

ORDINANCE 45-2013

ORDINANCE OF THE BOROUGH OF MADISON SUPPLEMENTING CHAPTER 136, OF THE CODE OF THE BOROUGH OF MADISON ENTITLED "PARKS," ESTABLISHING USER FEES FOR BOROUGH RECREATION PROGRAMS AND ESTABLISHING THE PROCESS TO RENT BOROUGH PARKS AND FIELDS

WHEREAS, the Borough of Madison by and through Chapter 136 of the Code of the Borough of Madison establishes rules and regulations for the protection, care and control of the public parks, fields and playgrounds in the Borough and regulates the conduct of persons on or within such parks, fields and playgrounds or the use of the facilities thereof; and

WHEREAS, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish per player user fees for the following recreation/travel sports programs recognized by the Borough Recreation Department: boys and girls soccer, boys and girls lacrosse, girls field hockey, girls softball and boys football; and

WHEREAS, the Mayor and Council of the Borough of Madison have determined that it would be in the best interest of the citizens of the Borough to establish rules and regulations for field rentals.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Madison that Chapter 136 of the Code of the Borough of Madison entitled "Parks" is hereby amended to provide as follows:

Section 1. There shall be a new Section 136-36(D), which shall provide as follows:

(D) There shall be a \$20 per player per season user fee for the use of the Madison Recreation Complex Fields 1 and 2 ("turf fields") by the following recreation and/or travel sports programs, which are recognized by the Borough Recreation Department: boys and girls soccer, boys and girls lacrosse, girls field hockey, girls softball, boys football and other sports that use the Madison Recreation Complex Fields for scheduled practices or games as determined by the Recreation Director.

(E) There shall be a \$40 per player per sport user fee for any non-resident participant in any Borough Recreation Program that uses Borough fields; however, the Administrator with the advice of the Recreation Director may reduce this rate to \$20 per player per sport provided the non-resident's municipality offers field space or other meaningful enhancement to the Borough Recreation Program.

(F) The Fees established by this section shall be collected in accordance with policies established by the Recreation Director and the Recreation Advisory Committee and shall be used for the debt service, operation and maintenance of the turf fields at the Madison Recreation Complex.

Section 2. There shall be established a new Section 136-37, entitled "Field Rentals," which shall provide as follows:

(A) Field rental permits for the use of any Borough field, except for any use thereof authorized pursuant to §§ 136-32 and 136-33, shall be obtained by application, in writing, to the Borough Clerk, in accordance with the procedures established by the

Borough Administrator, Recreation Director and the Borough Attorney. All applications shall include an:

- (1) Insurance certificate naming the Borough of Madison as additional insured as to the field rental for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000 and for property damage for each occurrence in the aggregate amount of \$5,000,000.
- (2) An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands.
- (3) If the applicant is a sports camp or substantially similar program, a pre-approved waiver executed by each participant and/or his or her guardian, expressly agreeing to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands and participation in the sports camp or substantially similar program.
- (4) If any services are required by employees from Borough Departments, the cost of such employees is to be borne by the applicant as a cost of the field rental. The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.
- (5) The posting of either (a) a cash bond in the amount of \$300 or in an amount equal to one-half the agreed upon rental fee, whichever is greater running in favor of the Borough or (b) a check made payable to the Borough of Madison in an amount of \$300 or one-half the agreed upon rental fee, whichever is higher. These fees shall be used to protect and insure that the location utilized will be left after the event in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed. Within thirty days of the end of the rental period, the Borough will return the bond and/or money if there has been no damage to public property or public expense caused by the field rental. The Applicant shall reimburse the Borough for any damage and the cost of repairs to the rented property.

(B) Field rental permits shall be issued by the Borough Clerk or their designee in consultation with the Recreation Department and Business Administrator after making the following findings:

- (1) That the nature and character of the proposed activity or use of the field is not reasonably anticipated to incite violence, crime or disorderly conduct.

(2) That the proposed activity or use of the field will not entail extraordinary or burdensome expense on the public safety operations of the Borough.

(3) That the field desired has not been reserved for other use at the dates and hours desired in the application.

(4) That all conditions of the field rental application including, but not limited to insurance, indemnification, and fees and have been satisfied.

(5) The Borough reserves the right to waive any and all conditions or to reject the application in their sole discretion.

(6) Such other reasonable conditions as may be required by the Borough.

(7) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

(C) No applicant shall be denied a field rental permit on account of his or her sex, affectional or sexual orientation, race, color, religion, national origin, age, disability, ancestry, or atypical hereditary cellular or blood trait.

(D) Denial of permit; appeals.

(1) Within 5 days after receipt of a written application for the permit provided for herein, the Borough Clerk, or the issuing officer, shall apprise the applicant, in writing, of his reasons for refusing a permit, and any aggrieved person or group of persons shall have the right to appeal, in writing, within 10 days to the Borough Administrator, who shall consider the application under the standards and procedures set forth in § 136-37(B) and sustain or overrule the decision of the Borough Clerk within 10 days from the date of the filing of the appeal with the Borough Clerk.

(2) If the decision of the Borough Clerk is sustained on appeal, the reasons for the refusal of the permit shall be set forth in writing. If the decision of the Borough Clerk is overruled and a permit granted, the Administrator may attach reasonable conditions to the issuance of such a permit, consistent with this chapter.

(E) Field rental fees shall be determined by the Recreation Director in consultation with the Borough Administrator. All field rental fees will be reasonable and any fees collected for the use of the turf fields shall be used for the debt service, operation and maintenance of the turf fields at the Madison Recreation Complex. If the applicant is a sports camp or other public program, Borough residents shall be entitled to:

(1) First priority to sign up for the program; and

(2) A 10% discount for the program fee

(F) Additional field rental rules and regulations, including but not limited to refunds, revocation of permits, discipline, rain dates and maintenance, shall be established by the Borough Administrator and the Recreation Director with advice and input

from the Recreation Advisory Committee. The rules and regulations will be published.

(G) The Recreation Director, in consultation with the Borough Administrator and Recreation Advisory Committee shall manage the schedule for the rentals of Borough fields.

(H) The enforcement of this permit and the conditions relating thereto is the responsibility of the Recreation Director or any other responsible official. A violation of any condition of the permit shall be cause for immediate revocation of the permit by the Borough Council.

(I) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

(J) The applicant shall return the rented property in a satisfactory condition, free of debris, rubbish and equipment, and shall observe all Borough ordinances, rules and regulations.

(K) The Borough reserves the right to establish additional policies and procedures as it determines in its absolute discretion and the Borough may revoke any permit issued for any reason whatsoever, at any time, by reimbursing the applicant the Field Rental Fee and any other deposit.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect after final passage as provided by law.