

**BERNARDSVILLE BOROUGH  
ORDINANCE #18-1762**

**AN ORDINANCE ADOPTING RULES AND REGULATION AND FEES FOR THE  
TURF FIELD LOCATED AT THE POLO GROUNDS**

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*STATEMENT OF PURPOSE: To adopt rules and regulations and fees for the turf field at the Polo Grounds*

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**WHEREAS**, the turf field at the Polo Grounds was constructed using approximately \$700,000 in Somerset County Open Space Trust Funds and approximately \$300,000 in Borough Open Space Trust Funds; and

**WHEREAS**, the Borough and the County entered into a Grant and Restrictive Covenant Agreement dated May 31, 2017 which provides in paragraph 6 that:

“[Borough] acknowledges that, upon acquisition of the recreational easement, the recreational facility situated on the Property shall be open to and available for use by all County residents, in accordance with rules and regulations adopted by [Borough] and approved by [Somerset County’s] Director of Parks and Recreation, subject to the right of the governing body of the Borough of Bernardsville to have full control of the lands and adopt an ordinance providing for (1) suitable rules, regulations, and bylaws for use of the lands, (2) the enforcement of those rules and regulations and bylaws, and (3) when appropriate, the charging and collection of reasonable fees for use of the lands or for activities conducted thereon, in accordance with the provisions of N.J.S.A. 40:12-15.6c”; and

**WHEREAS**, the Borough Recreation Advisory Committee adopted proposed turf field rules and regulations dated November 22, 2017; and

**WHEREAS**, at its January 16, 2018, the Recreation Advisory Committee recommended that the fee schedule for use of the turf field be \$55 per hour for organizations of at least 80% Bernardsville residents; \$80 per hour for all other groups; and \$200 per hour for all for profit/commercial organizations; and

**WHEREAS**, the proposed rules and regulations and the proposed fees were submitted to Somerset County Director of Parks and Recreation for his approval pursuant to paragraph 6 of the May 31, 2017 Grant and Restrictive Covenant;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter X of the Borough Code Entitled “Parks and Recreation” be supplemented and amended as follows:

**Section 1.** There is hereby created a new section 10-3 in the Borough Code entitled “Polo Grounds Turf Field Rules and Regulations and Fees” which reads as follows:

**“10-3 POLO GROUNDS TURF FIELD RULES AND REGULATIONS AND FEES.**

**“10-3.1 Polo Grounds Turf Fields Rules and Regulations.**

“The ‘Turf Field Rules and Regulations’ adopted by the Borough Recreation Advisory Committee on November 22, 2017, which are attached hereto in Appendix ‘A’, are hereby adopted.

**“10-3.2 Enforcement.**

“The Borough Police Department and the Borough Code Enforcement Officer are empowered to enforce these rules and regulations.

**“10-3.3 Fees.**

“The following fees shall be charged for the use of the turf field:

“a. \$55 per hour for organizations consisting of at least 80% Bernardsville residents.

“b. \$80 per hour for all other nonprofit organizations and teams.

“c. \$200 per hour for all for profit and commercial organizations.

**“10-3.4 Penalties.**

“Any person, firm or corporation who shall violate a provision of this section or fail to comply therewith shall for each and every such violation and noncompliance, be liable, upon conviction, for the penalties stated in Chapter I, section 1-5.”

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

\_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Kevin Sooy, Mayor

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*Introduction:* \_\_\_\_\_

*1st Publication:* \_\_\_\_\_

*Public Hearing and Adoption:* \_\_\_\_\_

*2nd Publication:* \_\_\_\_\_

## **APPENDIX**

(Turf Field Rules and Regulations)

## **Bernardsville Borough Polo Grounds - Turf Field Rules and Regulations**



*Draft 6.1 11/22/17*

*The objective of this document is to provide the Bernardsville Town Council a proposed outline of detail to craft a Turf Field ordinance of usage.*

### **Field Scheduling Rules**

The Polo Grounds turf field is available for approved uses only (soccer, lacrosse, football, field hockey, baseball, softball) All Practices and games require a field reservation managed by the Bernardsville Borough Recreation Department pursuant to the Recreational Policy and Procedures.

Users must obtain a field use permit from the Bernardsville Recreation Department prior to using the turf field.

Field request considerations are based on in-season, in-area organizations first.

In-season priority sports are defined as:

Winter - Open Nov 16<sup>th</sup> – Feb 29<sup>th</sup> (by request only)

Spring – Baseball, Softball, Lacrosse – March 1<sup>st</sup> to June 15<sup>th</sup> (early usage by request only)

Summer – Open June 16<sup>th</sup> to July 31 (by request only)

Fall – Soccer, Football, Field Hockey – Aug 1<sup>st</sup> - Nov 15<sup>th</sup> (late usage by request only)

Scheduling Request Deadlines:

- 1) One organization per youth sport will be recognized as the primary organization for that sport and season. That organization is the one with the largest number of Bernardsville youths participating. One primary contact per organization will be designated to represent each organization.
- 2) That organization has right to reserve space first. The organization cannot reserve the field for the entire season if there are other requests pending. Facility must be available for other uses and other organizations as needed and the Recreation Director, with support from the Recreation Advisory Committee as needed, will determine the amount of time that the organization can reserve the facility, taking into account the size of the organization and the needs of other groups and events. Priority attention is given to "in-season primary" sports.
- 3) The primary recognized youth organization must contact the Recreation Department in writing before their deadline (below) with their space reservation request. At the discretion of the Recreation Director, additional information may be required including proof of organization non-profit status, insurance certificate, etc.

Rosters: All team organizations, excluding the schools, must submit team rosters that include names and addresses of all participants along with the field usage request.

Along with rosters, all teams must submit the dates, days, times and field/fields requested. Every organization's authorized representative must sign and return the form provided that they have read and understand all rules and regulations.

Spring sport deadline for space reservation

Primary youth sport organizations: February 1st

All other organizations (other youth sports, adult leagues, etc): February 15<sup>th</sup>

Summer sport deadlines for space reservation

Primary youth sport organizations: May 1st

All other organizations (other youth sports, adult leagues, etc): May 15<sup>th</sup>

Fall sport deadlines for space reservation

Primary youth sport organizations: July 1st

All other organizations (other youth sports, adult leagues, etc): July 15<sup>th</sup>

Winter sport deadlines for space reservation

Primary youth sport organizations: Oct. 1st

All other organizations (other youth sports, adult leagues, etc): October 15<sup>th</sup>

The group will be notified of their space allocation no later than 14 days after the deadline. The organization has 4 days thereafter to petition the recreation department if they are not satisfied. The Recreation Director will bring the petition to the Recreation Advisory Committee's next meeting for review and recommendation if needed.

Application schedule for field usage

Season	Primary in season sports*	Season dates		In Season Field request Due Date	In Season Notification Date	Field Request Due for Other Programs**	Other Programs Notification Date
		Start	End				
Spring	Baseball, Softball, Lacrosse	March 1	June 14	February 1	February 15	February 16	February 23
Summer	Open	June 15	July 31			May 1	May 15
Fall	Soccer, Football, Field Hockey	August 1	November 14	July 1	July 15	July 16	July 23
Winter	Open	November 15	February 28/29			October 1	October 15
* In season Primary follow the Somerset Hills Board of Education schedule							
** Other Programs include but are not limited to Youth Sports-(in/out season), Travel Teams AAU, Adult Leagues							

All groups must notify the Rec. Dept. if scheduled dates are not going to be used immediately. Failure to do so will jeopardize their standing as a primary usage organization.

- All reservations must be made in person at the Parks & Recreation Department during office hours: Monday-Friday, 8:30 AM—4:30 PM according to the reservation application schedule.
- Proof of insurance and Hold Harmless agreement is required at the time of booking.
- Payment is required within 48 hours after notification of approved usage and can be made by check, cash or credit card (credit card has 3% processing fee). Checks are payable to “Bernardsville Recreation”. All payments must be either the renter’s personal check or from the organization they are representing.

#### Cancellations & Facility Closings

- Fields can be closed at the recreation director’s discretion at any time. The point of contact for all groups will be notified accordingly.
- Field rentals are non-refundable once paid.
- Transfers will be issued only if the fields are deemed unplayable and closed by the Borough. The rescheduled date is based on availability and must occur within the same calendar year.

Equal Opportunity: No applicant shall, be discriminated against and no applicant shall be denied use of the fields on the basis of race, color, national origin, sexual orientation, gender, religion or disability.

Code of Conduct: The Recreation Committee supports sportsmanship on behalf of all involved in events conducted on Borough of Bernardsville property. In accordance with NJ Statutes Chapter 74 of Title 5 (August 25, 2002), applicants are required to submit their Code of Conduct for athletes, parents, coaches, and officials addressing their guidelines for verbal threats, physical threats, profanity and initiation of fighting or contact. This should include policies for banning and reinstatement of persons who violate the code of conduct.

