

Township of Millstone

ORDINANCE NO. 20-23
INTRODUCTION DATE: 07-15-2020
ADOPTION DATE: 08-19-2020

**AN ORDINANCE REVISING CHAPTER III POLICE REGULATIONS, SECTION 3-3
PARKS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey; Chapter III, Police Regulations, Section 3-3 Parks, is hereby deleted and replaced to read as follows:

3-3 PARKS.

3-3.1 Title.

This section shall be known and may be cited as the "Public Parks Regulations of the Township of Millstone." (1971 Code §41A-1; Ord. No. 80-6)

3-3.2 Purpose.

The purpose of this section is to establish hours of the day when parks, facilities and/or lands of the township will be open for active or passive recreational use at Abate Park, Brandy Wine Park, Millstone Park, Rocky Brook Park, and Wagner Farm Park. To clarify appropriate use thereof in the interest of the general health, welfare, and pride of the residents of Millstone Township. (1971 Code §41A-2; Ord. No. 80-6; Ord. No. 03-04, §I; Ord. No. 10-27)

3-3.3 Hours of Use.

Public parks within the Township shall be open from dawn to dusk; unless posted otherwise. (1971 Code §41A-3; Ord. No. 80-6)

3-3.4 Posting of Signs.

Signs and signage shall meet the standards set forth in Chapter 35, Article 15 "Signs". Violators will be prosecuted according to law." (1971 Code §41A-4; Ord. No. 80-6)

3-3.5 Prohibited Uses of Parks, Facilities and/or Lands Owned by the Township.

The Township's parks shall only be used for purposes consistent with Township designated governmental uses, public recreation and enjoyment. Set forth below, are specifically prohibited uses or activities. Such list is not to be deemed all inclusive; but, representative of specifically prohibited uses or activities:

- a) Any use or activity which violates any law, ordinance, regulation or restriction.

- b) Any hunting without the specific permission evidenced in writing and signed by the Township Administrator. Nor shall any person or persons molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Except for law enforcement, emergency services, or organizations providing a service for the Township, Monmouth County, the State of New Jersey or other government agencies
- c) Carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with fire blank cartridges, or any kind of trapping device without the specific permission evidenced in writing and signed by the Township Administrator. Shooting into township property from beyond township lands or facilities boundaries is also forbidden. Except for law enforcement, emergency services, or organizations providing a service for the Township, Monmouth County, the State of New Jersey or other government agencies
- d) Possess, consume or distribute illicit drugs and/or alcoholic beverages in violation of Section 3-25 "Drug-Free Public Property Zones" of the Municipal Code.
- e) Littering in violation of Section 3-1 "LITTER" of the Municipal Code.
- f) Leave a picnic area before all trash is placed in the disposal receptacles where provided. If no such trash receptacles are available, then trash shall be carried away from the township parks, facilities and/or lands by the picnicker to be properly disposed of elsewhere.
- g) Build or attempt to build a fire or permit to drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or other inflammable material on any park, facility and/or lands or upon any highways, roads or streets abutting or contiguous thereto.
- h) Smoking in all Township buildings, parks and recreation areas in violation of Section 2-42.2 and 2-42.4 "SMOKING POLICY FOR THE TOWNSHIP BUILDINGS, PARKS AND RECREATION AREAS" of the Municipal Code.
- i) Committing an act of graffiti in violation of Section 3-2 "GRAFFITI" of the Municipal Code.
- j) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means.
- k) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- l) Construct, set or erect any building, structure, tent, shack of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except by special permit. Nor shall any person leave in township lands or facilities after closing hours any vehicle, property and/or equipment of any kind.
- m) Damage, cut, carve, plant, transplant or remove any vegetation, injure bark, pick flowers or seeds of any tree or plant; dig, disturb and/or cut grass areas, or in any other way injure the natural beauty or usefulness of any area.
- n) Picnic or lunch in a place other than those designated for that purpose if picnic areas are available. Township workers shall have the authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- o) Use of parks, facilities and/or lands for an unreasonable time if the facilities are crowded.

