

**BOROUGH OF OGDENSBURG  
COUNTY OF SUSSEX  
ORDINANCE 12-2021**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE  
BOROUGH OF OGDENSBURG BY REPLACING CHAPTER 6 ENTITLED "PARKS  
AND RECREATION AREAS" IN ITS ENTIRETY**

**WHEREAS**, the Borough of Ogdensburg ("Borough") desires to amend and supplement the Borough Code by replacing Chapter 6 entitled, "Parks and Recreation Areas" in its entirety.

**NOW THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that the Borough Code is hereby amended and supplemented as follows:

**SECTION 1.** Chapter 6 entitled "Parks and Recreation Areas" is hereby replaced in its entirety as follows:

**Chapter 6. Parks and Recreation Areas.**

**§ 6-1. REGULATIONS FOR MUNICIPAL RECREATION AREAS.**

**§ 6-1.1. Definitions.**

**RECREATION AREA**

Shall mean any property owned or leased by the Borough which is designated for open space and/or recreation purposes and which is open to the public either without charge or on a fee basis. The term includes, but is not limited to, playgrounds, parks, ballfields, swimming areas, beaches, and any paths, roadways, sidewalks, and parking areas therein or adjacent thereto.

**FISHING**

Shall mean the taking, pursuing or the attempted taking of fish at lawful times and in such a lawful manner as may be permitted by the State of New Jersey; or its proper departments thereof pertaining to fish, except when fishing may be prohibited by resolution of Mayor and Council.

**HOURS OF OPERATION**

Shall mean the time between 8:00 am and 9:00 pm; unless otherwise posted. Any section of the Recreational Areas within Ogdensburg may be closed partially, or entirely by the Mayor and Council, Public Works Supervisor, or Chief of Police at any time when it is necessary or prudent.

**MEMORIAL PARK**

Shall mean the public premises used for picnic and recreational purposes situated at the site and including all the park areas and the lands of the Borough surrounding the same and

the Borough lands adjacent to the Fire Department including the ball field, tennis and basketball courts and the playground area.

### **PICNIC GROUND**

Shall mean such portion of the premises as may be designated by the Borough for the use and enjoyment and partaking of food and such other activities as are connected therewith, including but not limited to picnics or clambakes.

### **PUBLIC BALL FIELD**

Shall mean all ball field areas owned and so designated by the Borough.

### **RESIDENTS**

Shall mean any person living in the Borough of Ogdensburg, Sussex County, New Jersey, or any person owing property in the Borough of Ogdensburg.

### **SWIMMING AREA**

Shall mean the portion of the waters at Heater's Pond, the beaches and lands adjoining the same, roped off and designated by signs or otherwise as the area in which persons may swim, or use in connection with the primary purpose of swimming, including, the land adjoining the beach or beaches.

#### **§ 6-1.2. Applicability.**

The rules and regulations promulgated herein shall apply to public parks, playgrounds, and recreational areas, and where applicable to other lands owned or controlled by the Borough and devoted to public recreational use or purpose.

#### **§ 6-1.3. Reserved Use of Facilities.**

- a. Master Schedule - The Borough shall maintain a master schedule for the reserved use of all recreation facilities.
- b. Applications for Reserving Facilities – Applications for reserved use of facilities may be obtained at Borough Hall or other designated locations. Applications shall be completed in full and returned at such times as may be designated by established rules and regulations.

#### **§ 6-1.4. Fees.**

All recreation areas shall be open to the public unless specifically restricted by action of the Borough Council. The Borough Council shall have the authority to establish fees for use of all facilities. For those facilities open to the public, the Borough Council shall have the authority to establish higher fees for non-residents than for residents.

#### **§ 6-1.5. Implementation and Enforcement.**

- a. The Borough shall have the authority to promulgate and publish rules and regulations not inconsistent with the provisions of this chapter governing activities and programs sponsored by the Department of Parks & Recreation and for the safety and well-being of the public, subject to review and approval by the Mayor and Council.
- b. It shall be the duty of the Mayor and Council, through the Chief of Police to enforce the provisions of this chapter. It shall be unlawful for any person to disobey the directive of any person supervising any public park or recreation area or to disobey the direction of any sign, or to deface, destroy, or remove any such sign.

#### **§ 6-1.6. Closure.**

Any section of a recreation area may be closed, either partially or entirely, by the Mayor and Council, Public Works Supervisor or Chief of Police, for any interval of time, when it is necessary or prudent.

