

**AN ORDINANCE AMENDING CHAPTER XVII  
“PARKS AND RECREATIONAL FACILITIES”  
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF  
ROCKAWAY, MORRIS COUNTY, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF ROCKAWAY THAT CHAPTER XVII, “PARKS AND RECREATIONAL  
FACILITIES” BE AMENDED AS FOLLOWS:**

**17-1 REGULATIONS FOR THE USE OF PARKS AND RECREATIONAL  
FACILITIES.**

**17-1.1 Prohibited Acts.**

a. No person in a public park or recreational facility shall:

1. Willfully mark, displace, injure, remove, fill in, raise, destroy or tamper with any drive or path, walk, bridge or approach thereto; take up or remove or carry away any asphalt, concrete, flatstone, rock, stone, gravel, sand clay or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure or remove any ice, or injure, deface, displace, remove or destroy, any structure, building, post, railing, bench seat, platform, stand, tree guard, telephone, telegraph or pipe, or main for conducting gas, water, or wires, or any hydrant, sewer, drain, pipe, main, receiving basin, covering manhole, or vent forming a part thereof, of any appurtenances or appendage connected therewith; or any other property or equipment, real or personal, owned by or under the jurisdiction or control of the **Division** of Parks and the **Division** of Recreation, or appertaining to the creation, government, use of maintenance of the parks, or injure, deface, displace, remove or destroy any sign, inscription, post or monument, erected or marked for any purpose; or any mile board, milestone, danger sign or signal, guide sign or post, or any signaling device, sanctioned, restricting or regulating traffic, establishing zones, or giving information or direction to the public or interfere with any lamp, lamppost, gas or electric apparatus, or extinguish the light therein, except under the property authority, or without a permit, attach string, adjust or carry any wire or other object in, on or over any part of any parks.

2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No child above the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.
3. Dig or remove any soil, rock, sand, trees, shrubs, or plants or other wood or materials, or make any excavation by tool, or other means or agency.
4. Construct or erect any building or structure of whatever kind, whether permanent or temporary.
5. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any trees or plants, dig in or otherwise disturb grass areas or in any way injure the natural beauty of the area.
6. Climb or stand upon any wall, fence, shelter, seat statue or other structures, unless the structure is designated for that purpose.
7. Attach any rope or cable or any other contrivance to any fence, railing, bridge, bench or other structure.
8. Cause or permit any animal owned by him, in his custody or under his control, to be at large.
9. Tie, hitch, harness, or otherwise attach any animal to any tree, pole, plant or any other such structures.
10. Hunt, frighten, kill, trap, pursue, chase, tease, or shoot or throw missiles, remove, or have in his possession any animal, reptile or bird; or knowingly buy, receive or have in his possession, sell or give away any such animal, reptile, bird, or eggs so taken.
11. Throw or discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or any other body of water in or adjacent to the park, or any tributary stream, storm sewer, or drain flowing into any water, any substance, matter, or thing, liquid, solid or gaseous, which may or shall result in the pollution of any water.

12. Take into, carry through, leave in or throw, cast, lay drop or discharge into or on or suffer or permit any servant, agent, employee, or person in his or her charge, to take into, carry through, leave in or throw, cast lay, drop, or discharge into or on any parks any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. All such materials shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such materials shall be carried away from the park by the person responsible of its presence and properly disposed of elsewhere.
13. Drive any vehicle on any area except the paved parkroads parking areas; or such areas that are as may on occasion be specifically designated as parking area temporarily.
14. Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions and with the instruction of any attendant who may be present.
15. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park area.
16. Leave a bicycle in a place other than a bicycle rack when such is available and there is space available.
17. Ride a bicycle or a moped without reasonable regard to the safety of others.
18. Leave a bicycle, moped, skateboard, or other such equipment lying on the ground or pavement or set against any tree, pole, or other such structure, or in any place or position where others may trip or be injured by them.
19. Wash any vehicle.
20. Swim, bathe, or wade in any waters or water ways in or adjacent to the park, except in waters as are provided therefor and in compliance with regulations as are herein set forth or may be hereinafter adopted, nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing, or congregate when such activities are prohibited by the **Division** of Recreation and Parks upon a finding that such use of the water would be dangerous or otherwise inadvisable.

