

**PARKS AND RECREATION**

**CHAPTER 16.**

**PARKS AND RECREATION.<sup>1</sup>**

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#### **Article I. Parks and Recreation Facilities, Generally.**

##### **§ 16-1. Control and jurisdiction of public parks and recreational facilities.**

The public parks and recreational facilities of the town shall be under the jurisdiction and control of the town council or one or more of the commissions, divisions or departments of the town as may be designated by this chapter.

(a) The recreation commission shall have the responsibility for and control of the operation and use of the parks and recreational facilities of the town and shall have the power to promulgate rules and regulations with respect to the use of the town parks, fields, tennis courts, Memorial Pool, and any other public recreational facility of the town, and for the conduct of any recreational activity sponsored by the town, consistent with the provisions of this chapter and shall provide for the issuance of permits as provided by this chapter.

(b) The public works department shall have the responsibility for the physical condition and maintenance of the town parts, fields, tennis courts and other public recreational facilities and the appurtenances, except for the Memorial Pool, which shall be the sole responsibility of the recreation commission.

(c) The recreation commission shall have the responsibility for the physical condition and maintenance of the Memorial Pool complex. (G.O. No. 576, § 1; G.O. No. 1226, § 1.)

**Sec. 16-2. Prohibited activities, conduct, or behavior.**

Within the town parks, fields, tennis courts, Memorial Pool or other recreational facility or any function operated or sponsored by the recreation commission, no person shall:

(a) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person above the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(c) 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 or agency, except where specific permission is granted by the department of public works.

(d) Construct, erect, or bring in any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, or across such lands, except on special written permit issued hereunder by the recreation commission.

(e) Damage, cut, carve, break, transplant or remove any tree, plant or turf, or injure the bark, or pick flowers or seed of any trees, or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty of any area, except that scientific studies or testing, which may include the above activities may be conducted in the parks under a special written permit issued by the recreation commission.

(f) Climb any tree, or walk, stand or sit upon monuments, vases, planters, fountains railings, fences or upon any other such property not designated for or customarily used for such purposes.

(g) Tie or hitch an animal to any tree or plant, or allow any domestic animal to run at large; all persons taking dogs into a park shall lead them on a leash.

(h) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot, or throw missiles at any animal, wildlife, reptile or bird; remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(i) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to 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 solid waters.

(j) Have brought in or dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(k) Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary road areas. No

person shall drive any vehicle within a park at a speed in excess of twenty miles per hour. Whenever any vehicle is standing, it shall be on the extreme right side of the driveway and the motor shall not be running.

(l) Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions thereat and with the instruction of any attendant who may be present.

(m) Drive a commercial vehicle carrying or designated for carrying merchandise except on special written permit issued by the recreation commission. This shall not apply to vehicles delivering items to be used within the park or recreational facility by the town, but shall apply to vendors of peddlers selling merchandise in the park to the public.

(n) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park area. No vehicles of any kind are to be inside the parks and recreational facilities, except as may be traveling on such roadways or drives as are public ways, after 10:00 P.M., except by special written permit issued by the recreation commission.

(o) Ride a bicycle without reasonable regard to the safety of others.

(p) Leave a bicycle on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

(q) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are herein set forth or may be hereafter adopted, nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing, or congregate thereat when such activities are prohibited by the recreation commission upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(r) Erect any tent, stand or other structure in any of the town parks or occupy any structure, tent or stand or sell or give away from any structure, tent, or stand, any food, drink or other thing without first obtaining a permit from the recreation commission.

(s) Fish in or take fish from any of the waters, unless under the age of eighteen years.

(t) Carry or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings, or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(u) Picnic or lunch in a place other than those designated for that purpose, or without obtaining a permit to use the fireplaces or other reserved recreational facilities from the recreation commission.

(v) Leave a picnic area before the fire is completely extinguished and 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 park area by the picnicker to be properly disposed of elsewhere.

(w) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes, except in those areas set apart for such forms of recreation. The playing of volleyball or Frisbee shall not be included in this prohibition and these activities may be

undertaken in any area of the park where they do not interfere with other activities conducted in those areas.

(x) Ride an animal on or within the town parks, except upon the designated drives, ride or drive a bicycle, motorcycle, moped, or other vehicle, except upon the designated drives, or coast down any hill; nor shall any person ride or drive an animal, bicycle, motorcycle, moped, or other vehicle, except upon the right-hand side of the roadway, unless to turn out for an obstruction.

(y) Preach or make any address or make any harangue, sing, play a musical instrument, or move in a military or civil parade, drill or procession, so as to disturb the enjoyment of the park facilities by other members of the public. Notwithstanding, concerts, performances, displays, parades, or other similar activities, may be conducted under a special written permit issued by the recreation commission.

(z) Suffer or permit any animal to defecate or urinate on park lands, or fail to remove such defecation in a sanitary manner, should it occur.

(aa) Wash, polish or repair a car or motor vehicle.

(bb) Throw any stone into, or on any park, or throw any stone within a park.

(cc) Have possession of or drink, sell, buy or give away any intoxicating liquor, except upon special permit, issued by and at the discretion of the town council, and with such conditions as it may require, which permit may be for a period of one day only, and may be issued only in connection with and incidental to civic parades, fairs, shows, exhibitions or similar events, held under the auspices of a public, nonprofit organization as licensee, at which the reasonably anticipated attendance will exceed one thousand persons.

(dd) Have in his possession or set or otherwise cause to explode or discharge or burn, any fireworks, torpedo rockets, roman candles, rockets, or other similar fireworks, firecrackers or explosives or inflammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance or compound which would be similar to or involve the same hazard to persons and property as any of the foregoing enumerated items. At the discretion of the town council, permits may be given for conducting properly supervised fireworks in designated park areas, as provided in section 14-1 and 11-48 of the Town Code.

(ee) Appear in the nude or indecently exposed so as to offend the sensitivity or morals of other members of the public.

(ff) Solicit alms or contributions for any purpose, whether public or private, except that bona fide non-profit civic organizations may be permitted to conduct fund raising activities, under a special written permit issued by the recreation commission.

(gg) Build or attempt to build a fire except in such areas and under such regulations as may be designated by the recreation commission and without obtaining a permit from the division of recreation. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other flammable material within any park or on any highways, roads, or streets abutting or contiguous thereto.

