

TOWNSHIP OF EVESHAM

ORDINANCE NO. 2-1-98

**AMENDING THE CODE OF THE TOWNSHIP OF
EVESHAM BY ADOPTING A DEPARTMENT OF
RECREATION FACILITIES USE POLICY**

WHEREAS, the Township Council of the Township of Evesham feels it is in the best interests of the residents of the Township to adopt a Facilities Use Policy to serve as a means in regulating the use of municipal facilities for public use.

BE IT ORDAINED by the Township Council of the Township of Evesham in the County of Burlington and State of New Jersey, that the Code of the Township of Evesham is hereby amended by amending Chapter 110-3 in its entirety, as follows:

Section One: §110-3. Facilities Use Policy.

The Township Council of the Township of Evesham has adopted, and incorporates by reference herein, the Evesham Township Department of Recreation Facilities Use Policy as a means to reserve use of Evesham's municipal facilities, thereby improving the accessibility and scheduling of facilities and, at the same time, provide for their safe, constructive and prolonged use.

Section Two: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

Section Three: This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

Adopted on second and final reading on

January 20, 1998

Augustine F. Lamberson
Mayor

Attest Caine

TOWNSHIP OF EVESHAM

DEPARTMENT OF RECREATION

FACILITIES USE POLICY

Evesham Township
Department of Recreation

1/20/98

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I. FACILITIES USE POLICY

Evesham Township Council recognizes that:

- 1) municipal facilities are public property and, as such, should be made available for public use, when it is determined that such use would not subject facilities or participants to any harm or injury.
- 2) use of municipal facilities should be programmed and regulated for the convenience of their users in order to ensure availability and safety; and
- 3) proper maintenance and care is required in order to maintain these facilities and keep them in proper condition for their users.

As such, the Evesham Township Council has adopted the following regulations as a means of improving the accessibility of Evesham's municipal facilities and, at the same time, providing for their safe, constructive and prolonged use.

II. FACILITIES USE REGULATIONS

(Code of the Township of Evesham: Chapter 110; Section 3)

A GENERAL REGULATIONS

1. It shall be unlawful for any person, firm, corporation or any other entity to perform or permit to be performed any of the following acts within any park, playground, open space, building or property of the Township of Evesham. The provisions herein shall not apply to any authorized official of the Township in pursuit of any official duty or person having prior written permission from the Township.
 - a. Mark, deface, disfigure, injure, tamper with, or displace or remove any Township property.
 - b. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or open space area, or any tributary, stream, storm sewer, or drain flowing into such waters; any substance, matter or thing, liquid or solid, likely to result in pollution of said water
 - c. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash in any waters in or contiguous to any park, playground or open space area, or anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; and where receptacles are not so provided, all such rubbish

or waste shall be carried away from the park or open space area by the person(s) responsible for its presence and properly disposed of elsewhere.

- d. Endanger the safety of any person by any conduct or act, including disturbing the peace or committing any assault, battery or fighting.
- e. Carry, possess or consume any alcoholic beverage (unless specifically permitted by the Township), narcotics or drugs in any park, playground, open space, building or property of the Township.
- f. Smoke in any Township building.
- g. Prevent any person from using any Township facilities, or interfere with such use in compliance with these regulations.
- h. Operate, drive or park any automobile or motorcycle, or other motorized vehicle, except on a street, driveway or parking lot in any park, playground or open space area, or park or leave any such vehicle in any place other than the areas designated for public parking. No motorized vehicles shall be permitted in any park, playground or open space area except in specific locations provided for said use, if any.
- i. Solicit funds for any purpose or sell, vend, peddle or offer for sale any commodity, article, or services within any park, playground, open space, building or property of the Township where such activity is purely for pecuniary profit, or solicit funds for any purpose, other than employees and officials of the Department of Recreation or persons having prior written permission from the Township.
- j. Paste, glue, tack or otherwise post or hang any sign, placard, advertisement, or inscription whatsoever in any park, playground, open space area, building or property in any public lands, highways or roads adjacent to said area. (The provisions of this subsection shall not apply to any authorized official of the Township in pursuit of any official duty, or persons having prior written permission from the Township.)
- k. Use or cause to be used any loudspeakers, public-address systems or amplifiers without first having obtained written permission from the Township.

Hold, possess or use any firearm or weapon in or within three hundred yards of any playground or Township structure or property.
- m. Molest, trap, capture or hunt, remove, injure or kill any animal, fish or

other wildlife or disturb its habitat, except in portions of any park or open space area so designated.