21. Frequent any waters or places designated for the purposes of swimming or bathing or congregate except between the hours of the day as shall be designated by the **Division** of Recreation and Parks for such purposes for each individual site.
22. Erect, maintain, use or occupy on or in any beach, bathing or park area, any tent, shelter or structure of any kind, unless a permit has been issued by the **Division** of Parks and Recreation.
23. Allow himself to be so covered by a bathing suit as to indecently expose his person.
24. Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.
25. Bring into, or operate any boat, raft or other water craft, upon any waters.
26. Fish in any area when swimming hours are in effect.
27. Carry on or possess firearms of any description or air rifles, spring guns, bows and arrows, slingshot, or any other form of weapons potentially dangerous to human safety and inimical to wildlife, or any instrument that can be loaded and fired with blank cartridges, or any kind of trapping device. Shooting into the park area from beyond park boundaries is forbidden.
28. Picnic or lunch in a place other than that designated for that purpose.
29. Use any portion of the picnic area or any of the buildings or structures for the purposes of holding picnics exclusive of other persons, nor shall any person use such areas and facilities for any unreasonable time if the facilities are crowded.
30. Leave a picnic area before the fire is completely extinguished and before all trash is placed in the disposal receptacles where provided. If no receptacles are provided, then all trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

31. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, Frisbees, javelins, horseshoes, quoits, or model airplanes except in those areas that are specifically designated for that purpose.
32. Receive or borrow and not return any equipment on loan to them by the Township.
33. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care. A horse will not be allowed to graze in such area.
34. Any team or group wishing to utilize a ballfield under the jurisdiction of the Parks and Recreation **Division** must secure a permit from the **Division**.
35. Bring alcoholic beverages, drink same at any time, nor shall persons be under the influence of intoxicating liquor in a park or recreational facility provided, however, alcoholic beverages contained in other than bottles may be possessed and consumed in a public park or recreational facility in accordance with a permit granted under this ordinance.
36. Have in his possession or set or otherwise cause to explode, or discharge or burn, any firecrackers, torpedo rocks, or other fireworks, firecrackers or explosives of inflammable materials; or discharge them or throw them into any such areas from lands or highways adjacent thereto.  
  
This prohibition includes any substance, compound, mixture or article in conjunction with any of the foregoing standpoints. At the discretion of the **Division** of Recreation and Parks and Township Council, permits may be given for conducting properly, supervised fireworks in designated areas.
37. Appear at any place in other than proper clothing.
38. Solicit alms or contributions for any person, whether public or private.

39. Build or attempt to build a fire, except in areas and under regulations as may be designated. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, or other inflammable material within any park or on any highways, roads, or streets abutting or contiguous thereto.
40. Enter an area posted as “Closed to the Public.”
41. Gamble or participate in or abet any game of chance in such areas and under such regulations as may be designated by the **Division** of Recreation and Parks.
42. Go onto the ice on any of the waters except where there are designated skating fields and safety signals displayed.
43. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or any other park structure or section that may be reserved for or designated by the Parks and Recreation **Division** for use by the opposite sex.
44. Sleep or protractedly lounge on the seats or benches or other areas.
45. Engage in loud boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to breach public peace.
46. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
47. No private vendor of food and beverages or any private mobile vendor of food and beverages shall be permitted to enter upon municipally owned facilities for the purpose of selling food or beverages when the municipal facilities in question are being actively utilized for recreational purposes and the needs for food and beverage sales are being fulfilled by the various booster clubs and associations which support the Township’s recreational program.
48. Smoking shall be prohibited within all Township parks, playgrounds, beaches and recreation areas, except within designated areas of adjacent parking areas. Said designated areas where smoking is permitted shall be as determined

and posted by the Director of the Department of **Community Services.**

(Ord. 6-5-80 § 62A-1; Ord. 11-24-81; Ord. #93-21 § 1; Ord. No. 09-17 § 1)

**17-1.2 Hours.**

- a. Parks and recreational facilities shall be open to the public every day of the year during designated hours except for unusual or unforeseen or emergent periods as determined by the Township. The opening and closing hours of each individual park or recreational facility shall be posted for public information.
- b. Notwithstanding the foregoing, any section or part of any park or recreational facility may be declared closed to the public, at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or merely for certain uses.