- p) Fireworks and their use in violation of section 3-26 "MANUFACTURING, SELLING, TRANSPORTING OR USING FIREWORK" of the Municipal Code.
- q) Permitting dogs to run at large in violation of section 9-1.3 "RUNNING AT LARGE" of the Municipal Code.
- r) Permitting pets or animals owned by the individual to enter onto playing courts, playing fields, water bodies and/or into areas not customary for pets and animals to use.
- s) Solicit alms or contributions for any purpose whether public or private or in violation of section 4-5 "COMMERCIAL SOLICITATION" and/or 4-6 "CHARITABLE AND POLITICAL SOLICITATIONS" of the Municipal Code.
- t) Enter an area posted as "Closed to the public", nor shall any person use, or abet in the use of any area in violation of posted notices.
- u) Sleep or protractedly lounge in parks, facilities and/or lands.
- v) Engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct.
- w) Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Township.
- x) Fail to observe any schedules or time regulations posted to control the usage of facilities, courts, fields and areas.
- y) Fail to observe triangular yield signs for pedestrian, bicycle and equestrians on trails. Horses have the right of way followed by bicycles with pedestrians yielding to all others.
- z) No person shall undress or disrobe, or dress or robe, in any public place, except such place as may be provided for such use. This section will not apply to outer-clothing or to children under the age of five (5) years. (Ord. No. 09-05 §II)
- aa) The release of wild or domestic animals in facilities, parks and/or lands of the township.
- bb) Play, chip, putt or practice golf; swing any golf club within any facilities, parks and/or lands of the township.
- cc) Any unmanned vehicle or device of any size that is capable of propulsion or movement. By use of remote control, geographic position systems (GPS) guided autopilot mechanisms, cameras or other sensors used within any facilities, parks and/or lands of the township. Except those used for law enforcement, emergency services, or organizations providing a service for the Township, Monmouth County, the State of New Jersey or other government agencies.

3-3.6 Recreational Facilities and Permits.

The purpose of this section is to establish the policies, procedures and fees associated with the reservation and use of active or passive recreational fields, lights, buildings and court surfaces. These facilities are public property and should be made available for public use when it is determined that such use would not subject these facilities or their participants to any harm or injury. Use of these facilities should be programmed and regulated for the convenience of their users in order to ensure availability and safety. Proper maintenance and care are required in order to maintain them and keep them in proper condition for usage. As such, the following rules and policies are a means of maintaining and improving the accessibility of Millstone's municipal

recreation fields and facilities while at the same time providing for their safe, constructive and prolonged use.

- a) Any resident or non-resident shall be entitled to use recreational fields and courts from dawn to dusk except during those periods when same is closed to the public for programs scheduled by the Recreation Department or those periods when permits to use same have been issued by the Recreation Department or when closed for routine maintenance by the Township.
- b) Public parks within the Township equipped with lighting shall be open from dawn to dusk unless the lighting is permitted to be in operation in which case the park shall remain open ONLY for those groups with either a permit or sponsored by the Recreation Department. Fields with lighting will not be permitted to operate past 10:30pm.
- c) In the case of inclement weather, field maintenance or other significant determination by township personnel, any area may be declared closed to the public by the Township at any time and for any interval of time, either temporarily or at regular and stated intervals, regardless of whether an individual or organization has obtained a permit to use the same. The Township shall post a notice of any closure near the entrances to the park or specific field or area as appropriate or through the Recreation website.
- d) All areas are at risk to be hit with balls. Millstone Township will not be liable for any vehicle or personal damage as a result of recreational activity.
- e) Municipal Parks and buildings are under video surveillance.
- f) Permits are not required for the unreserved use of the parks, playgrounds and open space areas by individuals during regular park hours from dawn to dusk.
- g) A permit is required for the following uses of the recreational facilities and courts:
 1. Reservation and use of any indoor facility.
 2. Groups or organizations of fifty (50) participants or more.
 3. Use of any area requiring outdoor lights.
 4. Use of any park facility before or after normal park hours of dawn to dusk.
 5. Priority use of any outdoor facility or field by an individual or group.
- h) Applications for the use of any park facility can be obtained via the Millstone Township Recreation website (www.millstonerec.org) or requested in person or by mail from the Recreation Department located at: 470 Stagecoach Road, Millstone Twp. NJ 08510. Applications must be submitted at least 15 business days prior to said event. Fees are required with each permit. See section 5-5 for a list of the required fees.
- i) Formal organizations (e.g. athletic leagues, Companies, Associations) that wish to use Municipal facilities must maintain adequate insurance coverage and provide proof of coverage with their application. An original Certificate of Insurance listing Millstone Township as the certificate holder and as an additional insured is required at the time of the application.
 - a. Determination as to whether a group is formal or informal will be made by the Township Administrator and Recreation Director. Factors that will be considered include, but are not limited to, incorporation status, size of membership, frequency of gatherings and existing insurance.
 - b. Those users required to have insurance must maintain Commercial General Liability insurance with limits not less than \$1 million (\$1,000,000) per occurrence and aggregate

