hours when said premises are open to the public, provided however that organized groups may be present during other hours only with the prior written permission of the County.

- Section 11.** The park premises shall open daily from sunrise until one hour after sundown. However, the County or its duly designated representative may, by resolution or other appropriate action, extend the closing hours on such days and for such periods of time as it may deem to be in the public interest. The County or its duly designated representative may also grant permits to individuals or groups for the use of park premises during hours when the premises may otherwise be closed to the public.
- Section 12.** No person shall bathe, wade or swim in any park water; nor shall any person dress or undress or appear in bathing costume within the park premises.
- Section 13.** No person shall skate or fish in or on any park water or pond, or use any boat, canoe, or raft in such water or pond except at such times and in such places as may be designated by the County.
- Section 14.** No person shall roller skate or ride a bicycle on or within park premises except upon a path, roadway or other area designated by the County and in such manner as not to interface with another's enjoyment of park premises.
- Section 15.** No person shall coast with sleds, carts or other vehicles except at such times and such places as may be designated by the County provided that in no event shall the coasting of motor vehicles be permitted.
- Section 16.** No animals or fowl shall be allowed to run at large on or within park premises, and dogs on said premises shall be restrained by a leash not more than six feet in length. However, no household pets and/or domestic animals of any kind shall be permitted to enter upon park property at Rifle Camp Park.
- Section 17.** No person not authorized by the County shall operate a motor vehicle, motorcycle, motor bike, snowmobile, or an all terrain vehicle on or within park premises except on those paths, roadways and places designated by the County; motor vehicles shall be operated at a moderate speed within park premises and in no event at a speed exceeding a limit prescribed by the Department of Motor Vehicles of the State of New Jersey.
- Section 18.** No person shall harm or interfere in any manner whatsoever with the wildlife in or on park premises or any part thereof.
- Section 19.** No person shall in any manner throw or drain any offensive substance into any waters on park premises or pollute the same in any manner whatsoever.
- Section 20.** No person shall drop, place or throw any paper, refuse or other litter anywhere in or on park premises except in a receptacle provided for the reception of same.
- Section 21.** No person shall erect any tent, stand or structure in any of the parks, or occupy any tent, stand, or structure for the purpose of camping or sell or give away from any tent, stand, or structure or vehicle any food drink, or any other thing without permission from the County.

- Section 22.** No person shall start or maintain a fire, except in the places provided for such purpose.
- Section 23.** No person shall enter upon portions of the park premises in disregard of signs, barricades, posted notices, or any other means of closing off park property.
- Section 24.** All picnic parties, all assemblages of person, and all business and entertainments permitted, shall occupy only those grounds or areas designated thereof by the County and shall under the control and supervision of the County or its designated officers.
- Section 25.** No person shall fly a model airplane in or on park premises except in areas designated by the County.
- Section 26.** No person shall use loud, violent, obscene or profane language while on park premises, or act in a disorderly or lewd manner.
- Section 27.** No person shall service or repair a motor vehicle anywhere on park premises, provided that this shall not prohibit the making of emergency repairs.
- Section 28.** No person shall have in their possession, display, bring or use or be under the influence of intoxicating liquors, barbiturates or narcotics on park premises.
- Section 29.** No person shall use or play with golf clubs or golf balls in any of the parks except on golf courses provided for the purpose and then only under rules and regulations that may be adopted from time to time by the County.
- Section 30.** No person shall operate a motor truck, bus or other commercial vehicles on or within park premises without prior written permission from the County provided that this shall not prohibit the operation of passenger cars, bearing commercial license plates or identification so long as same are not used for commercial purpose on the park premises. This shall not prohibit vans, pick-up trucks with a cap, with a maximum load capacity of one ton. This shall also not prohibit the operation of commercial vehicles on business of the County.
- Section 31.** No person on or within park premises shall throw a stone or missile.
- Section 32.** No drapes, curtains, blinds, or other materials shall be used to cover the windows of motor vehicles parked upon park premises.
- Section 33.** (a) It shall be unlawful for any person to make, continue or cause to be made or continued any loud or unusual noise, or any noise which with annoys, disturbs or endangers the comfort, or health peace or safety of any person. The prohibition includes sound trucks on park premises.
- (b) The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this ordinance:

1. The using, operating, and permitting to be played, used or operated, or any radio receiving set, television, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants, or with louder volume than is necessary for convenient hearing for the person inhabitants, or with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, loudspeaker, sound amplifier, machine or device in such manner as to be plainly audible at a distance of 25 feet from the place where it is located, shall be prima facie evidence of a violation of this ordinance.
2. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

**Section 34.** No athletic games may be engaged in except in such areas and at such times as shall be designated by the County.

**Section 35.** No persons except an employee of the County shall ride an animal on or within the parks, reservations, or parkways except upon the drives and bridle paths, or ride or drive a bicycle or other vehicle except upon the drives; nor shall anyone ride or drive an animal bicycle or vehicle or stop same in a manner to obstruct the general traffic.

**Section 36.** No motor vehicles shall be parked over night upon park premises, or shall any motor vehicle be permitted on park premises except during such hours as the parks are open.

**Section 36 shall be supplemented by adding thereto the following:**

**Section 36.** No motor vehicle shall be parked upon park premises, except in such locations or areas as may be designated by the County or its duly designated representative.

**Section 37.** No person shall engage in the climbing or repelling in the climbing or mountains, mountain cliffs and/or building structures up park premises.

**Section 38.** No person shall use park premises for the purpose as instructing or learning to drive a motor vehicle.

**Section 39.** No person shall cause an airplane or other airborne vehicle or device to land or alight upon park premises, except in an emergency.

**Section 40.** Wherever in the Ordinance it is specified that certain acts may be performed only upon prior written permission of the County, the County may promulgate regulations for the granting of such permission and conditions relating thereto. Such regulations shall be incorporated herein and the violation of any such regulations shall be a violation of the Ordinance.

- Section 41.** The Board of Chosen Freeholders may delegate to its authorized representatives the right or authority to grant or deny written permission for the performance of certain acts, in accordance with regulations promulgated by the County.
- Section 42.** No person shall surreptitiously or sneakily invade the privacy of another by peering into windows or other openings of motor vehicles lawfully parked upon the property of the Passaic County Park System for any unlawful purpose.
- Section 43.** Well water at the Golf Course premises shall be available to any Passaic County resident of the age of seventeen (17) years or over subject to whatever limit or limits the County may impose as to the amount of water that may be taken. An annual registration fee is an amount set by the County shall be for the purpose of off-setting the costs of registration. A photo identification card shall be issued to each registrant and the same shall be in the possession of said person when on the Golf Course premises for the purpose of taking the well water therefrom. Failure to have such photo identification card in one's possession, or to exhibit same to any authorized representative or employee of the County upon request, shall constitute a violation of this ordinance. The taking of water in greater amount than limited by the County is designated on the nearby sign or poster, shall also constitute a violation of this Ordinance.

### **ARTICLE III PERMITS**

- Section 1.** Permits shall be required for the exclusive or special use of park grounds, trails or facilities, or for the use of park grounds or facilities when they are otherwise closed to the public.
- a) Permits shall be required in all county owned and operated parks between the months of April through November for the following:
    - (i) any use, picnic or event which has or which can reasonably be expected to have twelve (12) or more persons involved or for any use that could potentially have a detrimental effect on park property or other park users;
    - (ii) Use of ballfield and basketball courts, if the activity is an organize event, or for groups of 10 or more to reserve the area for recreational use;
    - (iii) Dey Mansion group tours for parties of 10 or more.
  - b) Permits shall be required in all county owned and operated parks January through December (year round)for the following:
    - (i) For any filming activity;
    - (ii) For any camping activity.
- Section 2.** Permits are issued by the Parks Director or designated representative.



- Section 3.** Permit Applications and Reservation forms may be obtained on the Parks' web site: [www.passaiccountynj.org/index.aspx?NID=251](http://www.passaiccountynj.org/index.aspx?NID=251) And/or the physical address: 209 Totowa Road Wayne NJ 07470.
- Section 4.** Proof of insurance is required for groups of 50 or more and all organized sports use.
- Section 5.** Proof of Insurance may be required for camping, filming and special events involving groups of less than 50, if determined to be necessary by the Parks Director and the insurance department.
- Section 6.** Upon approval of a permit, payment is required in full and a security deposit equal to 30% of the permit cost. NO PERMIT SHALL ISSUE WITHOUT FULL PAYMENT AND PROOF OF INSURANCE, if required.
- Section 7.** Permits are not transferable.
- Section 8.** The permittee or a permittee's designated representative shall be in attendance at all times and have physical possession of the permit.
- Section 9.** A permittee shall be bound by this ordinance and any Department regulations in force as though the same were inserted in said permit.
- Section 10.** It shall be unlawful for a person to violate any provision of a permit.
- Section 11.** Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee, or associated individual(s), of any provision of the permit, State Statute, any County ordinance, or rule or regulation of the County Parks Department.
- Section 12.** The permittee shall be liable for any loss or damage to County Parks property or injury to any person by reason of the negligence of the permittee or associated individual(s).
- Section 13.** It shall be unlawful for any person to refuse to vacate the area designated as reserved by a permit.