(hh) Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(ii) Gamble, or participate in or abet any game of chance, or have possession of any instrument of gambling, except that the holding of duly licensed games of chance as otherwise authorized in the Code and/or under the Statutes of the State of New Jersey,

shall be permitted in town parks upon special permit issued by and at the discretion of the town council, and with such conditions as it may require, which said permit may be for a period of one day only, and parades, fairs, shows, exhibitions, or similar events held under the auspices of the public non-profit organization as licensee, at which the reasonable anticipated attendance will exceed one thousand persons.

(jj) Except an employee of the town, go onto the ice on any of the waters except such areas as are designated as skating sites, and provided a safety signal is displayed which permits skating, or play any game upon the ice that shall interfere with the free use of the skating site by others.

(kk) Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.

(ll) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(mm) Without permission of the division of recreation, paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(nn) Launch, sail, drive, row, paddle, pole use or float a kayak, boat, canoe, craft, raft or other vessel upon or in any lakes, ponds, pools, streams or other waterways or water courses.

(oo) Cause, suffer or permit the operation of a loudspeaker, record player, tape player, radio, television, or other similar device which produces amplified sound through electrical, electronic, or mechanical means, or a combination of these, without first obtaining a permit for the operation or use of such a device from the recreation department.

(oo) Park, stop or stand a motor vehicle on the Tamaques Park Roadway, both sides, for its entire length within Tamaques Park.

The aforesaid enumerated prohibitions shall not apply to public officials, servants, agents or employees of the town so long as the prohibited activity, conduct or behavior is required in order to properly perform their duties and they are at that time acting in the performance of their duties. (G.O. No. 1226, § 1; 1932 Revision, Title 7, Ch. 2, §§ 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; G.O. No. 1122, § 1; G.O. No 788, § 1; G.O. No. 1261, § 1; G.O. No. 1284, § 1; G.O. No. 1722, § I.)

**Sec. 16-3. Duties, responsibilities and authority of the division of recreation, its employees and the police department and its employees.**

(a) The division of recreation and its employees shall diligently enforce the provisions of this chapter and the rules and regulations promulgated by the recreation commission.

(b) The division of recreation and its employees shall have the authority to eject any person or persons from any park area of recreational facility or from any activity conducted by the division of recreation if in the judgment of such division of recreation or its employees such person is violating the provisions of this chapter or any rules or regulations of the recreation commission.

(c) The division of recreation and its employees shall have the authority to seize and confiscate any property, thing or device which shall be located in or used within a park or other recreational facility, which in the judgment of such division of recreation or employee shall be in violation of this chapter.

(d) This chapter shall also be enforced by the police department of the town.

(e) The division of recreation may solicit bids to grant an exclusive franchise to sell food and beverages in a park or parks and to control and limit prices, locations, products sold, hours and methods of operation at their discretion; provided no such exclusive franchise shall be granted without competitive bidding. Award of an exclusive franchise shall be made by the town council to the qualified bidder offering the highest price, so long as all other requirements of the specifications are met.

(G.O. No. 1226, § 1; G.O. No. 1423, § I.)

**Sec. 16-4. Hours and days of operation and emergency closing.**

(a) Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the designated hours. The opening and closing hours shall be determined by the recreation commission for each individual part and shall be posted therein for public information.

(b) The Memorial Pool shall only be open during the period designated by the recreation commission.

(c) Any section or part of any park may be declared closed to the public, at any time and for any interval of time, for any purpose or purposes whatever, by order of the recreation commission.

**Sec. 16-5. Posting of rules and regulations.**

The division of recreation shall post in such places and locations as it may select such rules and regulations promulgated by the recreation commission as it shall deem appropriate. (G.O. No. 1226, § 1.)

**Sec. 16-5A. Feeding of migratory waterfowl prohibited.**

(a) The feeding of migratory waterfowl in any public park or on any property owned by the town of Westfield shall be prohibited.

(b) Migratory waterfowl shall include those species of birds commonly known as swans, geese and ducks.

(c) In the event any person is found violating the provisions of this section, the person shall be subjected to a fine of not less than twenty-five dollars or more than one hundred dollars for the first offense and in the event of a second or subsequent offense, the person shall be subjected to a fine of not less than one hundred dollars or more than two hundred dollars.

(G.O. No. 1733, §§ I-IV.)

**Sec. 16-6. Permits, applications therefor and issuance thereof.**

Except as may be otherwise provided for herein, the recreation commission in their rules and regulations for use of parks and recreational facilities may specify which events or activities or which use of park or recreational facilities shall require a written permit as a condition for such use, event or activity. Any such permits shall be obtained by written application to the division of recreation in accordance with the following procedure:

(a) A person or organization seeking issuance of a permit hereunder shall file an application with the division of recreation stating:

(1) The name and address of the applicant. Except for permits applicable to Brightwood Park, Memorial Park and Gumbert Field, permits will be issued only to residents of the town or organizations located in or serving the town. In the case of permits applicable to Brightwood Park, Memorial Park and Gumbert Field, permits shall be issued to any person or organization resident in the State of New Jersey. In addition to meeting these residency requirements, applicants shall only receive a permit upon compliance with all other requirements of this article.

(2) The name and address of the person, persons, corporation, or association sponsoring the activity, if any.

(3) The day and hours for which the permit is desired.

(4) The park or portion thereof for which such permit is desired.

(5) Any other information which the division of recreation shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(b) Standards for issuance of a permit by the division of recreation shall include the following:

(1) That the proposed activity or event or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

(2) That the proposed activity, event or use will not unreasonably interfere with or detract from the public health, welfare and safety.

(3) That the proposed activity, event or use is reasonably anticipated not to cause or create violence, crime or disorderly conduct.

(4) That the proposed activity, event or use will not entail extraordinary or burdensome expense or police activity by the town.

(5) That the proposed activity, event or use shall not cause unusual damage to the park or recreational facility to be used.

(6) That the facilities requested have not been reserved for other use at the date and hour requested in the application.

(c) Appeal. Within five days after the receipt of an application, the division of recreation shall notify an applicant in writing whether the permit shall be granted or denied. If the permit is denied, this notice shall state the reason for denial and any aggrieved person shall have the right to appeal to the town by serving written notice thereof on the town clerk within five days of said refusal.

A copy of said notice shall also be served on the division of recreation within the same time and the division shall immediately forward the application and the reasons for its refusal to the town attorney who shall consider the application under the standards set forth under subsection 16-6(b) hereof and advise the recreation commission if the

decision is justified and legal within ten days from the receipt of the appeal by him. The recreation commission shall then decide whether or not to grant the permit and the decision of the recreation commission 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 said permits.

(e) The person or persons to whom the permit is issued shall be liable for all loss, damage, or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permit shall have been issued. The division of 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 from time to time determined by the division of recreation prior to the commencement of any activity or issuance of any permit. As a condition of issuance of a permit, the division of recreation to demand that the permittee meet other requirements to its satisfaction to ensure adequate supervision, to public safety, health and the condition of the park.

(f) Revocation. 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.

(g) The following fees shall apply to permits issued under this section:

Mindowaskin Park Gazebo	\$25.00 per hour or any part thereof;
Picnic area permit	\$50.00 per day (applicable to organizations only)

G.O. No. 1244, § I; G.O. No. 1226, § 1; G.O. No. 1261, § 2; G.O. No. 1851, § I.)

### **Article III. Public Tennis Courts.**

#### **Sec. 16-7. Permit required for use of public tennis courts.**

No person shall use the public tennis courts at Tamaques Park or Memorial Park without first having obtained a permit therefor from the division of recreation.

The applicant for a resident permit must be a resident of the town or a non-resident who owns real estate in the town or the children of such non-resident under eighteen years of age. Such permits shall be issued annually and the fee for its issuance to such person shall be as follows:

1. Individual child – Twelve years of age and under - \$5.00.
2. Individual young adult – Over twelve years and under eighteen years of age - \$7.00.
3. Individual adult – Eighteen years of age and over, but not senior citizens - \$25.00.
4. Family – As defined in section 16-9 of the Town Code - \$35.00. Permit issued to all qualified members of the family.
5. Senior citizen – As defined in section 16-9 of the Town Code - \$5.00.

The applicant for a non-resident permit must be a resident of the State of New Jersey. Such permits shall be issued annually and the fee for its issuance to such persons shall be as follows:

1. Individual child – Twelve years of age and under - \$10.00.

2. Individual young adult – Over twelve years and under eighteen years of age - \$14.00.
3. Individual adult – Eighteen years of age and over, but not senior citizens - \$50.00.
4. Family – As defined in section 16-9 of the Town Code - \$70.00.
5. Senior citizen – As defined in section 16-9 of the Town Code - \$10.00.

A non-resident permit shall permit play by the holder thereof only at the tennis courts at Memorial Park in Westfield, New Jersey. All other tennis courts located within the Town of Westfield and operated by the division of recreation shall only be used by residents or those persons who hold a resident permit.

Each applicant for a resident permit or non-resident permit must submit the information requested by the division of recreation on the forms supplied by it. All holders of a permit to use the public tennis courts shall be subject to all the rules and regulations established by the recreation commission for the use of same. If the holder of any permit, whether resident or non-resident, shall violate any of the rules and regulations established by the recreation commission for the use of same, his permit may be reviewed by the recreation commission after notice and hearing.

Non-residents of the town who are not holders of non-resident permits may use the public tennis courts as guest but only when playing doubles with two or more holders of resident permits or non-resident permits provided that such non-resident guests who are playing doubles with holders of non-resident permits may only use the Memorial Park tennis facilities. Non-resident guests who are playing doubles with holders of resident permits may use any tennis facilities of the town. Such non-resident guests must show proof of residency outside the Town of Westfield. A fee of five dollars per play hour will be charged for all such guests players regardless of age or play on the public tennis courts.

Resident of the Town of Westfield may not be guests of permit holders but must obtain their own permits. (G.O. No. 1244, § II, G.O. No. 1226, § 1; G.O. No. 1218, § 1; G.O. No. 1065, § 1; G.O. No. 1066; G.O. No. 1094, § 1; G.O. No. 1142, § 1; G.O. No. 1261, § 3, G.O. No. 1299, § 1; G.O. No. 1330, § 1; G.O. No. 1372, § I; G.O. No. 1432, § I; G.O. No. 1572, § I; G.O. No. 1759, §§ I, II.)

**Sec. 16-8. Use of courts – Controlled by recreation commission.**

The recreation commission shall have the authority to control the use of the tennis courts, and may by rule or regulation, prohibit play by the general public to provide for tournament play, team use, a reservation system or for such other purpose or uses as it may deem appropriate. (G.O. No. 1226, § 1.)

**Article IV. Westfield Memorial Pool.**

**Sec. 16-9. Definitions.**

The following terms, whenever used or referred to in this article, shall have the meanings respectively ascribed to them in this section.

(a) *Resident family.* Husband and/or wife and their children residing at the family home in Westfield, regardless of the number, who are under nineteen years of age or are full-time college students no older than twenty-three or dependent handicapped adults, with the exception of married children who are not included. Foster children in the care of the family under the authority of an agency of the State of New Jersey or of the courts and “Fresh Air” children from a recognized “Fresh Air” program residing with the resident member family will be considered part of the resident family. Employees and temporary guests are not considered part of the resident family, except for the category described below for full-time childcare.

(b) *Non-resident family.* Husband and/or wife and their children residing at the family home outside of the Town of Westfield but within the State of New Jersey, regardless of college students no older than twenty-three or dependent handicapped adults, with the exception of married children, who are not included. Foster children in the care of the family under the authority of an agency of the State of New Jersey or of the courts and “Fresh Air” children from a recognized “Fresh Air” program residing with the non-resident family. Employees and temporary guests are not considered part of the non-resident family except for the category described below for full-time childcare.

(c) *Resident family w/individual full-time childcare.* Husband and/or wife and their children residing at the family home in Westfield, regardless of number, who are under nineteen years of age or are full-time college students no older than twenty-three or dependent handicapped adults, with the exception of married children who are not included.

Foster children in the care of the family under the authority of an agency of the State of New Jersey or of the courts and “Fresh Air” children from a recognized “Fresh Air” program residing with the resident member family will be considered part of the resident family.

Employees, except as set forth below, and temporary guests are not considered part of the resident family. In order to meet the requirements for this category of membership, the sponsoring family must employ a single full-time childcare individual who will then be included in the family membership under certain conditions as defined herein.

Employee and sponsor (husband or wife) are required to countersign the membership application in person at the pool office. Proof of employment or signed affidavit of employment is also required. The childcare individual will not be permitted into the pool complex unless accompanied by a member of the sponsoring family except those childcare individuals who permanently reside in the home of the sponsoring family.

(e) *Resident husband and wife.* Husband and wife only residing in the Town of Westfield.

(f) *Nonresident husband and wife.* Husband and wife only who are not resident of the Town of Westfield, but reside within the state of New Jersey.

(g) *Resident individual.* An individual resident of the Town of Westfield twelve years of age or over as of June 1 of the current pool season.

(h) *Nonresident individual.* Any individual twelve years of age or over (June 1 of the current pool season) who is not a resident of the Town of Westfield but is a resident of the State of New Jersey.

(i) *Resident senior citizen.* Any resident of the Town of Westfield sixty-five years of age, or sixty-two years of age and receiving Social Security, or sixty years of age and

receiving benefits under the Railroad Retirement Act. Any resident of the town who is sixty years of age or more and the spouse of a resident senior citizen member will be admitted to membership with the resident senior citizen. A resident of the town who is under sixty years of age, even though such resident is a spouse of a resident senior citizen member, will not be admitted to membership with the resident senior citizen, but must obtain an individual resident membership.

(j) *Nonresident senior citizen.* Any person sixty-five years of age, or sixty-two years of age and receiving Social Security, or sixty years of age and receiving benefits under the Railroad Retirement Act who is not a resident of the town by is a resident of the State of New Jersey. Any person who is sixty years of age or more and the spouse of a nonresident senior citizen member will be admitted to membership with a nonresident senior citizen. A person who is under sixty years of age, even though such person is the spouse of a nonresident senior citizen will not be admitted to membership with the nonresident senior citizen but must obtain an individual nonresident membership.

(k) *Member guests.* Any person or persons, whether resident or nonresident of the Town of Westfield, seeking admission to the pool having a pool member sponsor. The guest cannot be admitted to the pool without the pool member sponsor also present.

(l) *Daily guests.* Any person or persons, whether resident or nonresident of the Town of Westfield, seeking admission to the pool.

(m) *Mentally handicapped person.* Any person of the age of ten years or older, capable of using the facility without supervision, as determined by the pool manager, in his sole discretion, and otherwise meeting the definition of “mentally retarded (educable)” or “mentally retarded (trainable)” as such definitions are contained in N.J.A.C. 6:28-2.1 et seq. as same may be from time to time amended.

(n) *Guest eligible for extended pass.* Any person, whether resident or nonresident of the town, seeking admission to the pool, having a resident or nonresident pool member sponsor, who will be residing with that pool member sponsor during the period when the pool is open but is not a member of the family as defined herein. Such person shall be eligible for a special extended guest pass at a special rate as provided hereafter for a maximum of three consecutive weeks. Persons residing with the sponsor longer than three consecutive weeks will require a full individual membership. Such guests cannot be admitted to the pool without the pool member sponsor also present.

(o) *Community service group.* A bona fide nonprofit group, association or corporation organized solely for religious, charitable, educational or community service purposes which as been granted exemption from taxation under laws of both the State of New Jersey and the United States, with an office located in the Town of Westfield which serves primarily Westfield residents.

(p) *Early bird lap swim.* A class of membership to the Westfield Memorial Pool that authorizes resident individuals and nonresident individuals who pay the applicable fee to use the two lap pools on the Westfield Memorial Pool premises from 6:00 A.M. to 8:00 A.M. only. This class of membership is available only to resident individuals and nonresident individuals.

(q) *Others* shall mean a person or persons may apply for membership from time to time who do not meet the requirements of the definitions set forth herein. In such cases the recreation commission or recreation director, if the commission so delegates, shall have the power, after payment of the membership fee, to accept such person or persons as

members and place such person or persons in the classification which the commission or director. As the case may be, believes most closely describes such person or persons in the sole discretion of such commission or director.

(r) *Resident parent and child.* Mother or father and their son or daughter under the age of twelve (June 1 of the current pool season) residing at the family home in Westfield.

(s) *Nonresident parent and child.* Mother or father and their son or daughter under the age of twelve (June 1 of the current pool season) who are not residents of Westfield, but reside within the State of New Jersey.

(G.O. No. 1244, § 3; G.O. No. 1226, § 1; G.O. No. 1032, § 1; G.O. No. 1061, § 1; G.O. No. 1082, § 1; G.O. No. 1180, § 1, G.O. No. 1267, § 4; G.O. No. 1268, § 1-2; G.O. No. 1301, § 1; G.O. No. 1545, § 1; G.O. No. 1572, § II; G.O. No. 1643, § I; G.O. No. 1667, § I; G.O. No. 1693, §§ I-V; G.O. No. 1757, §§ I-III; G.O. No. 1805, § I; G.O. No. 1861.)

### **Sec. 16-10. Admission to the Westfield Memorial Pool Complex.**

Use of the Westfield Memorial Pool complex shall be limited to members and guests as herein defined, unless otherwise provided herein. Membership shall only be granted upon full payment of the fee provided for herein. Plastic photographic identifications cards shall be issued to all members, except members of a family under six months of age, and must be presented at the entrance gate of the pool in order to gain admittance during periods of use devoted to general use by the members. These identification cards can only be used by the member to whom they are issued, and it shall be unlawful for other persons to use the same.

Member guests shall only be admitted in the company of the sponsor and after the payment of the fee provided herein and compliance with other applicable provisions hereof. All member guests must have a resident or nonresident member sponsor. Daily guests shall only be permitted after payment of the fee provided herein and compliance with other applicable provisions hereof.

All member or guest children under ten years of age must be accompanied by a responsible person eighteen years of age or over, who is a member or guest, in order to be admitted to the pool complex. After 6:00 P.M. all member or guest children under fourteen years of age must be accompanied by an adult who is eighteen years of age or over, who is a member or guest in order to be admitted. The pool employee at the admission gate must be satisfied that children seeking admission meet all the requirements necessary for admission. The pool manager in his sole discretion may make exceptions to the aforesaid requirement for children's admission.

No person under eighteen years of age will be admitted to the pool after 6:00 P.M. when adult nights are scheduled.

(G.O. 1244, § 4; G.O. No. 1226, § 1; G.O. No. 1261, § 5; G.O. No. 1757, § IV.)

### **Sec. 16-11. Priority of membership applications.**

In any given year, notification will be mailed to every resident of the Town of Westfield and all nonresident members from the preceding year.

Commencing the first Monday in March each year and extending for a period of six (6) weeks, applications for membership will only be accepted from the previous years' members. If capacity has not been reached, applications for membership will then be accepted only from residents of the Town of Westfield through the last business day in April or to capacity, whichever comes first. If capacity has still not been reached, applications for membership will then be accepted from residents and nonresidents alike commencing on the first business day of May each year until capacity is reached.

Each year applicants in excess of membership capacity will be placed on a waiting list and their applications numbered in sequence of receipt. As vacancies occur, applicants will be accepted for membership from the waiting list in the sequence in which their applications were received upon receipt of full payment.

(G.O. No. 1244, § V; G.O. No. 1226, § 1; G.O. No. 1261, § 6; G.O. No. 1757, § V; G.O. No. 1774, § I.)

**Sec. 16-12. Fees established.**

The following fees are hereby established and fixed for the Westfield Memorial Pool:

(a) The following classes of membership and membership fees per season are hereby established:

<b>Class of Membership</b>	<b>Resident</b>	<b>Nonresident</b>
1. Family	\$350.00 (\$327.10 + \$22.90 state sales tax	\$610.00 (\$570.10 + \$39.90 state sales tax
2. Family with full-time child care	\$530.00 (\$495.30 + \$34.70 state sales tax	\$940.00 (\$878.50 + \$61.50 state sales tax
3. Husband and wife w/o children or parent with child under 12	\$270.00 (\$252.30 + \$17.70 state sales tax	\$505.00 (\$472.00 + \$33.00 state sales tax
4. Individual	\$180.00 (\$168.20 + \$11.80 state sales tax	\$335.00 (\$313.10 + \$21.90 state sales tax
5. Senior citizen	\$75.00 (\$70.10 + \$4.90 state sales tax	\$140.00 (\$130.80 + \$9.20 state sales tax
6. Mentally handicapped person	\$2.00	\$2.00
7. Community service	As provided in section 16-12A	
8. Late registration for new residents	There will be a fifty percent reduction in all the aforesaid fees for all new Westfield residents who apply for membership after August 1 of the year for which membership is sought and established, with proof satisfactory to the direction of recreation, that such residence in Westfield commenced after August 1 of that year. Such reduction in fees shall not apply to nonresident applicants.	

9. Bona fide active member of the Westfield Rescue Squad	Membership fees for bona fide members of the Westfield Rescue Squad as defined herein shall be fifty percent of those set forth above for the category of membership which applies to that member (and family).	
10. Early bird lap swim	\$25.00	\$40.00

(b) Members shall pay the following fees for replacement of photograph I.D. cards:

1. \$3.00 for first replacement.
2. \$5.00 for replacement thereafter.

(c) Member guest fees:

1. For each member guest eighteen years of age and over, four dollars per day on weekdays, except holidays, and five dollars per day on weekends and holidays.
2. For each member guest under eighteen years of age, three dollars per day on weekdays, except holidays, and four dollars per day on weekends and holidays.
3. For each member guest of a resident member eligible for an extended pass, ten dollars per week for a maximum of three weeks, which must be consecutive.
4. For each member guest of a nonresident member eligible for an extended pass, twenty dollars per week for a maximum of three weeks, which must be consecutive.

(d) Daily guest fees: For each daily guest eighteen through sixty-four years of age, twenty dollars per day on the weekdays, except holidays, and twenty-five dollars per day on weekends and holidays.

For each daily guest under eighteen or over sixty-four years of age, ten dollars per day on the weekdays, except holidays, and fifteen dollars on weekends and holidays.

(e) The fees to be charged at the vending machines shall be:

1. For table tennis balls, twenty-five cents.
2. For sanitary napkins, twenty-five cents.

(f) Swimming lesson fees:

1. For every child, twenty dollars per session.

(g) All membership fees shall be waived as to any resident of the town or nonresident of the town who is a resident of the State of New Jersey, and his or her immediate family who suffered total disability as a result of service in the Armed Forces of the United States.

(h) *Others.* A person or persons accepted for membership and included in a category as described in section 16-9 as “others” shall be charged a fee for membership by the recreation commission or director, as the case may be, for the classification into which such person or persons have been placed by the recreation commission or director, as the case may be, pursuant to section 16-9.

(G.O. NO. 1244, § VI; G.O. No. 1226, § 1; G.O. No. 1217, § 1; G.O. No. 1032, § 2; G.O. No. 1061, § 2; G.O. No. 1075, § 1; G.O. No. 1082, § 2; G.O. No. 1094, § 2; G.O. No. 1114, § 1; G.O. No. 1121, § 1; G.O. No. 1141, § 1; G.O. No. 1261, § 7; G.O. No. 1268, § 3-4; G.O. No. 1294, §§ 1, 2; G.O. No. 1301, § II; G.O. No. 1345, §§ 1, 2; G.O. No. 1393, § I; G.O. No. 1424, § I; G.O. No. 1467, § I; G.O. No. 1520, § 1; G.O. No. 1545, § II; G.O. No. 1572, § III; G.O. No. 1643, § II; G.O. No. 1667, § II; Ord. No. 1688, § 1; G.O. No. 1693, § VI; G.O. No. 1757, §§ VI, VII; G.O. No. 1774, § II; G.O. No. 1798; G.O. No. 1805, § II; G.O. No. 1811, § I; G.O. No. 1845; G.O. No. 1862; G.O. No. 1892.)

**Sec. 16-12A. Community service group membership requirements and restrictions.**

(a) *Requirements.* A community service group as defined herein may obtain memberships on behalf of certain of its members or those it serves so long as the following criteria are met:

(1) No such group shall be entitled to obtain more than ten such memberships per season.

(2) The group must pay for each such seasonal membership at the rate established for individual resident memberships.

(3) The memberships must be used only by Westfield residents, eleven years of age or older who are members of, or are served by the community service group and who meet the tests for income eligibility set forth in subsection (b) hereof.

Each membership shall be good only for the season for which it is issued. Numbered membership identification cards will be issued to the group for each fee paid up to a maximum of ten. Lost or stolen cards must be reported to the recreation division and a new numbered card will be issued to replace the lost or stolen card upon the payment of a fee of one dollar. Lost or stolen cards if found or recovered will no longer be valid for admission to the pool if a replacement card is issued. The recreation division will confiscate any card presented for admission to the pool if a replacement for such card has been issued. Such card shall not entitle the user to have a guest or guests.

(b) *Restrictions.* The group obtaining the memberships shall distribute the cards obtained by it to its members or those it serves and control the use of such cards pursuant to the following restrictions:

(1) The organization shall prepare a list of persons who shall be entitled to use these cards for admission to the pool which shall not contain more than thirty names, and which shall include the address, age, and telephone number of such persons. To be included on such list, the persons must be Westfield residents eleven years of age or older and must be members of a family unit where the family income is less than 125 percent of poverty level income as established for Region II (New Jersey) by the Community Services Administration (CSA), a Federal Agency, for a family with the same number of family members.

The determination of resident and eligible family income level shall be made by the Community Service Group, provided the Westfield division of recreation shall have the right to inspect the records of the community service group at any time to verify the correctness of such eligibility determination. This list shall be furnished to the recreation division. Only those persons appearing on the list shall have the right to use these membership cards for admission to the pool with such cards to ascertain whether such persons appear on the list.

(2) Such cards shall only be used by one person at a time and must be kept in the possession of the person using the card at all times while within the pool complex. Any person who has gained admission to the pool by the use of such card not having such card in his possession shall be ejected from the pool.

(3) After 6:00 P.M., all children fourteen years of age seeking admission to the pool must be accompanied by a responsible person eighteen years of age or over who is a member of the pool or who has a group membership card for admissions.

(4) All other ordinances of the town and all rules and regulations of the recreation commission must be obeyed by those using the pool through such group membership card.

(5) Except as set forth in this section, the user of a group membership card shall have the same privileges and be subject to the same restrictions as a person using any other type of membership card. (G.O. No. 1301, § III.)

**Sec. 16-12B. Member of the Westfield Rescue Squad.**

Prior to the date established by the recreation commission for receipt of membership applications for the Westfield Memorial Pool, the president of the Westfield Rescue Squad shall certify the recreation commission the names and addresses of all bona fide active members as such family members are defined herein. A bona fide active member shall be a member having a current emergency medical technician certificate from the State of New Jersey and participation in at least one duty period per week. If such person ceases to be an active bona fide member because of resignation, expiration or certification, failure to take a weekly duty period for a period of three consecutive weeks or other applicable reason, the president shall immediately notify the recreation commission in writing and the former rescue squad member shall thereafter, in order to remain a pool member, pay the recreation commission the full fee required for a regular pool membership in the appropriate category prorated for the period involved. (G.O. No. 1688, § II.)

**Sec. 16-13. Receipt for fees; disposition of revenue.**

The recreation director's office shall issue a receipt for each fee listed in section 16-12, subsections (a), (b) and (f). The pool manager's office shall issue a receipt for each fee listed in section 16-12, subsection (c). All monies received shall be turned over to the town treasurer at the end of each month. (G.O. No. 1226, § 1; G.O. No. 1032, § 3; G.O. 1082, § 3.)

**Sec. 16-14. Return of fees.**

Membership fees shall be refunded for all persons requesting such refund, provided that application for such refund is made prior to the date that the pool first opens for use by the members. There shall be no refunds in the case where the application for refund is made after the pool opening date. (G.O. No. 1226, § 1.)

**Sec. 16-15. Use of Westfield Memorial Pool – Controlled by recreation commission.**

The recreation commission shall have the authority to control the use and operation of the Westfield Memorial Pool, and may by rule or regulation restrict general use by the members to provide for competitive matches, team use, playground children use, other special events, or for such other purpose or use as it may deem appropriate, and may permit non-members to use the Westfield Memorial Pool in connection therewith. The

recreation commission shall have the authority to promulgate such other rules and regulations and amend same, consistent with this article for the operation and use of the Westfield Memorial Pool as it may deem proper. The recreation commission may suspend, prohibit or revoke the use of the pool by any member or guest for a violation of its rules and regulations. (G.O. No. 1226, § 1; G.O. No. 1757, § VIII.)

**Sec. 16-16. Unlawful to be upon premises except during hours of operation.**

It shall be unlawful for any person to be in or upon the premises of the Westfield Memorial Pool at any time other than those hours set forth for its operations in the rules and regulations established by the recreation commission. (G.O. No. 1226, § 1; G.O. No. 1075, § 2.)

**Sec. 16-16A. Westfield Memorial Pool complex.**

(a) *Definitions; prohibited activities.*

(1) As used herein, the terms “smoking” and/or “to smoke” shall mean (i) the inhalation of the fumes of burning plant material of any type, including but not limited to tobacco; (ii) the lighting and/or heating of any cigarette, cigar, or any other product containing tobacco; or (iii) the holding of any object, including but not limited to, cigarettes or cigars, that contains or consists of burning plant material of any type, including tobacco.

(2) Smoking shall be prohibited at all time throughout the grounds of the Westfield Memorial Pool complex, including within all structures located on the grounds of the Westfield Memorial Pool complex, and within twenty linear feet from the entrance and exit of the Westfield Memorial Pool complex.

(b) *Posting of signs.* A “no smoking” sign shall be clearly, sufficiently and conspicuously posted at every entrance to the grounds of the Westfield Memorial Pool complex. The sign(s) shall have the words “no smoking” in lettering that is not less than two inches in height, and/or shall contain the international no smoking sign or symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar diagonally through the cigarette) that is not less than two inches in height.

(c) *Enforcement.* The Westfield Health Department and the Westfield Police Department are hereby charged with the enforcement of this section. The Health Officer and all health inspectors of the Westfield Health Department and all police officers of the Westfield Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

Any employee or person who desires to register a complaint for a violation of the terms of paragraph (a) of this section may file such a complaint with the Westfield Health Department or with the Westfield Police Department.

(d) *Violations and penalties.* It shall be unlawful to smoke or carry a lighted cigarette, cigar or pipe where smoking is prohibited.

Any person who violates paragraph (a) of this section shall be guilty of an infraction punishable by:

(1) A fine, not less than fifty dollars and not greater than one hundred dollars, for the first violation;

(2) A fine, not less than one hundred dollars and not greater than two hundred dollars, for the second violation; and

(3) A fine, not less than two hundred fifty dollars and no greater than five hundred dollars, for the third and any subsequent violation.