#### **§ 6-1.7. Regulations for Swimming Areas.**

- a. A designated swimming area may be used only by the following person or persons:
  1. Resident of the Borough.
  2. A guest of a resident of the Borough when accompanied by that resident.
  3. Any non-resident who is an active member of the Ogdensburg Fire Department, Ogdensburg First Aid Squad, or who is an employee of the Borough of Ogdensburg, and who shall first receive written approval from the Mayor and Council.
  4. Upon approval by the Mayor and Council, such individuals and groups who have completed the approved facilities use agreement, provided any requested background and supporting information, and paid all applicable fees.
- b. No person may swim, wade, or bathe in the designated swim area, or within any part of Heater's Pond or adjoining water systems at any hour of the day or night at any time when lifeguards are not on duty. Heater's Pond opens for recreational swimming at 12:00 noon and closes at 6:00 pm during the summer season weather and staffing permitting.
- c. No pets or animals shall be allowed in the designated swim area or beach area unless they are animals trained to assist the disabled, or otherwise provided herein. Dogs are permitted in the Heater's Pond swimming and beach areas only during non-activity hours. Accordingly, dogs shall not be permitted in the Heater's Pond swimming and beach areas between 12:00 noon and 6:00 pm during the summer season, or during any period of time said areas are being used for swimming. All dogs must be properly licensed and kept under the control of individual at least 18 years of age. Pet owners and keepers are responsible for the actions and behavior of their dogs and are strictly liable for any incidents that occur in the permitted area. All pet owners and keepers are required to immediately and properly dispose their pet's solid waste deposited within the permitted area by appropriate sanitary means including, but not limited to, plastic bags.

- d. No alcoholic beverages, intoxicating or illegal substances shall be consumed, sold, used, displayed, or taken on or to any part of Borough recreational areas.
- e. Fishing shall not be allowed in any part of the designated swim area at any time.
- f. No games, conduct, or activities which lifeguards in their sole discretion deem likely to endanger or cause injury to any person or property shall be permitted in the designated swim area at any time.
- g. No inner tubes and devices known as preservers or water wings, as well as any other apparatus shall be permitted to be used in the waters of the designated swim area by any person(s) who is unable to swim unless accompanied at all times in the water by a person who is able to swim and is responsible for the person using the device.
- h. No person shall dress or undress on the beach, within any park area(s), or in any vehicle at the park.
- i. No type of swimming or activity commonly known as "skin diving," with or without the use of equipment or utensils designed for exploring under water, shall be permitted anywhere in the park.
- j. No type of swimming or activity commonly known as, "skinny dipping" shall be permitted anywhere in the park.
- k. All orders and directions of the lifeguard(s) on duty, Police Officer(s) or Governing Body shall be promptly and strictly complied with.
- l. There shall be only flat diving permitted in the designated swimming area.

**§ 6-1.8. Regulations Governing Fishing, Boating, Hunting, or Trapping.**

- a. The privileges of fishing or boating shall be enjoyed only by the following persons:
  - 1. A resident of the Borough.
  - 2. Any person that the Mayor and Council, in conjunction with the New Jersey Division of Fish and Wildlife, determines in writing will assist the Borough and is helpful to the park. The Commissioner shall notify the Chief of Police of such determination in writing.
  - 3. A guest of any resident of the Borough who is accompanied by that resident.
  - 4. Any non-resident who is an active member of the Ogdensburg Fire Department, Ogdensburg First Aid Squad, or who is an employee of the Borough of Ogdensburg, who shall first receive written approval by the Mayor and Council.

- b. No boats (motorized/fuel operated), canoes, or watercraft shall be permitted on the pond, except:
  - 1. Those owned or rented by the Borough of Ogdensburg.
  - 2. Those residents to whom the Borough has issued a permit (decal), which must be displayed on the left side of bow prior to launching.
- c. No boats (motorized/fuel operated), canoes, or watercraft allowed by this section shall be left in the water, or anywhere in the park area, when unattended by a person.
- d. Hunting and trapping shall be prohibited on all Borough properties.
- e. No firearms, bows, knives, hunting equipment, or unauthorized weapons, as defined by Law, shall be used or permitted at any Borough owned property or facility.
- f. All persons using Recreation Areas shall comply with all laws, rules, and regulations of the New Jersey Division of Fish and Wildlife and any other departments having lawful authority over fish and wildlife within the Borough.

**§ 6-1.9. Ball Field, Playground, Basketball Court, and Tennis Courts Regulations.**

- a. No parking of motor vehicles or vehicles of any type shall be permitted on the ball field, areas surrounding the ball field, tennis courts, basketball court, playground area, access roads or any area under the control of the Borough at any time without written permission first obtained from the Mayor and Council.
- b. No unauthorized use of motor vehicles or any type of vehicle is permitted on the ball field and any area under the control of the Borough; except in emergency situations or as authorized by the Police Department, Fire Department, or the Mayor and Council.
- c. Public baseball field shall mean and include all baseball fields owned by the Borough, including but not limited to, the baseball field on Main Street near the borderline of the Borough of Ogdensburg and the Borough of Franklin.
- d. Only one event or game may be scheduled at one time on a ball field except as permitted by Mayor and Council.
- e. No pets or animals shall be allowed on or permitted to leave their excrement on the ball field, playground area, basketball court or tennis courts. Pets or animals will be permitted on the ball field or any area if they are animals trained to assist the disabled.
- f. No alcoholic beverages, intoxicating or illegal substances shall be consumed, sold, used or displayed on the ball field or any area under the control of the Borough. Any person(s) or organization(s) wishing to sell for consumption alcoholic beverages may do so as long as they have obtained the proper permit or licensing and are approved by the Mayor and Council.

- g. All garbage must be placed within receptacles as provided by the Borough. If there are no receptacles provided, a garbage in-garbage out policy will be in effect.
- h. No defacing, destruction, or unauthorized changes may be made to the ball field and surrounding Borough property, including the Ogdensburg Firehouse.

**§ 6-1.10. Regulations for Pavilion Use.**

- a. The privilege of using the Hemlock Island Pavilion shall be enjoyed only by the following persons:
  - 1. Resident of the Borough
  - 2. A guest of a resident of the Borough when accompanied by that resident.
  - 3. Any non-resident who is an active member of the Ogdensburg Fire Department, Ogdensburg First Aid Squad, or who is an employee of the Borough of Ogdensburg, who shall first receive written approval by the Mayor and Council.
- b. No private or commercial vehicles shall be allowed on the causeway to Hemlock Island except by permit issued by the Mayor and Council or Police Department to transport any person(s) needing assistance or items necessary for scheduled event. Once transport is completed all vehicles must be parked outside the gate to Hemlock Island.
- c. All garbage must be placed within receptacles as provided by the Borough. If there are no receptacles provided, a garbage in-garbage out policy will be in effect.

**§ 6-1.11. General Provisions.**

- a. The conduct or operation of any business, sales, or business activity shall be prohibited in any recreation area or any area thereof, unless a license therefor has been obtained from the Borough of Ogdensburg.
- b. No papers, debris, cans, refuse or any other materials or property in the nature of debris shall be left or deposited anywhere in or on any recreation area, or any area thereof, except in receptacles/containers provided by the Borough for such purposes.
- c. There will be no damage of natural resources to any recreation area, or any area thereof: no trees, shrubbery, flowers, stones, rock, or any portion of, on or with any recreation area, or any area thereof, shall be taken, damaged, destroyed, broken, or removed, without lawful written permission therefor first obtained by the Borough or designated agent or Police Department.
- d. No memorial, monument, statuary, building, structure, equipment, chattel, or property of any type erected by the Borough within any recreation area, or any area thereof, shall be damaged, defaced, removed, or marked.

- e. No fishing through the ice shall be permitted in any areas set aside as a skating field at Heater's Pond. This area shall be clearly designated by signs and/or other indications.
- f. No horses or horseback riding shall be permitted anywhere in any recreation area, or any area thereof.
- g. No parking of motor vehicles or vehicles of any type shall be permitted in any recreation area, or any area thereof, during the hours of 9:00 pm to 6:00 am without lawful permission from the Police Department who may be duly authorized to grant such permission by the Governing Body.
- h. No tampering with the dam, including but not limited to, inserting or removing boards or other insertions of other materials will be permitted, whereby the normal water level will be altered without lawful permission therefor first obtained by the Borough.
- i. No fires shall be permitted at any time within any recreation area, or any area thereof, without first obtaining a permit from the Police Department. All fires shall be fully extinguished prior to leaving the immediate area of the fire.
- j. No person shall have in his/her possession or use fireworks anywhere in any recreation area, or any area thereof, except by written permit issued in sole discretion of the Governing Body, Fire Marshall, and Police Department.
- k. No private or commercial vehicles shall be allowed on the causeway to Hemlock Island except by permit issued by the Mayor and Council or Police Department to transport any person(s) needing assistance or items necessary for scheduled event. Once transport is completed all vehicles must be parked outside the gate to Hemlock Island.
- l. No camping is permitted within any recreation area, or any area thereof, without prior approval of the Mayor and Council.
- m. No person shall dump garbage, waste, or refuse within any recreation area, or any area thereof. If receptacles are present, they are to be utilized. If they are not present, garbage in-garbage out policy will be in effect. No personal use of waste disposal container(s).
- n. No person requiring adult supervision or under the age of 16 shall be in any recreation area, or any area thereof, without adult supervision.
- o. No person shall roller blade or skateboard within any recreation area, or any area thereof.
- p. The following matters of conduct, or activities are hereby specifically prohibited at any recreation area, or any area thereof:
  - 1. Defacing or unauthorized changes to Ogdensburg's War Memorial or any structure within the Memorial Park area.