(Ord. 6-5-80 § 62 A-2)

**17-1.3 Fees for Recreation Services and Programs.**

- a. Fees for the summer playground program shall be fifty-five (\$55.00) dollars per child participating which shall generally consist of seven (7) weeks.
- b. The charge for utilization of lights at Peterson Field shall be no charge for Rockaway Township programs and programs operated by nonprofit entities. Resident groups shall be charged twenty-five (\$25.00) dollars per hour with a minimum of two (2) hours, while non-resident groups shall be charged fifty (\$50.00) dollars per hour for a minimum of two (2) hours.
- c. **Deleted in its entirety.**
- d. The fee established for swimming lessons shall be fifteen (\$15.00) dollars per child, per session.
- e. Advanced Red Cross Lifesaving Course; forty-five (\$45.00) dollars.
- f. Utilization of Township-owned or operated beaches shall require Township beach tags. The fees for same will be twenty-five (\$25.00) dollars per person, per session for residents and a guest fee of two (\$2.00) dollars per guest, per day.
- g. Terms and conditions of memberships purchased from the Township to the Aquatic Park at Picatinny Arsenal per pool season:

1. Charter members shall be Township residents and shall pay a one-time one hundred fifty (\$150.00) dollars initiation fee which is refundable upon termination of membership and four hundred thirty-five (\$435.00) dollars per year for a family membership and two hundred ninety (\$290.00) dollars per year for a single membership. The foregoing rate may be subject to change thereafter. Charter members have an annual guaranteed renewal opportunity.
2. Resident open members shall pay four hundred eighty-five (\$485.00) dollars per year for family membership and three hundred thirty-five (\$335.00) dollars per year for single membership. Resident open members are not guaranteed annual renewal which will be available on a first-come, first-served basis.
3. Nonresident open members, if made available by the Township, shall pay five hundred forty-five (\$545.00) dollars per year for family membership and three hundred ninety-five (\$395.00) dollars per year for single membership; annual renewal of nonresident membership is not guaranteed.
4. Pool season is from Memorial Day through Labor Day of any given year unless extended by the Township.
5. Picatinny Arsenal fixes its own fees for membership.
6. All memberships issued under this subsection 17-1.3g hereof shall expire the day after Labor Day each year unless extended by the Township.
7. Caregiver Membership. A regular Aquatic Park member may sponsor a caregiver for the purpose of rendering direct care for a family member(s) or individual. In order to access the Aquatic Park, the caregiver must be accompanied by the sponsoring member. The caregiver has no other rights or privileges normally afforded to a member. The fee for the caregiver membership shall be two hundred (\$200.00) dollars per season and is not transferable.

**h. Deleted in its entirety.**

(Ord. 6-5-80 § 62A-2.1; Ord. 3-7-85; Ord. 6-10-86; Ord. 5-3-88; Ord. 7-11-89 § 1; Ord. #94-22; Ord. #96-19 § 1; Ord. #99-25 § 1; Ord. #02-19 § 1; Ord. #06-9 § 1; Ord. #08-3 § 1; Ord. #09-1 §§ 1-4)

#### 17-1.4 Permits.

- a. A permit shall be required for a special event, a gathering of twenty-five (25) or more persons, or the possession or consumption of alcoholic beverages. No such utilization of the township parks and recreational facilities shall be permitted without the receipt of such a permit. Any person or entity seeking issuance of a permit shall file an application with the **Division** of Parks and Recreation stating the following:
  1. The name and address of the applicant.
  2. The name and address of the person, corporation, or association sponsoring the activity, if any.
  3. The days and hours for which the permit is desired.
  4. The park or portion thereof for which such permit is desired.
  5. The specifics with respect to use of alcoholic beverage, if any, including amount, type of container, plan for removal of refuse, and such other information as shall be requested by the **Division of Parks and Recreation**.
  6. Any other information which the **Division** of Parks and Recreation shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

The Police Department shall review and approve the application before issuance of a permit and shall further enforce compliance with the terms thereof and the provisions of this section.

- b. *Security Deposit.* Each person or entity obtaining a permit as aforesaid, shall post with the Township a twenty-five (\$25.00) dollar security deposit to be refunded after the event less any expenses of the Township associated with the event, if any. With respect to events attended by one hundred (100) persons or more, a non-refundable fifty (\$50.00) dollar fee shall be charged in advance.
- c. Within five (5) days after the receipt of an application the **Division** of Parks and Recreation shall apprise an applicant in writing of its reasons for refusing a permit and any aggrieved persons shall have the right to appeal to the Township Clerk within five (5) days of the refusal.

A copy of the notice shall also be served on the **Division** of Parks and Recreation within the same time and the **Division** shall immediately forward the application and the reasons for its refusal to the Township Clerk. The Township Council shall consider the application under the standards set forth under paragraph b. and sustain or overrule the **Division** of Recreation's decision within ten (10) days from the receipt of the appeal by him. The decision of the Township Council shall be final.

- d. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.
- e. The person(s) to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person(s) to whom such permit shall have been issued.

The **Division** of Parks and Recreation shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be determined by the **Division** of Parks and Recreation prior to the commencement of any activity of issuance of any permit.

- f. The **Division** of Recreation shall have the authority to revoke a permit upon finding of violation of any rule or ordinance, or upon good cause shown.

(Ord. 6-5-80 § 62A-3; Ord. 11-24-81)

#### **17-1.5 Miscellaneous.**

- a. All applicable Township ordinances, State laws, and **Division** rules and regulations shall be considered part of this section. No part of this section shall imply a relaxing of any ordinance. Any person using the parks shall accept the provisions of all applicable Township ordinances, State laws, and **Division** of Parks and Recreation rules and regulations.
- b. Notwithstanding the foregoing, the rules and regulations of the Township Parks and Recreation **Division**, copies of which are filed with the Township Clerk, relating to beach rules and regulations and the recreation areas of the Township as the same may be amended from time to time, which amendments will be filed with the Township Clerk, are hereby adopted by reference.

- c. Beach tags for Township-operated swimming and wading recreational facilities shall be **twenty-five (\$25.00)** dollars per person for residents per season and a guest fee of two (\$2.00) dollars per guest per day.

**17-1.6 Enforcement.**

- a. The **Division** of Parks and Recreation attendants shall in connection with their duties imposed by law, diligently enforce the provisions of this section.
- b. The **Division** of Parks and Recreation and any park attendant shall have the authority to eject from the park area any person(s) acting in violation of this section.
- c. The **Division** of Parks and Recreation and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used in violation of this section.
- d. This section shall also be enforced by the Township Police Department.

(Ord. 6-5-80 § 62A-4)

**17-1.7 Penalty.**

- a. Any person violating any of the provisions of this section or any rule or regulation promulgated pursuant hereto, shall upon conviction be subject to the replacement, repair or restoration of any damaged park property and shall be liable to the penalties stated in Chapter I, Section 1-5.
- b. Any person who shall violate any ordinance shall be subjected to arrest and trial before the Municipal Court.
- c. Each and every day in which a violation of any provision of this article occurs shall constitute a separate violation.
- d. Notwithstanding the foregoing, the **Division** of Parks and Recreation is authorized to establish fines which shall be due and owing upon the failure to return pursuant to the terms established by the **Division**, equipment owned and furnished by the Township.

(Ord. 6-5-80 § 62A-5)

**17-2 MOTORBOATS.**

**17-2.1 Regulations Regarding Motorboats.**

Anyone operating a motorboat shall adhere to the provisions of N.J.S.A. 12:7A, 7B, 7C and 7D.

### **17-2.2 Size and Horsepower Limitations.**

a. *Limitations Stated; Exception.* Pursuant to the provisions of N.J.S.A. 40:48-1, the following regulations are imposed with respect to motorboats upon waters within or bounding in Rockaway Township:

1. With the exception of Green Pond and Split Rock Pond (both of which are the two (2) largest bodies of water in the area within the Township limits, and to which the following provision shall not apply), on and after the date of the adoption of this section, no motorboats shall be operated upon any waters within the Township or bounding the municipality, which motorboats exceed ten (10) horsepower or are greater in length than sixteen (16') feet, except emergency and patrol boats.
2. The aforesaid limitations of ten (10) horsepower and sixteen (16') feet in size upon motorboats maintained and operated within the Township shall not apply to Split Rock Pond and Green Pond because of the size and area of the bodies of water, which the Council recognizes and for that reason places them in a different category.

b. *Purpose of Limitations.* The limitations upon the size of motorboats and the horsepower are imposed to safeguard the lives and property of citizens and residents of the Township.

(Code 1971 § 60-1; §60-2; Ord. 8-7-73)

### **17-2.3 Special Permits.**

a. *Requisites for Special Permits.* The provisions of an ordinance entitled "An Ordinance to Regulate Motor Boats Upon Waters Within the Township of Rockaway," adopted July 14, 1959,\* shall not be applicable when all of the following conditions have been met:

1. The Township Council upon application in writing, grants a permit for a water-skiing or water sports show by fraternal or civic associations, fair associations or other organizations or groups of individuals approved by the Council.
2. The permittee shall have posted surety in form and amount agreeable to the Council, conditioned for the payment of all damages which may be caused either to a person(s) or to

property by reason of a water-skiing or water sports show, and arising from any acts of permittee, its agents, employees or subcontractors. Such surety shall run to the Township and shall be for the use and benefit of any person, persons or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns. Such surety shall also hold the Township harmless from any suit or claim for damages by reason of injury to a person or persons or damage to property by virtue of a water-skiing or water sports show.

b. *Rules and Regulations.* As a condition to the issuance of the permit, the Council may prescribe any rules and regulations that in its discretion it may deem advisable to impose upon the permittee.  
(Code 1971 §§ 60-6, 60-7)

\*The ordinance referred to in subsection 17-2.2 of this chapter.