- n. Swim in any pond, lake, stream, or any other body of water except areas designated and posted as approved for swimming.
 - o. Run a gas operated water craft in any pond, lake, stream, or any other body of water, except where designated.
 - p. Allow any pet to roam unleashed in any park or playground, except where designated. Any and all fecal matter emitted from pets must be removed and carried away by the owner, except in designated areas.
- 2. Evesham Township reserves the right to prohibit, rescind or change the use of facilities, regardless of prior approval for use. Whenever practicable, reasonable notice will be provided.
 - 3. All indoor activities must terminate by midnight, unless prior written approval is obtained. All unlighted outdoor activities must terminate by sunset. Activities at lighted facilities, designated for evening use, must terminate by 10:00 p.m., unless otherwise approved by the Township.
 - 4. Municipal facilities cannot be used for any purpose prohibited by law.
 - 5. Open fires are prohibited, except when approved by the Township and any and all government agencies having jurisdiction therein. However, charcoal grills are permitted in designated picnic areas.
 - 6. Applications for the use of any municipal facility can be denied at the discretion of the Township.

B. SUPERVISION

- 1. Applicants granted use of facilities are responsible for the proper supervision of all participants and spectators. Those participants under the age of 18 years are not to be left unattended at any time.
- 2. Applicants granted use of facilities will be held responsible for any personal injury or property damage resulting from the lack of supervision or poor supervision of participants or spectators.

C. MAINTENANCE AND USE OF FACILITIES

- 1. Permittee must report any problems encountered with the facility to the

Department of Recreation within 24 hours of the conclusion of the activity.

2. Proper use of facilities is of the utmost importance. Organizations or groups failing to abide by the provisions of this policy will be asked to curtail their event(s) and may be denied further use of Township facilities.
3. Facilities must be left clean and orderly. Chairs and tables shall be returned to their original positions and lights and air conditioning/heating should be turned off or adjusted as directed or posted at the facility.

D. DAMAGE TO MUNICIPAL PROPERTY

1. Users of facilities automatically assume responsibility and liability for all damages and loss to Township property that occurs while using said facilities.

E. PARKING

1. Parking is limited to designated parking areas.
2. No vehicles are permitted on any park, playground or open space, except for emergency situations only.
3. Violation of the parking policy will result in revocation of the applicant's privilege to continue utilizing the facility.

F. APPLICATION PROCEDURES AND DEADLINES

Applications for the use of municipal facilities are required for: organized games, contests, picnics, sports activities, and any other organized gathering.

2. Applications are not required for the unreserved use of parks, playgrounds and open space areas. However, a party or group that has reserved a particular facility and is in possession of an approved Facility Use Permit will receive priority over a group lacking such a permit.
3. Applications for the use of any municipal facility available for use can be obtained in person at or requested by mail from:

Evesham Township Recreation Department
125 E. Main Street, Evesham, NJ 08053

4. All multi-day athletic related applications must be submitted to the Recreation Department in writing no more than six (6) months prior to the start of a

specific sporting event, nor less than ten (10) business days prior to said event.

5. A \$200.00 returnable deposit (*check or money order payable to Evesham Township*) is required with all applications. This deposit will be used to cover any damage to Township property or cleaning required due to the use of site. Users will be notified in writing by the Recreation Department if any such charge will be assessed.
6. Fees are required with certain applications. These are indicated in *Section G: Schedule of Fees*.
7. Proof of Insurance is required with certain applications. These are indicated under *Section H: Insurance*.
8. An original, signed liability insurance indemnification and waiver is required with certain applications. Further information is contained in *Section I: Indemnification and Waiver*.
9. A team roster(s) or membership list is required with all *Facility Use* applications. This roster/listing must include the name and home address of all participants utilizing said facility.
10. Completed applications should be returned to the Recreation Department at the above address. Please type or write on the envelope: FACILITY USE APPLICATION. Applications should be submitted at least fifteen days prior to the scheduled event. Applications submitted after this deadline cannot be assured of scheduling. Applications are considered on a first come-first serve basis. All applicable payments/deposits, (*Check or money order payable to EVESHAM TOWNSHIP*) insurance requirements, and roster memberships **must** accompany applications.
11. If the application is correctly completed and the facility is available, confirmation of scheduling dates will usually occur within ten (10) days of initial submittal. An executed *Facility Use Permit* will be immediately issued and will be either mailed or made available for pick-up, per the applicant's request. The executed *Facility Use Permit* must be present with the user group's representative at all scheduled activities.
12. A *Facility Use Permit* for athletic events will be granted for a maximum of four (4) months; non-athletic events for a maximum of one (1) year. It is the applicant's responsibility to file a new application upon expiration.

