

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 123, PARKS AND RECREATION AREAS, OF THE CODE OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, NEW JERSEY, TO REVISE AND ADOPT NEW RESTRICTIONS FOR BOROUGH RECREATION AREAS AND MUNICIPAL BEACH

WHEREAS, the Mayor and Borough Council have determined that it is necessary to adopt some additional use restrictions for the Borough's recreational facilities, to revise some of the restrictions upon group use of the facilities, and to impose permanent rules governing the use of the Municipal Beach to ensure the safe enjoyment of the beach by all.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey as follows:

SECTION 1. Section 123-2, Applicability, of Chapter 123, Parks and Recreation Areas, is hereby amended to revise paragraph A thereof to read in its entirety as follows:

- A. This chapter shall apply to all municipal facilities. The term "municipal facilities" is hereby defined to include all municipally owned buildings and grounds, all undeveloped municipally owned land, all municipally owned baseball or playing fields, Memorial Park, Mount Arlington Beach, all municipally owned docks, and all municipally owned basketball and tennis courts.

SECTION 2. Section 123-5, Group use; meetings; exhibitions, of Chapter 123, Parks and Recreation Areas, is hereby amended to delete subsection A(2) thereof.

SECTION 3. Section 123-9, Fires, of Chapter 123, Fires, is hereby amended and supplemented to read in its entirety as follows:

No person shall build, light or maintain a fire within a borough park, recreation area or any municipal facility, except in a camp stove or a fireplace provided, maintained or designated for such purpose by the borough.

SECTION 4. Paragraph A of Section 123-11, Commercial uses, is hereby amended and supplemented to read in its entirety as follows:

- A. No person shall engage in any commercial enterprise, including but not limited to, the offering of services, soliciting, selling or peddling any liquids or edibles for human consumption, or distribute circulars or hawk, peddle or vend any goods, wares or merchandise within a borough park, recreation area or any municipal facility without a permit.

SECTION 5. Section 123-13, Hours of operation, is hereby amended and supplemented to read in its entirety as follows:

No person shall, without permission, enter into or remain within a borough park or recreation area except during the following hours of operation: The hours for use of borough parks and recreation areas shall be from dawn to dusk, except those recreation areas that are lighted and where signs are posted indicating that the areas may be used past dark. In those lighted areas, the hours of operation shall be as indicated on signs posted.

SECTION 6. Section 123-18 is hereby amended and supplemented to read in its entirety as follows:

Smoking shall be prohibited on or within all municipal facilities except that it shall be permitted within parking areas adjacent thereto.

SECTION 7. Chapter 123, Parks and Recreation Areas, is hereby amended and supplemented to include a new section 123-21, to read in its entirety as follows:

§123-21. Rules for Use of Municipal Beach.

1. The Beach shall be open to the public only during the hours between sunrise and dusk.
2. No one under the age of 15 shall be permitted on the Municipal Beach unless accompanied by a person 18 years of older, who shall remain at the Municipal Beach at all times during which the child is at the Beach.
3. All rules posted on the signs at the Beach shall be observed at all times.
4. No bicycles or other wheeled vehicles other than strollers or wheelchairs are allowed on the docks at the Municipal Beach.

5. Wrestling, running, punching, pushing or pulling others into the lake is prohibited.
6. Any person, adult or minor child, who fails to obey the instructions of the Beach Lifeguards will be ejected from the Municipal Beach by the Borough Police, pursuant to section 16 of this Chapter.
7. Signs shall be posted at the Beach indicating that swimming in the absence of Lifeguards is at the risk of the swimmer.
8. The use of profanity, or other conduct at the Municipal Beach that disturbs the peace and good Order of the Borough will lead to the ejection of persons from the Beach by the Borough Police, pursuant to Chapters 123 and 127 of the Borough Code.

SECTION 8. Chapter 123, Parks and Recreation Areas, is hereby amended and supplemented to include a new section 123-22, to read in its entirety as follows:

§123-22. Miscellaneous Restrictions for certain municipal facilities.

- A. No one under the age of 15 shall be permitted on any Borough owned docks or other facilities adjacent to Lake Hopatcong unless accompanied by a person 18 years of older.
- B. No one over the age of 15 shall be permitted to fish within Memorial Pond.
- C. Only Borough residents shall be allowed on the West Dock, located on West Bertrand Road.
- D. No bicycles or other wheeled vehicles other than strollers or wheelchairs are allowed on any Borough owned docks.
- E. Wrestling, running, punching, pushing or pulling others into the lake is prohibited on any Borough owned docks.

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.


SECTION 10. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.


SECTION 11. This Ordinance shall take effect upon final publication as provided by law.

I **HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on June 12, 2006 and will be further considered after a Public Hearing held on July 10, 2006 at the Municipal Building at 7:00 p.m.

INTRODUCED: 6-12-06
ADOPTED: 7-10-06
ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY


Linda DeSantis, RMC, Borough Clerk


Arthur R. Ondish, Mayor
Borough of Mount Arlington