2. Sunbathing, placing chairs, or picnicking shall not be permitted on the walkway, monument, or wall of Ogdensburg's War Memorial.
  3. Defacing or unauthorized changes to Heater's Pond, designated swim area, or Hemlock Island.
  4. Throwing debris on ice.
  5. Tampering with or damaging lights, signs or other Borough property.
  6. Tampering with the dam.
  7. Throwing benches or other equipment or property into Heater's Pond.
  8. Use of illegal bait for fishing, hunting, or trapping.
  9. Feed, give, place, expose, deposit, distribute or scatter edible material with the intent of feeding, attracting, or enticing bears or other wildlife (Division of Fish and Wildlife N.J.S.A. 23:2A-14).
  10. Stocking fish without approval.
  11. Leaving fishing, boating, or hunting equipment unattended.
  12. Breaking glass or bottles.
  13. Washing of vehicles.
  14. Moving a picnic table, bench, or any Borough equipment from one area to another area.
  15. Rolling a boulder or throwing of debris into Heater's Pond.
  16. Rocking or "horseplay" on swimming raft in designated pond area.
  17. Obstructing traffic or pedestrian walk on walking paths, recreation area roads, parking areas or on access portion of Edison Avenue.
  18. Display of improper or indecent action.
  19. Engaging in boisterous, threatening, abusive, insulting, or indecent language.
  20. Smoking shall be prohibited at all times within all recreation areas, or any area thereof, of the Borough of Ogdensburg, except in designated areas.
- q. Hours Prohibited – It shall be unlawful for any person to be upon the beaches and lands of any recreation area, or any area thereof, between dusk and dawn from Sunday through



Saturday year-round. This prohibition shall not apply if there is a Borough sponsored public event being conducted at any recreation area, or any area thereof, or in the event that the individual is attending a properly permitted private function. This prohibition shall not apply to a properly licensed hunter, fisherman or trapper during the appropriate season while legally taking wildlife.

r. Enforcement and Penalties:


1. The Police Department shall enforce all rules and regulations of this section and the State Laws regarding same.
2. Summons shall be issued for all violations unless, in the Police Officer's discretion, a warning is warranted.
3. Penalties up to \$500 or an amount as imposed by the Municipal Court Judge and/or barring from utilizing the facilities and privileges of any recreation area, or any portion thereof as ordered by the Municipal Court Judge.

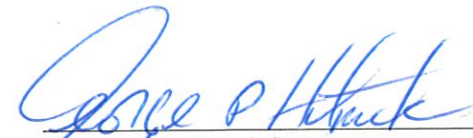
**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall become effective after second reading and publication as required by law.


Attest:

  
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Robin Hough, Borough Clerk

  
\_\_\_\_\_  
George P. Hutnick, Mayor

**NOTICE**

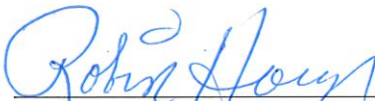
**TAKE NOTICE** that the above entitled Ordinance 12-2021 was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on November 8, 2021, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on November 22, 2021 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.

  
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Robin Hough, Borough Clerk

**BOROUGH OF OGDENSBURG  
LEGAL NOTICE  
ORDINANCE 12-2021**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE  
BOROUGH OF OGDENSBURG BY REPLACING CHAPTER 6 ENTITLED "PARKS  
AND RECREATION AREAS" IN ITS ENTIRETY**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 8<sup>th</sup> day of November, 2021, and the same came up for final passage at a meeting of the said Borough Council on the 22<sup>nd</sup> day of November, 2021, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.

  
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Robin Hough, RMC/CMR