

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2009-16**

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO AMEND,
SUPPLEMENT AND REVISE CHAPTER TWENTY-FOUR OF THE CODE OF THE
TOWNSHIP OF FAIRFIELD REGARDING ATHLETIC FIELDS AND RECREATIONAL
FACILITIES USE POLICY**

WHEREAS, it has been determined by the Mayor and Council of the Township of Fairfield that it is necessary to amend and revise the Code of the Township of Fairfield to add to the Code a section regarding athletic fields and recreational facilities use policy.

WHEREAS, the Mayor and Council are seeking a change in the Code to better define the permitted uses associated with the athletic fields and recreational facilities in the Township of Fairfield; and

WHEREAS, Section 24-2.14 is a new section added to the Code which is a detailed and comprehensive use policy with respect to athletic fields and recreational facilities.

NOW, THEREFORE BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AS FOLLOWS:

1. The following shall be added to the Municipal Code of the Township of Fairfield under Chapter 24 Parks and Recreational Facilities.

24-2.14 Athletic Fields and Recreational Facilities Use Policy.

a. Purpose:

This document embodies the policies and procedures which govern facility use and users in order to insure optimal maintenance of athletic fields and other recreational facilities, owned by the Township of Fairfield and by the Fairfield Board of Education, and to assure fair and efficient access to those facilities. The primary use of municipal recreation areas and facilities is for public recreation activities. Municipal facilities may be made available for activities during normal school hours if available and if not in conflict with maintenance of the facility or other community use. Factors to be considered in determining permission for use, as well as permission for type of use, are: current capital improvements or rehabilitation, regular maintenance, extent of wear and tear to be caused by use, coordination of uses, efficient scheduling, location of facility, and availability of services at a facility. All parties must comply with Federal and State anti-discrimination laws. All facility users shall comply with all applicable federal, state and local laws; such user shall pay all the costs, expenses, fines, penalties, and damages which may be imposed upon the owner of the property by reason of, or arising out of, the user's failure to fully and promptly comply with all legal requirements and observe all the provisions of this policy.

b. List of Facilities Governed:

The outdoor athletic fields and outdoor and indoor recreational facilities within the Township of Fairfield are listed according to ownership as follows:

1. Board of Education Athletic Fields and Recreational Facilities

<u>School</u>	<u>Field/Facility</u>
Stevenson	Athletic Fields Gymnasium Basketball Courts (outdoor)
Churchill	Athletic Fields Gymnasium Basketball Courts (outdoor)

2. Township Recreation Areas

<u>Locations</u>	<u>Field/Facility</u>
Recreation Complex	Tennis Courts Basketball Courts Athletic Fields Pool Facility Parking Lot Bocce Courts
Munkacsy Field (formerly known as Plymouth Street field)	Baseball Field
Addison Park	Athletic Field
Lane Road	Athletic Field

This policy also applies to other field/facilities not listed above, now and in the future.

c. *Priority of Use By Category**:

Permits for field/facility use are issued by category in which the organization or event is placed. Category 1 user/event has priority over Category 2, 3 & 4 user/event. ***Permits must be available for review at time of field use.***

1. Category I Permit Use

Recreation Directly Sponsored Activities

These activities include all athletic and non-athletic program offerings and special events.

2. Category II Permit Use

Fairfield Teams in Established Leagues

(a) These teams are independent organizations that have been established to serve the recreational interest of the participants. Seventy-five percent (75%) of the host team must live or work full time in Fairfield. Indoor facility permits will be issued through the BOE Business Administrator. All outdoor permits will be issued through the

Fairfield Recreation Department. A written roster, proof of insurance and a hold harmless agreement must be submitted at the time of application to the issuing entity. No permits will be issued unless this criterion is met.

(b) These teams are independent organizations that have been established to serve the recreational interest of the participants, however, *less than* seventy-five percent (75%) of the host team lives or works full time in Fairfield. Indoor facility permits will be issued through the BOE Business Administrator. All outdoor permits will be issued through the Fairfield Recreation Department. A written roster, proof of insurance and a hold harmless agreement must be submitted at the time of application to the issuing entity.

3. Category III Permit/Use

(a) Private Group Field Requests:

These groups are made up of citizens of Fairfield, or businesses based in Fairfield, who request the use of facilities on an occasional basis when space is available. Seventy five percent (75%) of host team must live or work full-time in Fairfield; a written roster and proof of insurance must be submitted at the time of application to the issuing entity. No permits will be issued unless this criteria is met.

(b) Private Groups and Privately Operated Programs Field Requests:

These groups are made up of citizens of Fairfield, or businesses based in Fairfield, who request the use of facilities on an occasional basis when space is available. The host team is less than seventy five percent (75%) of full-time Fairfield residents or work full-time in Fairfield. A written roster and proof of insurance must be submitted at the time of application to the issuing entity. No permits will be issued unless this criterion is met.