All Fields Usage Rates – Under separate cover

Veterans Field Snow Removal. Snow will be removed by authorized Bernardsville Public Works staff only to prepare the field for March usage but not before.

It is the goal of the Bernardsville Recreation Committee to encourage the usage of its recreational fields for worthwhile, non-profit purposes when such uses do not interfere with the Borough sponsored recreational programs.

The Department of Recreation reserves the exclusive right to determine the eligibility of an organization and to assign a classification and prioritization to any application for the use of fields.

These organizations whose aim and intended use are consistent with the general policy- entitled Terms for Use of Fields – shall be considered eligible and classified as follows:

- A. Recreation shall be construed as any program sponsored by the Recreation Department.
- B. School shall be construed to mean any program sponsored by the Somerset Hills School District.

- C. Community shall be construed to mean an organization whose membership, the majority (80%) of whose membership is domiciled in Bernardsville.
- D. Area shall be construed to mean an organization whose members reside in neighboring towns and at least 25% are Bernardsville residents.
- E. Out of Area shall be construed to mean an organization that has less than 25% of its members residing in Bernardsville.
- F. Any Area or Out of Area group will be required to submit its game/practice schedule to determine its field allocation, which will be based upon its resident ratio.
- G. Profit Organizations shall be assessed a use fee in accordance with the fee schedule.
- H. Non-Profit Organizations must submit proof of their 501-(c) status.

### **Terms for Use of Fields**

Hours – Non-lighted fields: Playing time is Monday through Saturday 8am to dusk and on Sundays 9am to dusk. Lighted Fields: Playing time is 8am to 10pm.

Continuous Use: In Order to ensure that each field gets the proper rest, the Recreation Department may close any field for such length of time as it deems necessary.

Weather Conditions: Use of fields may be prohibited by the Recreation Department when there are weather conditions that may potentially harm the field. Recreational play in lightning and thunder is prohibited. Play can not resume until 30 minutes after the last sign of lightning and when the referee and coach deem conditions are safe to resume activity.

Frequency: Requests for use of the fields for more than four months in any one season will require special approval by the Recreation Committee.

Special Equipment: A permit to use recreation fields does not authorize the use of any special equipment such as lighting, sound systems, portable generators, and tents. The use of such special equipment must be approved in writing by the Recreation Department prior to its use.

If any equipment, such as nets or platforms are used they must be removed from the field after the organization has completed their designated time. Failure to comply, may result in penalty of future usage of the fields

Insurance: Any athletic organization using Borough fields must provide the Borough with a certificate of insurance with a minimum coverage of \$1,000,000 and naming the "Borough of Bernardsville" as an additional insured. All such policies of insurance are subject to approval by the Borough Attorney and the Borough's Risk Manager.

Damage: The applicant is responsible for any damage to Borough of Bernardsville property.



**Hold Harmless:** The organization is to use the facilities at its own risk and must supply the Borough with a hold harmless agreement in form acceptable to the Borough Attorney and the Borough's Risk Manager.

**Police Coverage:** The Department of Recreation may require the applicant to provide police coverage for safety reasons, which shall be paid for by the applicant.

**General Rules:**

**Alcohol:** No possession and or consumption of alcoholic beverages on the field(s) or recreational grounds unless special permission is obtained from Mayor & Council.

**Parking:** Cars must be parked as so not to interfere with entrance, exit, and/or travel along the parks' service roads and must comply with all borough regulations and ordinances. During the pool season the pool parking lot is prohibited to field users. All participants driving motor vehicles shall be subject to the provisions of Title 39 of the New Jersey Statutes and all other applicable statutes, ordinances, and regulations.

**No open fires:** Barbecuing and cooking are prohibited on any fields at any time without special permission from the Mayor, Council, Recreation Committee and Fire Official.

**Glass:** Glass containers or glass objects are not permitted at the fields.

**Garbage:** Litter must be placed in the proper public litter receptacles; and the field must be free of litter before leaving. Any large items such as pizza boxes or equipment boxes must be removed by the organization. Fields will be checked periodically. If they are found with litter, that field may need to be closed for cleanup and privilege may be revoked.

**Benches/Bleachers:** Benches and or bleachers are not to be moved from any field.

**Restrooms:** An application for restroom keys must be filled out at the Recreation Office prior to the start of the program. The key can be picked up and returned to the police dispatch department by a designated key applicants the same day. Restrooms must be checked periodically and before leaving to ensure no persons or articles are left inside and for cleanliness or running water. Any graffiti or damages to the restrooms must be reported immediately to the Police and Bernardsville Recreation Department.