### **FEES AND DAMAGES**

- Section 1.** The Board of Chosen Freeholders of the County of Passaic shall set fees for the use of designated areas or facilities and activities within the areas under the control of the County Parks Department.

**Section 2.** It shall be unlawful for any person to use an area or facility or engage in an activity for which a fee has been established by the County Parks Department without payment of such fee, unless the payment is waived by the Parks' Director.

**Section 3.** The Parks Director may assess damages to person or persons responsible for any loss, damage or injury sustained by the County Parks Department.

### **ENFORCEMENT/FINES & PENALTIES**

#### **Park Patrol Authority/Authorized Agents**

**Section 1.** Designated Parks employees may enforce the provisions of this ordinance and eject from the County Parks persons acting in violation of this ordinance.

**Section 2.** Law enforcement authorities where County Parks property is situated shall have jurisdiction to patrol and enforce the Passaic County Park Ordinance on County Park property. They also shall have jurisdiction to enforce any violation of state law or local laws which shall occur on County Park property.

**Section 3.** Failure to obtain necessary Park Permits shall be punishable as follows:  
1<sup>st</sup> Offense: Permit Fee plus \$25.00 fine; and  
2<sup>nd</sup> Offense Permit Fee plus \$50.00 fine; and  
3<sup>rd</sup> Offense Suspension of future permit approvals for the remainder of the season.

**Section 4.**

**Pursuant to N.J.S.A. 40:37-134.** Rules and regulations; notice; penalties; disposition of:

The commission may make rules and regulations for the government and use of the parks, open spaces, boulevards, parkways and roadways, and enforce the same by fixing for the violation thereof penalties, not exceeding fifty dollars for each offense. All rules and regulations shall be plainly printed and posted within the parks and public places or on the boulevards and other highways. The commission may sue for and collect the penalty so fixed in an action at law in any court of competent jurisdiction. All fines and penalties recovered shall be used by the commission for the same purposes and in the same manner as its other funds.

The Board of Chosen Freeholders of the County of Passaic may sue for and collect the penalty so fixed in an action at law in any court of competent jurisdiction.

### **Permit Revocation**

**Section 1.** If any person shall be found guilty in a court of competent jurisdiction of the violation of any provision of this ordinance the conviction shall operate as a revocation of any permit granted by the County Parks Department without further action.

**Section 2.** The Parks Director or designee shall have the authority to immediately revoke for good cause any permit or reservation issued by the County Parks Department.

## **MISCELLANEOUS**

### **Additional Rules and Regulations**

**Section 1.** The Parks Director or the Board of Chosen Freeholders of the County of Passaic shall have the right to issue rules and regulations relative to this ordinance. No person shall violate rules and regulations that may be established by The County of Passaic Board of Chosen Freeholders or Parks Director.

### **Exemptions**

**Section 1.** All park employees, contractors, emergency and enforcement personnel while acting in the performance of their assigned duties are exempt from the provisions of this ordinance.

### **Repeal**

**Section 1.** All ordinances conflicting with the regulation of Passaic County Parks enacted prior to this ordinance are hereby repealed.

### **Enactment**

**Section 1.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

### **Notification**

**Section 1.** It shall be the responsibility of the County of Passaic to provide for adequate notification of the public, which shall include placement of a sign at each public park, outlining essential elements of the ordinance.

**Severability**

**Section 1.** The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof shall not make void, impair, invalidate or affect the remainder hereof.

**Amendment**

**Section 1.** This ordinance may be amended from time to time by the Board of Chosen Freeholders of the County of Passaic and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.

**ARTICLE IV**

**Section 1.** This Ordinance shall be published in the manner prescribed by law and shall be posted in the various park premises owned, operated, or licensed by the Board of Chosen Freeholders of the County of Passaic.

**Section 2.** This Ordinance shall take effect immediately upon publication in the newspaper as requested.

**Section 3.** A certified copy of this Ordinance shall be sent to each and every municipality of The County of Passaic and may be enforced by law enforcement personnel of each and every municipality in conformity with that set forth in Article 1, Section I (f).