

Introduction: 7/9/20
Public Hearing: 7/29/20
Effective: 8/27/20

TOWNSHIP OF MAHWAH
ORDINANCE NO. 1913

AN ORDINANCE AMENDING CHAPTER IX "RECREATIONAL FACILITIES" OF THE CODE OF THE TOWNSHIP OF MAHWAH.

WHEREAS, the Township Council of the Township of Mahwah wants to establish regulations for the issuance of permits for the use of public park and recreation facilities by large groups of persons,

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. Chapter IX, "Recreational Facilities", Section 9-1 "Use Regulations", Subsection 9-1.3 is hereby amended by the addition of a new subsection 9-1.3.1 entitled "Permits" to read as follows:

9-1.3.1 Permits

- a.
 1. A written permit is required for all groups of 25 or more persons using any portion of the facilities listed in Section 9-1.1 of the Township Code.
 2. Activities sponsored by the Township of Mahwah Recreation Department or any other Department of the Township of Mahwah are exempt from the permit requirement.
 3. All organized sports activities of any size must have a permit for use of Township facilities.
- b.
 1. Applications for permits shall be made in writing at least 30 days prior to the usage dates requested on a prescribed form submitted to the Office of Administration. Complete applications shall be forwarded to the Township Recreation Director for review. Complete applications will be issued or denied in writing by the Recreation Director within 14 days of submission.
 2. For good cause shown, and if a facility is available, the Recreation Director may accept and process an application less than 30 days prior to the date requested.

3. Payment of the required fees set under Section 9-1.3.1. c.3.f shall be paid prior to issuance of any permit.

4. The written permit shall be available for review while the facility is being used and shall be exhibited upon request by an official representative of the Township.

5. Permits are not transferable.

c. 1. The allocation of facility permits will be determined by the Recreation Director in accordance with the following priority criteria. Permits are issued in priority order by category. Category 1 user/event has priority over Category 2 and so forth.

2. The permit categories are:

Category I. Programs or events sanctioned or sponsored by the Township of Mahwah.

Category II. Programs or events sponsored by recognized Township of Mahwah Youth Sports organizations.

Category III. Programs or events officially sponsored or sanctioned by the Mahwah Board of Education.

Category IV. Township Non-Profit Organizations
Non-profit organizations, entities, individuals or groups for the purpose of providing programs or events primarily to Township residents, must show proof of non-profit certification. Organization address of record is a Township address. Membership or team rosters must show 75% or higher Township residents for athletic events and at least 75 % Township residents as participants for other events.-

Category V. Non-Township Non-Profit Organizations
Non-profit organizations, entities, individuals or groups for the purpose of providing programs or events must show proof of non-profit certification. Groups have fewer than 75% Township residents, membership or on the team roster: for athletic events and fewer than 75% Township residents as participants for all other events.

Category VI. Independent Organizations
Organizations, entities, individuals or groups for the purpose of providing programs or events who do not operate as a commercial enterprise or business and cannot provide verifiable proof of operating on a non-profit basis as defined herein.

Category VII. Commercial

Organizations, entities, individuals or groups for the purpose of providing programs or events that are operated as a for-profit commercial enterprise.

3. Non-profit organizations are those organizations with evidence of Federal 501(c) filing and state non-profit status.

d. No equipment belonging to the Township of Mahwah or the educational facility with rights to the facility being utilized shall be moved without permission. There shall be no alteration of any property.

e. Use of field house and concession buildings will not be permitted, other than access to bathroom facilities. It will be the responsibility of the person granted the permit to inspect the bathroom facilities for damage prior to the use. If damage is found, it is to be reported immediately to the Director. Any damage to the Township facilities found after the use by the permittee will be the responsibility of the organization which obtained the permit.

f. Permit fees are established as follows:

1. Categories I, II, ~~and III and IV~~ are permitted without charge.

2. Permit for use of a portion of the recreational facility other than limited use athletic fields shall be:

Category IV	\$25 per hour/3 hour block minimum
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Categories V and VI	\$50 per hour/3 hour block minimum
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Category VII	\$100 per hour/3 hour block minimum
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3. Permits for use of limited-use athletic field facilities:

Category IV	\$25 per hour/3 hour block minimum
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Categories V and VI

Field use	\$50 per hour/3 hour block minimum
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Field use w/lights	\$100 per hour/3 hour block minimum
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Category VII

Field Use	\$100 per hour/3 hour block minimum
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Field Use 2/lights	\$150 per hour/3 hour block minimum
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- g. All applicants for groups of more than 50 persons shall provide the Township prior to issuance of the permit, with a certificate of general liability insurance approved by the Township Risk Manager in the minimum amounts of \$1,000,000 per occurrence, \$2,000,000 aggregate general liability and \$10,000/person medical expense.
- h. In the event a field is requested by another municipality for a municipal-sponsored athletic program, whether it be for practice or games, such use shall be permitted and the fee waived. The municipality requesting such use shall provide evidence of sufficient insurance coverage. The municipality shall also be responsible for the costs associated with special police/crossing marshals, or standby ambulance coverage, if required. Cleanup costs associated with the use of fields will be the responsibility of the municipality which has obtained the permit. Costs associated with personnel to operate field lighting will be the responsibility of the municipality obtaining the permit.
- i. If the provisions of Special Event Permits under the Township Code Section 4-4 are applicable, a Special Event Permit shall be required in addition to the Facilities Permit required under this section.
- j. Penalties for violation of this Ordinance shall be as set forth in Section 9-1.12 of the Township Code.

Section 2. All other parts, portions and provisions of Chapter IX of the Township of Mahwah Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 3. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 4. All ordinances or parts of ordinances of the Township heretofore Adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

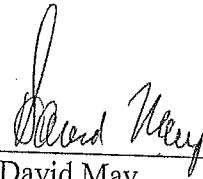
Section 5. This ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Ordinance No. 1913

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Dated: October 16, 2020

Attest



David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 29 day of July, 2020.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk