



## 2022 BOROUGH OF DUMONT ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN	✓			
HARVILLA	✓			
KELLY				✓
ROSSILLO	✓			
RUSSELL	✓			
STEWART	✓			
MAYOR LaBRUNO				
TOTALS	5			1

Ordinance No.	1610 (revised)
Date:	December 13, 2022
Page:	1 of 5
Subject:	Care and Control
Purpose:	Amending Chapter 283 of Borough Code
Dollar Amount:	
Prepared By:	Marc Leibman, Esq.

Offered by: Stewart  
Seconded by: Gorman

Certified as a true copy of an Ordinance Adopted on 2<sup>nd</sup> Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by: Danielle Siek

Jeanine E. Siek, RMC, Municipal Clerk  
Borough of Dumont, Bergen County, New Jersey

### ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 283 OF THE BOROUGH CODE – CARE AND CONTROL

[Adopted by Ord. No. 858 (Secs. 14A-1 through 14A-12.1 of the 1970 Revised Ordinances)]

#### § 283-1 Purpose.

This article is enacted to establish rules and regulations for the protection, care and control of parks and playgrounds in the Borough of Dumont and to regulate the conduct of persons on or within such parks and playgrounds or using the facilities thereof.

**§ 283-2 Scope.**

This article shall be deemed to apply to all parks and playgrounds situate within the Borough of Dumont, presently in existence or yet to come into existence whether dedicated as parkland or not.

**§ 283-3 Misuse forbidden.**

No person shall:

- A. Cut, break, deface, defile or misuse any building, playground equipment, fence, tree, bush, plant or turf or other thing belonging to the parks or playgrounds or any part thereof.
- B. Destroy, remove or carry away or have possession of any building, playground equipment, fence, tree, bush, plant, turf or other thing belonging to the parks or playgrounds or any part thereof.
- C. Cut into, destroy or remove any of the curbing, roadways, sidewalks or paths within the parks or playgrounds without written permission from the Department of Public Works.  
[Amended 6-16-2009 by Ord. No. 1385]

**§ 283-4 Recreation; use of vehicles.**

- A. No persons shall ride a bicycle in any parks or athletic field, except upon a path or paved area, nor ride in such a manner as to interfere with another's enjoyment of the facilities of the parks or playgrounds.
- B. No person, except an authorized employee of the Department of Recreation or Department of Public Works, shall drive any motor vehicle, wagon or cart upon paths, open space, driveways or roadways within any parks or playgrounds. [Amended 6-16-2009 by Ord. No. 1385]

**§ 283-5 Domestic animals and fowl prohibited.**

[Amended 5-2-1995 by Ord. No. 1217]

No domestic animal or fowl shall be permitted to be led or let loose on or within the parks and playgrounds.

**§ 283-6 Refuse.**

No person shall drop, place or throw any paper or other refuse anywhere in the parks or playgrounds, except in a receptacle provided for refuse.

**§ 283-7 Tents, stands or other structures.**

Tents may be erected and utilized to provide protection from rain and sun provided same are removed immediately upon the conclusion of the activities for which they were utilized. No tent or other shade/rain protection shall be permitted to remain unattended or overnight. No person shall utilize any such structure for the sale of anything absent express written approval granted by the governing body.

**§ 283-8 Opening and closing hours.**

All parks shall open 30 minutes after sunrise and shall close at sunset, except that at Memorial Park and Twin Boro Field closing time shall be 10:00 p.m. prevailing time; provided, however, that the Mayor and Council may by resolution alter said times for special or exceptional circumstances.

**§ 283-9 Disorderly conduct; gambling.**

- A. No person, on or within the parks or playgrounds, shall annoy another person, or utter any profane, threatening, indecent or abusive language, or act in a disorderly manner.
- B. No person shall play any game of chance or have possession of any instrument or device for gambling.

**§ 283-10 Fires.**

No person shall make any fire within the parks or playgrounds, except at such places as may be designated by the Department of Recreation and only under such conditions and restrictions as may be prescribed by said Department.

**§ 283-11 Forbidden conduct and Field Reservations.**

No person, on or within the aforementioned parks or playgrounds, shall:

- A. Throw a stone or other missile.
- B. Sell, expose for sale or give away goods, wares or circulars; or post or display any sign, placard or advertising device without approval of the governing body, or in the case of Recreation Commission activities, approval from the Recreation Director.
- C. Play, engage or take part in any game or competitive sport for money or other valuable thing without authorized permission by the Mayor and Council.
- D. Unless authorized by law, discharge or have possession of any firearm.
- E. Solicit alms or contributions for any purpose without the written permission of the Mayor and Council.
- F. Individually or as part of a group, preach or make any harangue, sing, play a musical instrument or civic parade, drill or procession, without written permission of the Mayor and Council.