G. Fees:

All groups, organizations and/or leagues and all "for-profit" youth organizations, will be required to pay a fee to use municipal facilities. Evesham-based non-profit groups (comprised of 75% of Evesham residents). The Evesham Senior Citizens Club is exempt from all fees. All organizations whose membership is less than 75% Evesham Township residents will be required to pay a fee to use municipal facilities. These fees are listed on the Fee Schedule at page 7 herein, and are subject to a two hour minimum.

In determining if a resident, non-profit group contains a 75% majority of Township residents, all team players in the league will be counted. For travel and/or tournament teams or one-time event, only home team players will be counted; the visiting team will not be included in this calculation. A team/league roster, which shall be submitted with all applications, must include the name and home address of each participant.

SCHEDULE OF FEES

Outdoor Facilities: *All rates are based on a three (3) hour time limit.*

Baseball/Softball Fields, Soccer Fields, Football Fields, Basketball Courts, Tennis Courts, Hockey Courts, Volleyball Courts and Open Space Areas:

	<u>Per Use</u>
Resident Non-Profit Groups*	\$ - 0 -
Resident Groups or Individuals	15.00
All Others	25.00

Above Facilities with Lights:

	<u>Per Use</u>
Resident Non-Profit Groups*	\$ - 0 -
Resident Groups or Individuals	20.00
All Others	30.00

Indoor Facilities: *All rates are based on a two (2) hour time limit.*

Basketball Courts, Tennis Courts, Hockey Courts, Volleyball Courts and Meeting Rooms:

	<u>Per Use</u>
Resident Non-Profit Groups*	\$ - 0 -
Resident Groups or Individuals	20.00
All Others	30.00

* A group comprised of residents, organized for purposes other than generating profit, as determined by the Internal Revenue Service.

H. INSURANCE

1. *Formal organizations* (i.e., Boy Scouts, athletic leagues) that wish to use municipal facilities must maintain adequate insurance coverage and provide proof of coverage with their application. An original executed Certificate of Insurance is required at the time of application. *Informal groups*, however, are free to use facilities without insurance coverage, contingent upon the execution of an Indemnification and Waiver, which is described in *Section I*. Insurance requirements may also be waived for municipally sponsored meetings or events.

Determination as whether a group is formal or informal will be made by the Township Manager and Director of Recreation. Factors that will be considered include, but are not limited to, incorporation status, size of membership, frequency of gatherings, and existing insurance.

2. Those users required to have insurance must present satisfactory evidence (original executed Certificate of Insurance) of insurance protection for participants, spectators, coaches and the public within the following terms and conditions. The applicant must maintain Commercial General Liability insurance with limits of liability not less than \$1,000,000 (\$1 million) per occurrence and aggregate. The policy will provide coverage for the users activity at the approved facilities, and shall state such activities on the Certificate of Insurance. The Certificate shall name the Township of Evesham as the Certificate Holder and as an Additional Insured for the full duration of the use of the facility(ies).

I. INDEMNIFICATION AND WAIVER

1. Users must sign a waiver in which they agree to waive and relinquish all claims, and causes of action, of every kind which they have or may have against the Township of Evesham arising out of the use of the facility resulting in personal injury and/or property damage. The users must recognize and acknowledge that they assume all risks in connection with the use of the facility.
2. Users must indemnify the Township of Evesham of any and all liability of loss, and against all claims or actions based upon or arising out of damage or injury (including both) to persons or property caused by or sustained in connection with the applicant's use of the facility, and, the defense of any such claims or action, whether the liability, loss or damage is caused by, or arise out of negligence of the Township of Evesham, or any of the agents, employees or

otherwise. The user must further agree to reimburse the Township of Evesham and/or the for any and all expenses, attorney's fees, or costs incurred in the enforcement of this waiver and indemnification.

J. PRIORITIES OF USE

Applications for the use of facilities will be scheduled on a first come first serve basis. When more than one complete application is received for the same date(s), the following priority order will apply. *In all instances, priority is given to Evesham Township residents.*

Meetings or events, directly sponsored by the Township Council. or Township employees for municipal purposes.

Meetings of Municipal Advisory Boards and Committees.