4. Category IV Permit/Use

Private Group(s) and Privately Operated Program(s) Field Requests

Township facilities may not be made available for organizations, entities, individuals or groups for the purpose of providing recreational services to youth or adults if the event to be operated is on a for-profit basis unless no category 1, 2 or 3 uses are in need of the field or facility.

****All “Category 2 and 3” permits will bear the notice that a program carried on by a “Category 1” organization can claim priority in unusual circumstances. The Recreation Department reserves the right to request written copies of all team rosters, complete with names, addresses, phone numbers, and/or places of employment.***

d. Allocation of Fields and Facilities:

The fields/facilities use schedule created by the Recreation Director and/or the BOE Business Administrator will establish the opening and closing dates for field/facilities use as well as the period of time affected by that schedule. The schedule will serve as a permit for use of the facility named. Responsible officials within the Township (police, emergency services, parks department, and others) and within the BOE (building principals, custodial staff, and others) will receive a copy of the fields/facilities schedule.

The fields/facilities schedule will be divided into at least the following such parts: school days (after school until 5:30pm, school days after 5:30pm, Saturdays (am/pm) and Sundays (am/pm)); they

may be further subdivided if desired to accommodate needs and not to reserve more time than necessary for a function or event. Special note will be made of time slot variations due to special events (tournaments, town events, July 4th parade, and other township/school events are examples).

Communication is the key to efficient maximization of use of scarce facilities. Consistent with that goal, any assigned user must notify the Recreation Director or the Director's designee, of expected non-use of a particular facility, at a particular time. Every effort should be made to do so at least 7 calendar days in advance. This non-use does not apply to weather cancellations.

1. Gymnasium and other Indoor Facilities

A seasonal schedule is prepared by the BOE Business Administrator and the Recreation Director. Communication/cooperation is the key to efficient maximization of use of the scarce facilities we have. Consistent with that goal, any assigned user must notify the Business Administrator or his designee of expected non-use of a particular facility at a particular time. Every effort should be made to do so at least 7 calendar days in advance.

2. Notes Concerning Scheduling

Priority of assignment is made based upon the categories established in Section III above. Priority is given within a particular sport's designated "season". In-season sports have equal status to each other; out of season sports have equal status to each other. Recognizing that most sports have some program on more than an in-season basis, consideration should be made to accommodate the out-of-season sport's minimum necessary allocation for (a) games as a first priority and (b) practices as a second priority. Assignment of particular fields will be done with an effort towards accommodating such use rather than simply on a preference basis; efficient, coordinated use is the goal.

(a) Priority Assignment

Priority of assignment within Category 2 permits will be granted equitably to applicants who have submitted all required information and paperwork on dates of assignment. On the last business date of each month, such available time will be allocated to such users for the second following month (for example, on March 31 for the month of May). Applications for Category 3 permits will be assigned on a similar timetable.

(b) Game Delays

Youth sports activities are often subject to delays due to late arriving opponents and/or officials, or emergencies. In such cases, use may extend beyond the normal time. Likewise, overtime and extra innings can require additional time. Other users take their starting time subject to previous team's right to complete their games and with the knowledge that termination of the activity is not solely within the control of the representative. Practices may not delay the start of the next user session.

(c) Makeup Schedule

Under unusual circumstances, the Recreation Director has the right to bump a previously scheduled activity provided at least 24 hours notice is given to the assigned user at the original site. Every effort should be made to limit such late rescheduling.

3. Field Closings Due to Weather**

All users of athletic fields are subject to the determination of field playing conditions on a daily basis. Determination is made on week-days at 3:30 pm and on weekends by 9:00 am by the Recreation Director, or his assigned designee. Generally, all users are subject to

the same standard for closure. Nevertheless, determination will be made on a field-by-field basis, as well as a user-by-user basis where conditions are such that some fields may be playable while others are not, and some users may do less damage by use than others. Final determination will be placed on the Recreation Department phone system 973-882-2745 after 3:30 pm.

*****The Recreation Department's decision on field closings are extended to all BOE fields as well. Any failures to follow the decisions made will result in forfeiture of the offending organization's/team's remaining permit use without refund.***

4. Special Events

Township of Fairfield is known to sponsor numerous special events such as sport tournaments, July 4th parade and fireworks, Summer Concert Series, Town Day, Jack Funsch 5 Mile Run, and many others. Every effort will be made to accommodate events that may coincide with Fairfield special events. Exceptions can only be granted by the Recreation Director.

e. Facility Use Rules and Regulations:

