

**BOROUGH OF OLD TAPPAN**  
**ORDINANCE NO. 1271-25**

**AN ORDINANCE REPEALING AND REPLACING §§179-19 THROUGH 179-27**  
**OF THE ORDINANCES OF THE BOROUGH OF OLD TAPPAN**  
**ENTITLED “FACILITIES USAGE POLICY”**

**NOW THEEFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Old Tappan, County of Bergen and State of New Jersey, as follows:

**Section 1.** §§179-19 through 179-27 of the Code of the Borough of Old Tappan, titled “Facilities Usage Policy” are hereby repealed in their entirety and replaced by the following:

**§ 179-19. Purpose.**

The Borough’s facilities belong to the community. Prudent use and management of Borough facilities, provided such use does not interfere with the operations of the Borough, allows the community to benefit more broadly from the use of its own property. This policy applies to the use of rooms in Borough structures for meetings or cultural activities, use of playing fields, posting signs or hanging banners on Borough property, and all other uses of Borough facilities.

**§ 179-20. Request in writing. [Amended 10-20-2003 by Ord. No. 831-2003]**

Permission to use Borough facilities or fields shall be requested in writing. If the request is to use a Borough field, the request shall be made to the Recreation Director. If the request is to use any other Borough’s facility or property, it shall be made to the Borough Administrator. In the event the Borough Administrator deems it advisable, any application may be submitted to the Mayor and Council for action.

**§ 179-21. Consideration of request.**

The Borough Administrator and/or the Recreation Director may refuse to grant permission for the use of a Borough field or facility whenever, in their judgment use of the facility would not be in the public’s interest. By way of example, but without limitation, the Borough Administrator or the Recreation Director may refuse to grant permission for the use of athletic fields when such use would endanger the public’s safety or cause damage to the fields.

**§ 179-22. Smoking; alcoholic beverages; compliance with law, rules and regulations.**

Smoking is prohibited at all times in any Borough building, except as may be permitted in the designated area of the golf course clubhouse in accordance with the rules and regulations of the golf course. No one may bring alcoholic beverages onto any Borough property except as may be permitted in the golf course clubhouse, or as otherwise permitted by law. All facility use shall comply with state and local fire, health, safety, and policy regulations. Use of the golf course clubhouse shall comply with the rules and regulations of the golf course, as approved by the Mayor and Council. Use of the Borough’s recreational facilities shall comply with the rules and regulations of the Recreation Commission, as approved by the Mayor and Council.

**§ 179-23. Certificate of insurance; hold harmless agreement.**

Each person or organization that wishes to use any Borough facility must provide the Borough Administrator and/or the Recreation Director with a certificate of insurance and sign a hold harmless form provided by the Borough at least one week prior to the scheduled usage of the Borough's facilities. The certificate of insurance shall specifically name the Borough of Old Tappan as an additional insured and provide general liability, bodily injury and property damage coverage with minimum limits of liability not less than \$1,000,000 combined single limit. Users shall be responsible for damage to equipment and/or to the facilities.

**§ 179-24. Use of golf course facilities.**

In addition to the requirements set forth herein, use of the golf course or the golf course clubhouse shall be subject to the approval of the Borough's Golf Course.

**§ 179-25. Fees; costs. [Amended 10-20-2003 by Ord. No. 831-03]**

- A. The following fees shall be for the use of Borough facilities: **[Amended 7-24-2006 by Ord. No. 915-06; 3-19-2007 by Ord. No. 934-07]**
- (1) Use of athletic fields:
    - (a) Borough-sponsored events: no fee.
    - (b) Athletic groups under the Borough's Recreation Commission: no fee.
    - (c) Athletic groups for which the Borough provides liability insurance: no fee.
    - (d) Athletic groups from the Borough's elementary schools or Northern Valley Regional High School Old Tappan: no fee.
    - (e) Athletic groups, which are Feeder Programs to the NVHS programs teams, not under the Borough's Recreation Commission: \$25 per day per field with a minimum of \$250 and a maximum of \$500 per athletic group for any three-month period. Feeder Programs are defined as programs in which at least 33 percent of the players on the teams requesting use of the field are Old Tappan residents.
    - (f) For-profit corporations and businesses and non-profit/not-for-profit entities not referenced in 179-25(g): \$250 per day per field.
    - (g) Nonprofit, religious, charitable or educational organizations or institutions based in Old Tappan: \$100 per day per athletic field or park for reserved non-exclusive use of the fields; except that there shall be no fee for such organizations or institutions for unreserved nonexclusive use of the fields, provided that the Recreation Director is informed of dates and times of intended usage and provided further that the Recreation Director shall have discretion to deny such use.
    - (h) Borough residents for family events: no fee.
  - (2) Security deposit for use of fieldhouse, pavilion, refreshments, kitchens, and/or toilets: \$250.

- B. The use of Borough facilities for activities related to Borough operations shall be without cost to the users and/or applicants except that the users and/or applicants shall be responsible for any extra materials, police fees, or impact fees as noted above. All applicants and/or users granted the use of facilities shall pay the scheduled fee therefor in advance and said fee shall be nonrefundable. Applicants and/or users shall also assume the cost of such additional staff services required.

**§ 179-26. Authority to close fields.**

The Chief of Police or his designee and the Superintendent of Public Works or his designee shall have the authority to close athletic fields whenever, in his or her judgment, the use of the fields would endanger the public's safety or would cause damage to the fields. In addition to any other remedy, the Mayor and Council may deny the future privilege of using the Borough's fields to any person or organization using a field that has been closed by the Chief of Police or the Superintendent of Public Works.

**§ 179-27. Scheduling of athletic fields.**

The Recreation Director shall have the responsibility for scheduling the use of the Borough's athletic facilities, with discretion to give scheduling priority to athletic groups under the Borough's Recreation Commission.

**Section 2. Repealer**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

**Section 3. Severability**

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 4. Effective Date.**

This ordinance shall take immediate effect upon passage and publication according to law.