

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 005-2009

**RE: ORDINANCE AMENDING CHAPTER 9-7 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER**

WHEREAS, the Township of Upper (“TOWNSHIP”) operates a skate park (“PARK”) which is open for use by the residents of the TOWNSHIP and Cape May County, and

WHEREAS, the TOWNSHIP desires to amend certain rules and regulations for the management, use and enjoyment of the PARK, so as to permit the PARK to be used without an attendant present.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee in the Township of Upper, County of Cape May and State of New Jersey as follows:

SECTION 1: Chapter 9-7 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

9-7.1 Recreation Committee to Promulgate Rules

and Regulations. The Recreation Committee of the Township of Upper is hereby empowered to promulgate and adopt rules and regulations governing the use and operation of the Skate Park (the “Park”) owned and operated by the Township of Upper. Before taking effect, any rules and regulations proposed to be adopted by the Recreation Committee shall be

submitted to the Township Committee for approval.

9-7.2 **Posting of Rules and Regulations.** Any rules and regulations promulgated by the Recreation Committee and approved by the Township Committee shall be appropriately posted, either by sign or some other suitable device, so as to advise all persons desiring to utilize the Park of the nature of the rules and regulations. Such signs shall be approved by the Township Solicitor and Township's insurance carrier.

9-7.3 **Use of the Park.** The Park shall not be supervised by Township personnel and a notice to this effect shall be prominently posted at the Park. The Park shall be used for skateboards and inline skates only. No bicycles, scooters or motorized vehicles are permitted in the Park. Except on the bicycle and jogging path, skateboarding and inline skating is prohibited on Township property surrounding the skateboard park. Any special event to take place at the Park shall be conducted by the Recreation Committee member representing the Park and shall be for non-profit use only. Any outside company, participant or promoter of the event must comply with all applicable Township requirements for the use of Township facilities or for the use of the Park. The approval of the Township Supervisor of Recreation is required.

9-7.4 **Safety.** All users are required to wear shoes,

helmets, kneepads, wrist guards and elbow pads. All equipment must be worn to the manufactures recommendations. All users must skate safely, responsibly and act respectfully of each other.

9-7.4a No use of the park shall be permitted when equipment is wet or icy.

9-7.4b The Township will determine from time to time the maximum capacity, which may utilize the park.

9-7.4c NO glass, radios or pets shall be permitted within the enclosed park area.

9-7.4d Backpacks, bags, jackets and other articles of clothing and personal belongings must be placed in an appropriate area, outside the enclosed park area, removed from the area where people skate, to avoid the possibility of injury.

9-7.4e The use of alcohol, drugs and tobacco are prohibited. Additionally profanity, abusive language and vandalism is prohibited.

9-7.5 **Days and Hours of Operation.** The Township Committee shall determine the hours of operation of the Park from time to time. It is a

violation of this ordinance to enter the Park at anytime it is closed.

9-7.6 Supervision of Small Children. Children under twelve (12) years of age must be accompanied by a responsible adult at all times.

9-7.6a Violations of Rules/

Regulations. Any person who violates this Ordinance or the Park rules and regulations shall be immediately removed from the Park. Any person convicted of violating the provisions of this Ordinance or the Park rules shall be guilty upon a first offense of a fine not to exceed \$100.00 and a second offense of a fine not to exceed \$500.00.

SECTION 2: REPEALER: All ordinances or parts of ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of any such inconsistency or conflict only.

SECTION 3: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance will take effect immediately upon final adoption and publication as required by law.

SECTION 5: CODIFICATION: This Ordinance shall be codified in Chapter 9-7 of the Upper Township.

ATTEST:

WANDA GAGLIONE, Township Clerk

RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 26th DAY OF JANUARY, 2009 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 23RD DAY OF FEBRUARY, 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

CLERK

WANDA GAGLIONE, TOWNSHIP
TOWNSHIP OF UPPER

Legislative History:

Introduced: _____ January 26, 2009 _____

Publication: _____

Newspaper(s): _____

Second Reading & Public Hearing: _____

Final Adoption: _____

Final Publication Date: _____

I certify that the foregoing Ordinance was finally adopted by the
Township Committee of the Township of Upper on
_____ and notice of adoption was thereafter published
pursuant to law in The Press of Atlantic City on _____.

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WANDA GAGLIONE, Township Clerk