(e) *Other applicable laws.* No provision in this section shall be construed or interpreted to allow smoking where it is otherwise restricted by any other applicable statutes, executive orders, rules, regulations, or ordinances.

(G.O. No. 1799, §§ 2-6.)

## **Article V. Violations and Penalty Therefor.**

### **Sec. 16-17. Unauthorized use of facilities for purposes for which they were not designed or intended.**

It shall be unlawful for any person to use park facilities or equipment for purposes for which they were not designed or intended, such as, by way of illustration and not as a limitation, using tennis courts for roller skating, land hockey, bicycling or unintended purposes or by riding bicycles on baseball infields or any other such unintended use. (G.O. No. 1549, § I.)

### **Sec. 16-17A. Violations and penalties.**

Any person violating any of the provisions of this chapter or any rule or regulation promulgated thereto shall, upon conviction, be subject to the requirement for the replacement, repair or restoration of any damage to park property and shall be subject to a fine not exceeding two hundred dollars and of default of payment therefor may be sentenced to imprisonment in the county jail at the discretion of the magistrate for a term not exceeding ninety days. (G.O. No. 1226, § 1; G.O. No. 1549, § II.)

## **Article VI. Reservation of Land for Public Use.<sup>2</sup>**

### **Sec. 16-18. Title.**

This article shall be known as the “Official Map Ordinance for Public Parks and Playgrounds of the Town of Westfield,” and the map adopted hereby shall be known as the “Official Map for Public Parks and Playgrounds of the Town of Westfield.” (G.O. No. 1226, § 1; G.O. No. 1125, § 1.)

### **Sec. 16-19. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Official map.* The map adopted by this article entitled “Official Map, Town of Westfield, Union County, New Jersey,” dated March, 1975, and prepared by Robert Catlin and Associates, City Planning Consultants, Rockaway, New Jersey, or any

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<sup>2</sup> As to subdivisions, see ch. 25 of this Code.

subsequent amendments thereto; showing the location and extent of certain public parks and playgrounds, whether existing or proposed; a copy of which map is annexed hereto and made a part thereof.

*Plat.* The map of any subdivision.

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

*Subdivision.* The creation or combination of parcels of land as defined and regulated by the Subdivision of Land Ordinance, as set out in chapter 25 of this Code. (G.O. No. 1226, §1; G.O. No. 1125, § 3.)

#### **Sec. 16-20. Purpose.**

The establishment of an official map for public parks and playgrounds of the town 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 town. (G.O. No. 1226, § 1; G.O. No. 1125, § 2.)

#### **Sec. 16-21. Official map adopted; interpretation of map.**

The official map of the town 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; nor shall it be deemed conclusive with respect to the location, width nor extent of drainage rights-of-way, flood control basins or scenic and historic sites which may be shown thereon; 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. (G.O. No. 1226, § 1; G.O. No. 1125, § 4.)

#### **Sec. 16-22. Required.**

After the effective date<sup>3</sup> of this article, upon the application for approval of the plat, the town may reserve for future public use the location and extent of public parks and playgrounds, or any part thereof, shown on the official map, and within the area of such plat, for a period of one 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-year period, or extension thereof, the municipality shall have entered into a contract to purchase, or instituted condemnation proceedings, for the tract or parcel of land or property so reserved for any of such purposes, according to law, such applying party shall not be bound to observe the reservation of such tract or parcel of land or property set forth on the official map. During such period of one 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

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<sup>3</sup> Editor's note. Ordinance No. 1125, from which this section is derived, was enacted May 13, 1976,

with the town Zoning Ordinance heretofore or hereafter adopted, and with that the topography thereof and the trees and shrubs thereon shall not be changed, altered, destroyed or removed without the prior consent in writing of the planning board of the town upon application by the applying party. (G.O. No. 1226, § 1; G.O. No. 1125, § 5.)

**Sec 16-23. Use of land reserved on map.**

No permits for the erection of any building shall be issued by the building official of the town on or for any land so reserved on the official map, if such land shall not be part of a subdivision, for a period of one year from the date of application for such permit. No permits for the erection of any building shall be issued by the building official of the town on or for any land reserved on the official map, if such land shall be part of a subdivision, for a period of one year from the date of approval of the final plat. In either case, the applying party may agree to extensions of such one-year period. Unless within such one-year period, or any extension thereof, the town shall have entered into a contract to purchase, or instituted condemnation proceedings, according to law, for the tract or parcel of land or property so reserved for such purposes, such applying party shall not be bound to observe the reservation of such public parks or playgrounds. During such period of one year, or any extension thereof, the applicant for plat approval and his assigns and successors in interest, may use the area so for the tract or parcel of land or property so reserved for any of such purpose, according to law, such applying party shall not be bound to observe the reservation of such tract or parcel of land or property set forth on the official map. During such period of one 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 town Zoning Ordinance heretofore or hereafter adopted, and with New Jersey Statutes Annotated, section 40:55-1.38; provided, that the topography thereof and the trees and shrubs thereon shall not be changed, altered, destroyed or removed without the prior consent in writing of the planning board of the town upon application by the applying party. (G.O. No. 1226, § 1; G.O. No. 1125, § 6.)

**Sec. 16-24. Construction of provisions.**

This article shall be construed to limit any power otherwise granted to the town or to the planning board and board of adjustment of the town set forth in the “Official Map and Building Permit Act (1953)” contained in New Jersey Statutes Annotated, section 40:55-1:30 et seq., nor to vary any of the limitations, conditions or requirements established by the provisions of the such statutes. (G.O. No. 1226, § 1; G.O. No. 1125, § 7.)

**Sec. 16-24A. Dunham Avenue Bird Sanctuary.**

(a) The following municipally-owned real estate shall be dedicated to, and used for, the public purpose of a bird sanctuary and nature park;

(1) Block No. 4703, Lot. No. 5.02.

(2) The portion of Dunham Avenue contiguous with the above lot; provided, nothing herein shall be construed to vacate that portion of Dunham Avenue.

(b) The foregoing shall collectively be known as the Dunham Avenue Bird Sanctuary.

(c) This designation is being made to take advantage of the provision of N.J.S.A. 52:27D—301.1 as amended, it being the intention that this land shall be used for a public purpose other than housing.  
(G.O. No. 1690, § I.)

## **Article VII. Miscellaneous Fees and Deposits.**

### **Sec. 16-25. Fee and deposit for loaned picnic kits and other recreational equipment and charges for items not returned; penalty.**

(a) The recreation commission may provide picnic kits to persons using park facilities. The recreation commission shall collect a fee of ten dollars per kit per day and shall collect a deposit of twenty dollars for each kit from the user. The deposit shall be refunded if the kit is returned to the recreation commission within three days, containing all the items included in the kit when issued and undamaged. If the kit or any individual item or items contained therein when issued are not returned in the time period set forth herein or returned damaged, the recreation commission shall retain a portion of the deposit equivalent to the value of any individual item or items damaged or not returned according to the schedule of values, prepared by the recreation commission and furnished to the person(s) receiving the kit at the time the kit is issued. If the kit is not returned, the recreation commission shall retain the entire deposit.

(b) The recreation division may provide various other items of athletic equipment on a loan basis to persons enrolled in its athletic programs. The recreation division shall collect a deposit in cash for each item loaned out equivalent to the replacement value of that equipment. The following values are hereby established for such athletic equipment.

<b>Equipment</b>	<b>Deposit</b>
(1) Lacrosse helmet	\$60.00 each
(2) Lacrosse gloves	\$35.00 pair

The deposit shall be refunded if the item of equipment is returned undamaged to the recreation division within three days after the end of the program or event for which it was loaned. For any individual item not returned within this time period or damaged, other than in the ordinary course of use, the recreation division shall retain a portion of the deposit equivalent to the cost to repair such item of equipment which is returned but damaged, or if any item is not returned the recreation division shall retain the entire deposit for such item.

(c) Any such deposit or portion thereof retained shall be turned over to the treasurer for deposit in the recreation trust fund for use in replacing or repairing lost or damaged articles.

(d) If the amount of the deposit retained for a picnic kit or its contents or for athletic equipment is not adequate to repair any damaged items or to replace any items which are not returned, the recreation division shall bill the user in person or by mail for damaged items as the case may be, after deducting the deposit retained. Such bill shall be paid by the user within fifteen days of receipt thereof.

(e) No person shall fail to pay to the recreation division the cost billed to them pursuant to this section, after fifteen days have elapsed following the date of posting, by certified mail, return receipt requested, or a written notice of such amount due and owing, addressed to such person at his last address furnished, which notice clearly identifies the item or items borrowed and the net cost for replacing or repairing same and advises such person of the penalty for violation of this section. Such written notice shall be sent only if the user has failed to pay the initial bill within the time prescribed.

(f) No person shall intentionally register or furnish a false name or address for the purpose of obtaining any such picnic kit or athletic equipment from the recreation division and any person doing so shall be guilty of a violation of this section.

(g) Violation of this section shall be punishable by a fine which shall not exceed two hundred dollars for each article for which a bill is sent and remains unpaid, and the violator shall be further required to reimburse the recreation division the amount of such bill for non-return of materials or repair. Continued failure to pay any such bill for a period of thirty days after conviction of a violation of this section shall constitute a separate offense under this section. (G.O. No. 1330, § 2; G.O. No. 1349, § I; G.O. No. 1438, § I; G.O. No. 1851, § I.)

**Sec. 16-26. Brightwood Park – Nature Study Book, Trust Fund.**

A Trust Fund shall be established relating to Brightwood Park activities to be administered by the recreation division and treasurer’s office. The recreation division is authorized to sell the book known as the “Brightwood Park – Nature Study Book” – by Noel Taylor for a fee of three dollars per copy. All funds collected from these sales are to be deposited in the aforesaid trust fund. Any gifts relating to Brightwood Park are also to be deposited in the aforesaid trust fund. The recreation division may utilize these funds in the future to republish this book or for any other use related to nature study at Brightwood Park. (G.O. No. 1330, § 2.)

**Sec. 16-27. Cultural arts and music instruction program – fees and charges.**

A fee or charge shall be made for participation in the cultural arts program operated by the recreation division as follows:

<i>Participant</i>	<i>Fees for participation in seasonal program – per instrument – per program</i>
(a) Under 19 years of age	Not less than \$15.00 or more than \$50.00
(b) 19 years of age and over	Not less than \$15.00 or more than \$75.00

The cultural arts program shall include, but not be limited to, drama, industrial arts, arts and crafts classes, dance and exercise classes, and gymnastics.

All activities of the community concert band are excluded from these fees and charges and are not considered to be part of the cultural arts program.

A fee or charge shall be made for participation in the music instruction program operated by the recreation division as follows:

<i>Participant</i>	<i>Fees for participation in seasonal program – per instrument – per program</i>
(a) Under 19 years of age	Not less than \$25.00 or more than \$50.00

(b) 19 years of age and over Not less than \$35.00 or more than \$75.00

The exact fee to be charged within the range provided by this section shall be determined from time to time by the recreation commission by resolution.

(G.O. No. 1381, § I; G.O. No. 1438, § II; G.O. No. 1511, § I; G.O. No. 1532, § I; G.O. No. 1643, § III.)

**Sec. 16-28. Athletics programs; fees and charges.**

(a) Westfield –based youth athletic programs:

A fee of ten dollars per child, per season, per sport shall be charged to, and collected from, each private sports league that uses a field administered by the recreation department, except Board of Education fields. This subsection to take effect January 1, 2006.

(b) Non-Westfield-based and adult athletic programs.

A fee of thirty dollars per game, per three-hour period, shall be charged to adult leagues and/or teams, or all non-Westfield-based teams and/or leagues for use of a field administered by the recreation department, except Board of Education fields.

(G.O. No. 1381, § II; G.O. No. 1438, § III; G.O. No. 1511, § II; G.O. No. 1699, § I; G.O. No. 1851, § I.)

**Sec. 16-29. Summer exceptional center program; fees established.**

The following fees shall be charged for the summer exceptional center program:

(a) Non-resident - \$30.00 per week.

(G.O. No. 1397, § I.)

**Sec. 16-30. Use of community room in the municipal building; fee established.**

A fee in the amount of ten dollars per hour shall be charged for the use of the community room during the hours set forth herein Monday – Friday. A fee in the amount of fifty dollars per hour, minimum of three hours, shall be charged for the use of the community room on Saturday, Sunday and holidays. The hours shall be limited to the period between 10:00 A.M. and 10:00 P.M. (G.O. No. 1600, § I; G.O. No. 1851, § I.)