- G. The Recreation Director shall establish a calendar, including dates on which requests for field/court usage are due, for all recreation games and practices in consultation with the Recreation Commission. The Recreation Commission, as an instrumentality of the Borough shall provide oversight of the scheduling of the use of the fields. The Recreation Director shall ensure reasonable public access exists for all groups, individuals, teams, or families (collectively "groups") interested in using the fields.
- H. Dumont based groups that want to use the fields shall complete an application for such use using a form prepared by the Recreation Director with hold harmless and insurance requirements satisfactory to the Borough Attorney and Risk Manager. The fee for such use shall be \$100.00 per hour or part thereof, payable in advance. Use of lights shall be an additional charge of \$75.00 per hour or part thereof, subject to personnel availability.
- I. Groups based outside of Dumont that want to use the fields shall complete an application for such use using a form prepared by the Recreation Director with hold harmless and insurance requirements satisfactory to the Borough Attorney and Risk Manager. The fee for such use shall be \$200.00 per hour or part thereof, payable in advance, as permitted by N.J.A.C. 7:36-25.9(c)(4). Use of lights shall be an additional charge of \$150.00 per hour or part thereof, subject to personnel availability.
- J. Fees collected shall be deposited into a separate account and shall be utilized for the recreation program as a whole or for operating, maintenance, or capital expenses related to funded parkland.
- K. All fields subject to such use shall have signage posted with the telephone number and web-address to obtain an application form and information for using the fields
- L. This fee schedule shall be submitted to the Department of Environmental Protection for approval or disapproval in accord with N.J.A.C. 7:36.25.9(f)
- M. Fees for field and court usage may not be waived or reduced in the discretion of the Recreation Commission.
- N. If the Department of Public Works Director determines that the fields require maintenance (or rest) such that reservations must be canceled and if alternate fields are unavailable, any previously paid fees shall be refunded or carried as a credit (at user's request) to a new date and time.
- O. Organized Tennis programs shall apply for court usage on a form to be created by the Recreation Director. Fees for such programs shall be the same for all groups and shall be 20% of registration fees collected by such groups.
- P. Organized Basketball programs shall apply for court usage on a form to be created by the Recreation Director. Fees for such programs shall be \$100.00 per hour per court for Dumont based groups and \$200 per hour per court for non-Dumont based groups.

- Q. "Dumont based groups" shall be such groups that have 80% of the participants residing within the Borough of Dumont. Groups claiming to be Dumont based groups shall provide rosters with home addresses if requested by the Recreation Director who shall examine the roster and determine if the percentage of participants is 80% or greater.

**§ 283-11.1 Smoking prohibited.**

**[Added 12-1-2015 by Ord. No. 1494]**

Smoking and/or the carrying of a lighted cigarette, cigar, pipe or other combustible substance, in any manner or any form, including vapor from an electronic smoking device, shall be prohibited at all times, in all Borough parks, playgrounds, playing fields, recreation facilities, and recreational areas. This includes all public areas adjacent to such parks and facilities, including but not limited to the seating areas, paths, walkways, or drive aisles.

**§ 283-12 Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or both.

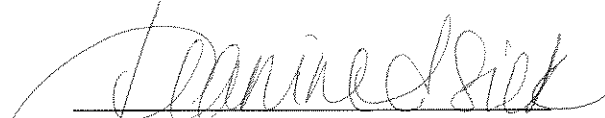
**§ 283-13 Enforcement.**

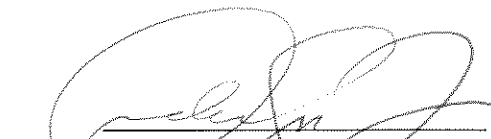
**[Added by Ord. No. 999]**

Prior to the issuance of any summons for the regulations promulgated in this article, the police officer or other official enforcing this article must give notice to any person violating any provision of this article. With said notice, the instruction to desist shall be given. If any person fails to cease and comply with the sections of this article, a summons shall be issued.

This Ordinance shall be effective upon passage and publication as required by law.

Attest:

  
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Jeanine E. Siek, RMC  
Municipal Clerk

  
\_\_\_\_\_  
Andrew LaBruno, Mayor

Introduced: November 21, 2022

Adopted: December 13, 2022