- j) A returnable deposit of \$200 (check or money order made payable to Millstone Township) is required with all applications that require a Certificate of Insurance. This deposit will be used to cover any damage to Township property. Users will be notified in writing by the Recreation Department if any such charge will be assessed along with an explanation for the assessment
- k) Municipal facilities cannot be used for any purpose prohibited by law.
- l) Permit applications can be denied at the discretion of the Township.
- m) Permits are not transferable. All fees and deposits shall be paid in advance.
- n) The proposed activity shall not unreasonably interfere with or detract from the general public use and enjoyment of the park.
- o) The proposed activity shall not entail extraordinary or burdensome expense or police operation by the Township.
- p) Alcohol is not permitted unless for a special event approved by the township committee.

3-3.7 Operation of Motor Vehicles on Township Parks, Facilities and/or Lands.

No person shall operate any registered motor vehicle or conveyance, under the following circumstances:

- a) Use of motor vehicles in violation of Section 3-10 "UNREGISTERED VEHICLES" or 3-24.1 "REGULATION OF MOTOR VEHICLES ON TOWNSHIP-OWNER PROPERTY" of the Municipal Code.
- b) All motor vehicles driven on township parks, facilities and/or lands shall be driven only on roadways and parking areas designed for public use.
- c) Parking of a vehicle or to permit a vehicle to stand in other than an established or designated parking area, and such shall be in accordance with posted directions and under the direction of any designee who may be present.
- d) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the township parks, facilities and/or lands.

3-3.8 Operation or Riding of Bicycles on Township Parks, Facilities and/or Lands.

The word "bicycle" as used herein is defined as any one-, two-, three-, or four-wheeled device propelled by human power upon which any person may ride, not including wheelchairs or similar devices.

- a) New Jersey Law requires that any person under the age of 17 riding a bicycle, as an operator or passenger, must wear a protective bicycle helmet. N.J.S.A 39:4-10.1; 39:4-10.7
- b) Operation of bicycles on any area except those marked or otherwise designated specifically for bicycle use is prohibited.
- c) Owner or operator of a bicycle shall not leave a bicycle lying on the ground or pavement or set against trees or in any place or position where other persons may trip over or be injured by them.
- d) Operator shall stay on designated trails only and stay to the right when passing oncoming trail users.
- e) Bicycle riders are to yield to equestrians or those with horses.

- f) Navigate, direct, or handle any bicycle in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the welfare or wellbeing of other park users or township agents or to the detriment of township property is prohibited.

3-3.9 Equestrian Rules and Regulations.

The word “equestrian” as used herein is defined as any person having the physical control or who is responsible for the physical control of a horse. The word “horse” as used herein is defined as any “horse or equine beast of burden”.

The following rules governing over activities of any equestrian within parks and other public property or easement of the township:

- a) Stay on designated trails only and enter or exit horse trails only at designated locations.
- b) Be courteous and considerate to other park users and kind to their horses. Riders are responsible for the actions and well-being of their horse.
- c) Be considered to have the right-of-way on designated equestrian trails or areas and stay to the right when passing oncoming trail users.
- d) Be responsible for seeing that such special controls as may be imposed by the Township Administrator or her designee (such as trail or area closing due to poor surface conditions, construction, etc.) are respected insofar as the use of their horses are concerned.
- e) Horses must always be kept under control and ridden at permitted gaits (walk, trot, or slow canter). Absolutely no racing is permitted on Township parks and other public property.
- f) Do not tie or hitch a horse or horses to any tree or plant.
- g) Loading or unloading of horse(s) shall be carried out in locations designated for equestrian use.

3-3.10 Township Waters.