### **17-3 OFFICIAL MAP FOR PUBLIC PARKS AND PLAYGROUND.\***

#### **17-3.1 Title.**

This section shall be known as the “Official Map for Public Parks and Playgrounds of the Township.”  
(Ord. 12-18-73 § 62-1)

#### **17-3.2 Purpose.**

The establishment of an Official Map for Public Parks and Playgrounds of the Township of Rockaway showing the location and extent of public parks and playgrounds, whether existing or proposed, is declared to be for the purpose of conserving and promoting the public health and safety, morals and general welfare of the Township.  
(Ord. 12-18-73 § 62-2)

#### **17-3.3 Definitions.**

As used in this section:

*Official map* shall mean the map adopted by this section entitled “Official Map,” or any subsequent amendments thereto, showing the location and extent of certain public parks or school parks, whether existing or proposed.

*Plat* shall mean the map of any subdivision or subdivisions.

*Public park* shall mean any land used or intended to be used for park, recreation, play areas, school park, playground, land conservation or other public uses.

*Subdivision* shall mean the creation or combination of a parcel or parcels of land as defined and regulated by the Subdivision of Land Ordinance of the Town Code of Rockaway Township, as amended.  
(Ord. 12-18-73 § 62-3)

#### **17-3.4 Adoption of Map; Applicability.**

The Official Map of the Township is hereby adopted and is made a part hereof as if fully set forth herein. It shall be deemed conclusive with respect to the location and extent of public parks or playgrounds shown thereon, whether existing or proposed, and whether improved or unimproved. The Official Map shall not be deemed conclusive with respect to the names, widths, or locations of any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way; and any streets shown on the Official Map are shown only for the purposes of identifying the location and extent of public parks and playgrounds shown thereon.

(Ord. 12-18-73 § 62-4)

#### **17-3.5 Plat Approval Application, Reservation of Park Land.**

After the effective date of this section, upon the application for approval of a plat, the Township may reserve for future use the location and extent of public parks and playgrounds shown on the Official Map and within the area of the plat, for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the applying party. Unless within such one (1) year period, or any extension thereof, the municipality shall have entered into a contract to purchase, or instituted condemnation proceedings for, the park or playground according to law, such applying party shall not be bound to observe the reservation of such public parks or playgrounds set forth on the Official Map. During the period of one (1) year, or any extension thereof, the applicant for plat approval, and his assigns and successors in interest, may use the area so reserved for any purpose other than the location of buildings or improvements thereon, consistent with the Township Zoning Ordinance; provided, however, that the topography and the trees and shrubs thereon shall not be changed, altered, destroyed or removed without the prior consent in writing of the Township Planning Board upon application by the applying party.

(Ord. 12-18-73 § 62-5)

#### **17-3.6 Building Permits for Reserved Land.**

No permits for the erection of any building(s) shall be issued by the Building Official on or for any land(s) reserved on the Official Map, if the land(s) shall not be part of a subdivision, for a period of one (1) year from the date of application for the permit. No permits for the erection of any building(s) shall be issued by the Building Official on or for any land(s) reserved on the Official Map, if the land(s) shall be part of a subdivision, for a period of one (1) year from the date of approval of a final plat. In either case, the applying party may agree to an extension(s) of the one (1) year period. Unless within the one (1) year period, or any extension thereof, the Township shall have entered into a contract to purchase, or instituted condemnation proceedings for, the park or playground according to law, the applying party shall not be bound to observe the reservation of such public parks or playgrounds. During such period of one (1) year, or any extension thereof, the applicant for plat approval and his assigns and successors in interest may use the area reserved for any purpose other than the location of buildings or improvement thereon, consistent with the Zoning Ordinance provided, however, that the topography thereof and the trees and shrubs thereon shall not be changed, altered, destroyed or removed without prior consent in writing by the Planning Board upon application by the applying party.

(Ord. 12-18-83 § 62-6)

### **17-3.7 Interpretation.**

This section shall not be construed to limit any power or powers otherwise granted to the Township of Rockaway or to the Board of Adjustment of the Township of Rockaway set forth in the Official Map and Building Permit Act (1953) contained in N.J.S.A. 40:55-1.30 et seq.

(Ord. 12-18-73 § 62-7)

\*The Official Map for Public Parks and Playgrounds of the Township is on file in the office of the Township Clerk.