1. Use of any active recreation area by a group of more than ten (10) participants is authorized by permit only. ***Permits must be available for review at time of facility/field use.***
2. Use of alcoholic beverages or controlled substances of any kind, use of profane, loud, threatening, insulting, indecent and abusive language is prohibited.
3. Use of amplifiers for music, announcements or otherwise is not permitted to be unreasonably loud. The limit to such volume must be so that it is barely audible 30 yards from the limits of the playing area. NO Public Address systems may be used after 10:00pm. PA systems may be used for games at the Recreation Complex until 10:00pm or the completion of half time (whichever is earlier). No loudspeaker use is permitted before 9:00 am.
4. Use of loudspeakers in all other cases will require a special use permit from the Recreation Director.
5. Athletic fields/facilities may not be used before 8:00 am or after dusk, except where lights are utilized. The recreation complex has a 10:00 pm lights out time for all outdoor facilities. Practices and games should be scheduled to end BEFORE this time with the lights to be turned off as soon as the pick up of players allows.
6. All trash must be placed in proper receptacles. Users are expected to leave the facility in the same condition in which it was found, or better.
7. Concession sales are by separate permit only in compliance with all Township ordinances.
8. Warm-ups for the next scheduled event must be performed so as not to interfere with existing event and so as not to endanger the welfare of all participants, spectators and facilities.
9. All managers, coaches, or persons in charge of a group using the fields will be responsible for the conduct of all participants, spectators and others connected with the activity, including visiting teams and opponents.
10. Clothes must be changed in rest rooms only.

VI. Field Modifications:

Any substantial proposed changes to fields or parks should be submitted to the Recreation Director to consider impact upon facility use. Those requested changes, along with a recommendation, will then be forwarded to the Recreation Commission for recommendation to the BOE Business Administrator and/or Township Council for consideration. This would include the development of active recreation areas from property not currently used for that purpose. It would include the installation of fences, structures, scoreboards, permanent stands and permanent lighting. It would not include the replacement of any current structure (an old backstop with a new one of roughly the same size) or the repair or replacement of existing fencing. These types of items will be the responsibility of the Recreation Director, or the BOE, or the Township Council. The placement location of all movable items (portable stands, soccer goals, batting cages, blocking sleds, temporary fencing, etc) will be the responsibility of the Recreation Director.

g. *Permit Costs***:*

1. **Fairfield Township Athletic & Baseball Fields:**

Category 2A & 3A Permit Uses:

\$225 per team per season†

cost includes practice and game scheduling

\$25 per field, for a daily use

cost is for a single day(s) need if not in season or not applying for a season permit

Category 2B & 3B Permit Uses:

\$450 per team per season†

cost includes practice and game scheduling

\$50 per field, for a daily use

cost is for a single day(s) need if not in season or not applying for a season permit

Category 4 Permit Uses:

The fee is to be established through negotiation with the municipality.

Recreation Athletic Facility lights usage:

\$75 per use††

2. **Fairfield Township Tennis Courts:**

\$10 per calendar year – Fairfield resident

\$20 per calendar year – non-Fairfield resident

Permit holders will have priority use over non-permit users.

Permit will also include participation, by volunteer, in a Fairfield Recreation's permit user database in order to assist tennis players in finding other registered tennis players.

3. **Fairfield BOE Athletic Fields and Recreational Facilities:**

Recreation may direct applicants to the Board of Education Business Administrator if the request does not fall within Fairfield Recreational responsibilities and/or fall within the

above stated uses. The Fairfield Board of Education has the legal rights to enforce their own documented use requirements and permit costs.

******Permits must be available for review at time of field/facility use***

†A season is defined as Spring, Summer, Fall, or Winter with an established league, not to exceed 13 weeks, pending approval of the Fairfield Recreation Dept, and cannot be defined as calendar or yearly

††Events/games which will utilize facility lighting will require additional fees to any other permit fees

2. All Ordinances of the Township of Fairfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

JAMES GASPARINI, MAYOR

ATTEST:

DENISE D. CAFONE

MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **April 13, 2009**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **April 27, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone

Municipal Clerk

INTRODUCTION OF ORDINANCE APRIL 13, 2009

ORDINANCE #2009-16, AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, NEW JERSEY TO AMEND, SUPPLEMENT AND REVISE CHAPTER TWENTY-FOUR OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGARDING ATHLETIC FIELDS AND RECREATIONAL FACILITIES USE POLICY

INTRODUCED BY: COUNCILMAN LAFORGIA
SECONDED BY: COUNCILMAN CONNINGTON
PUBLISHED: APRIL 16, 2009
1st READING AND PUBLIC HEARING: APRIL 27, 2009
ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN WILLIAM CONNINGTON, III	X				
COUNCILMAN THOMAS MORGAN	X				
MAYOR JAMES GASPARINI	X				

2ND READING AND PUBLIC HEARING APRIL 27, 2009

INTRODUCED BY:
SECONDED BY:
PUBLISHED:

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NO VOTE
COUNCIL PRESIDENT MICHAEL MCGLYNN					
COUNCILMAN JOHN LAFORGIA					
COUNCILMAN WILLIAM CONNINGTON, III					
COUNCILMAN THOMAS MORGAN					
MAYOR JAMES GASPARINI					