Upper Rogers Pond shall only be used for purposes consistent with designated Township uses, public recreation and enjoyment. The following rules and regulation are set forth to maintain park resources in a natural, unaltered state and to continue to bring enjoyment to Millstone Township’s residents:

- a) Boating shall be permitted in the Upper Rogers Pond, provided that permitted boats shall be limited to rowboats, rafts, canoes, and kayaks. Standup paddle boards, sailboats, and/or wind powered watercraft are prohibited.
- b) No gasoline engines shall be permitted in any body of water located at any park, facility and/or lands of the township. Low voltage trolling motors are acceptable.
- c) No person shall navigate, direct, or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the welfare or wellbeing of an occupant of any other boat or other park users, township agents or to the detriment of township property.
- d) Operating any boat or other water craft, upon any waters, except at places designated for boating by the Township Committee is prohibited.
- e) Throw, discharge, or otherwise place or cause to be placed in the water of any pond, lake, stream or other body of water in or adjacent to any township lands or facilities or any

tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters. Violation of this falls under Section 3-1 of this Code.

- f) Tying, anchoring or mooring of boat to the township fishing dock, trees or natural features and structures is prohibited.
- g) Leave unattended any launched or moored watercraft for a protracted length of time.
- h) Ice skating, ice fishing, swimming, jumping or diving, wading and/or treading water are prohibited at any facilities, parks and/or lands of the township.
- i) The following are prohibited uses or activities of the Upper Rogers Pond Boat Ramp:
- j) Use, park, or operate any motor vehicle outside of the designated boat ramp or parking areas.
- k) Use the boat ramp for other activities outside of launching or retrieving permitted boat or water vessel.
- l) Parking or leaving a vehicle for a protracted amount of time in or around the boat ramp area and not in a designated parking stall.
- m) Utilize boat ramp area when posted closed.
- n) Spin or cause to spin, the tires of any motor vehicles in such a manner that damage is caused to the roadway or parking area, or any ground within the Township Launch Facility area.
- o) Permitting any watercraft to obstruct the launching or retrieval of other watercraft.

3-3.11 Fishing.

The Township of Millstone strives to maintain park resources in a natural, unaltered condition. Native fish contribute to nutrient recycling and help to maintain natural ecosystem processes when they live out their entire lifecycle, from spawning to death, in the aquatic system. Releasing all fish caught while in Millstone's Parks will ensure that enjoyment of this recreation opportunity will last for generations to come.

- a. The following are rules for proper catch and release:
 - 1. Use wet hands when handling a fish or a knotless rubberized landing nets and rubberized gloves. This helps maintain the slime coat on the fish, which protects it from infection and aids in swimming. Anglers that know how to practice proper catch and release never use a towel of any kind when handling fish since a towel can remove this slime coat.
 - 2. Pinch the barb on your hook flat so it's easily removed. You should also start by using the right hook. Circle hooks are the ideal choice for catch and release fishing.
 - 3. Hold the fish horizontally whenever possible since this is the way fish naturally swim through the water. Do not drop the fish onto hard surfaces!
 - 4. Keep your fingers away from the gills and eyes of the fish.
 - 5. Keep the fish in the water as much as possible and use a pair of forceps or needle-nosed pliers to remove the hook.
 - 6. Release fish as soon as practical and do not keep them out of the water longer than necessary. Always release your fish head first into the water. Release a fish head first into the water, it forces water through the mouth and over the gills, which helps to resuscitate the fish. Revive exhausted fish by placing the fish in the water, facing the current if possible, with one hand underneath the belly and the other hand holding the bottom lip or tail.

- b. Fishing is permitted by pole and line method only.
- c. The use of parks, facilities and/or lands of the township are subject to N.J. State statutes and Division of Fish and Wildlife laws and regulations.
- d. All anglers shall fish in park waters with the appropriate state licensing if and when applicable.
- e. Artificial flies and lures made of metal, wood, feathers, hair, or non-synthetic material suggested for use. Lures or flies with scent, oil, or edible enticement added onto, or impregnated into may be used but also not suggested.
- f. Only Circle hooks and barbless hooks are permitted. Pinched barb is also acceptable.
- g. Fishing shall be in waters designated by the Township Committee, NJDEP Fish and Game, Environmental Commission and/or Township Administrator.

3-3.12 Violations and Penalties.

Any person or persons found to be in violation of the provisions of this section shall be liable to the penalty stated in Chapter I, Section 1-5. (1971 Code §41A-5; Ord. No. 80-6; Ord. No. 10-27)

EXPLANATORY STATEMENT: This Ordinance replaces Section 3-3 Parks in its entirety and creates new sections with regulations for "Public Parks Regulations of the Township of Millstone."