**Animals:** Animals must follow town ordinance for pet control.

**Excessive Sound:** Loud and Unnecessary noise is prohibited: i.e. loud music, air horns, or noisemakers. All noise volumes must be in compliance with Noise Ordinance #209-19 and Ordinance #209-20.

**Borough Ordinances:** Any organization using Borough fields will be subject to all Borough ordinances and other applicable statutes, law, and regulations.

**Violations:** Violations by a permit holder of any of the regulations governing the use of facilities may result in cancellation of all existing permits and the denial of any permits in the future. This includes

failure to enforce a code of conduct. Anyone who violates these rules and regulations also may be subject to the penalties set forth in section 1-5 of the Borough Code.

### **Veterans Turf Field Rules**

- Users are responsible to leave the field clean and ready for the next user as they found it and are to inspect the field and remove anything left by their players or spectators, such as trash, mouth guards, athletic tape, or equipment. In the event that a user has left the field without cleaning up, a cleaning fee will be charged to that organization.
- Any Physical Damage caused by negligence of the user will be charged to the user and sent an invoice for damages. No further usage of the field will be permitted until that charge is paid in full.
- Users are responsible for the conduct and behavior of players and their spectators on the field.
- If a user finds a problem, defect or unclean conditions on the turf, they must notify the Bernardsville Recreation Department at 908 766-2546.
- Access to the turf is limited to players, coaches, and assigned volunteers. For safety reasons, spectators should sit in the bleachers or outside the playing area.
- The Turf Rules & Regulations are in effect at all times and apply to everyone using the field. Permit holders will be liable, and field privileges will be suspended and/or revoked if the rules are not followed.
- The field is open rain or shine. The field will only close in an instance of thunder/lightning or snow.
- The presence of even distant thunder warrants leaving the field, the field should be clear for 30 minutes after last bolt of lightning or clap of thunder. 30/30 lightening rule - at a count of 30 sec between seeing a strike and hearing thunder or signs of an approaching storm, users are to leave the field. Normal activity should not be resumed until 30 min after the last thunder clap is heard.
- Only Authorized Personnel can clear the turf of snow/ice.
- Any training equipment such as portable lights, blocking sleds, lacrosse nets, soccer free kick mannequin walls, etc. must be pre-approved by the Bernardsville Recreation and Bernardsville Maintenance Dept.
- Always Lift and Carry (DO NOT DRAG) Goals and Equipment. Sideline benches and bleachers are only to be moved by the Bernardsville employees.
- No metal spiked shoes or high heels of any kind are permitted. Allowable footwear includes molded rubber cleats, turf shoes or running shoes. All footwear shall be clean and free of mud.
- Only freestanding field markers and sports equipment are permitted to be used. No stakes, posts, poles and/or markers of any kind are permitted to be driven into the turf field.
- Marking, painting or taping the field is strictly prohibited.
- No motorized vehicles, bicycles, skateboards, strollers, tents, tables, canopies or folding chairs. Wheelchairs and electric scooters may be used in accordance with accommodations required pursuant to the Americans with Disabilities Act, provided that such motorized vehicles do not cause damage to the turf field surface.
- No food or chewing gum of any kind is allowed on the turf field.
- No sunflower seeds.
- No Rockets or Fireworks are allowed on the field.
- No glass containers for water.
- No colored Sports drinks.

- The use of alcohol and any tobacco products is prohibited throughout the complex.
- No animals (dogs or pets of any kind) are allowed on the turf field.
- Golfing and/or other non-authorized uses (i.e. model airplanes, drones, rockets, shot-put, javelin, disk throwing) is prohibited.
- Grills or other open cooking structures are prohibited. No portable heaters or any open flame.
- Authorized users are responsible for notifying their guests of these policies. Failure to do so may forfeit their permission to use the field.
- Food trucks need to be inspected and approved by the Bernardsville fire official.

It is strictly understood that the Borough of Bernardsville, and its agents, owners, members, employees, volunteers etc. are not liable, and may not be held responsible for, any loss before, during or after applicant's use of the facility. In addition, these groups are not responsible for any theft or loss at any time.

The Borough of Bernardsville, the Department of Recreation and their agents, employees and officers

a) shall not be held liable for failure to perform or fulfill its contractual obligation for any reason within or beyond their control and

b) shall not be held liable for damages, loss or injury for any reason within or beyond their control. Insurance for such loss, damages or injury shall be the sole responsibility for each exhibitor at their own cost.