Meetings or events directly sponsored by Township Departments and/or employees for municipal purposes.

Meetings held for the discussion of municipal issues.

Youth recreational activities or service organizations.

Adult member organizations

Department of Recreation
Facility Use Permit Application
(Please Print or Type)

Facility Requested (Park): _____ Location/Area/Field: _____

Day(s): _____ Date(s): _____ Time(s): _____

If your schedule is flexible, please indicate your requirements in general terms - i.e. two night per week, any night from 5:00pm to 8:00pm, etc.

Name of Applicant Group: _____

Name of Representative: _____ Relationship to Group: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone #: Day: (____) _____ Evening: (____) _____

Name of Alternate Representative: _____ Relationship to Group: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone #: Day: (____) _____ Evening: (____) _____

Purpose of Event/Activity: Athletic Event: _____ Other: _____
Type of Sport Concession/Signs/Public Address Systems

of Participants: _____ Age Range: _____ # of Evesham Residents: _____ # of Spectators: _____

All Applicants Must:

- submit a Certificate of Insurance as proof of one million dollars (\$1,000,000) general liability insurance with the Township of Evesham as the Certificate Holder and additional insured or sign an Indemnification and Waiver;
- submit a roster listing all participants and their home addresses;
- and submit a \$200.00 deposit and agree to reimburse Evesham Township if damages and/or clean up costs exceed the amount paid. Evesham Township reserves the right to bill, sue, or take any measures necessary to collect any sums for the additional clean-up and/or damages to the property which exceeds the amount paid and/or deposited.

On behalf of this group, we understand all procedures associated with this request and accept the legal and financial responsibilities involved in the use of Evesham Township facilities.

Signature - Authorized Applicant Representative

Date

Signature - Authorized Applicant Alternative Representative

Date

This request is approved (please note any exceptions or corrections that may have been made). A copy of this approved permit should be at the facility and presented to Township Officials upon request.

Authorized by the Township of Evesham

Permit Number: _____ Signature & Title - Authorized Evesham Township Representative _____ Date: _____

Township of Evesham

Department of Recreation

The undersigned representatives of the requesting applicant understand and agree to the following:

1. Activity(ies) will begin and end within the approved time frame.
2. All debris resulting from the approved activity will be picked up and deposited at the designated disposal location(s).
3. Specific and sufficient adults will be assigned the sole responsibility of providing security and deterring vandalism.
4. Evesham Township may require the applicant to secure sufficient police protection depending on the type of activity and the anticipated number of participants and/or spectators.
5. Noise must be kept to a minimum so as not to disturb others utilizing the facility and residents within the area.
6. Parking is allowed in designated areas only. Please be considerate of residents who live adjacent to parking areas; as parking is strictly prohibited on their private property and will result in fines levied by the Police Department.
7. All problems encountered with the facility will be made known to the Evesham Township Department of Recreation within 24 hours of the conclusion of the activity.
8. **ALCHOLIC BEVERAGES ARE NOT TO BE DISPENSED AND/OR CONSUMED WITHIN AN FACILITY.**
9. During inclement weather, no facility will be illuminated.
10. Evesham Township will require the applicant to provide remuneration to Evesham Township for damages to the facility and/or repairs/replacement of damaged equipment.
11. Violations of any of the above may result in the cancellation of the permit and/or the denial of future requests.
12. Evesham Township retains the right to rescind this permit at any time.

Signature - Authorized Applicant Representative

Date

Signature - Authorized Applicant Alternative Representative

Date

Township of Evesham

Department of Recreation

Attachment A

Name of Group: _____
Facility Requested: _____

This permit is issued to the applicant listed above for the purpose of conducting the specified event and the designated Evesham Township facility. In accepting this permit, the applicants (for itself, its members and invitees) accept and assume the risk of all conditions existing in the area covered by this permit and approaches thereto and agrees to hold harmless the Township of Evesham and its employees from all risks, liability, injury, damage, and loss to all persons and property arising out of or resulting from any use of or presence within the areas covered by this permit; and also agrees to waive and relinquish all claims and causes of action of every kind; and agrees to indemnify Evesham Township for the defense of any such claim or action; whether the liability, or loss or damage is caused by or arise out of negligence of the Township of Evesham or any of the agents, employees or otherwise. We further agree to reimburse the Township of Evesham for any and all expenses, attorney fees or other incurred in the enforcement of this waiver and indemnification.

Signature - Authorized Applicant Representative

Date

Signature - Authorized Applicant Alternative Representative

Date