

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon and State of New Jersey at a meeting held on the 6th day of April, 2017. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 4th day of May, 2017 at a meeting beginning at 7:00PM at the Municipal Building located on the corner of County Road 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested persons will be heard.

**ORDINANCE NO. 19-05-2017**

**ORDINANCE AMENDING CHAPTER 34 ENTITLED "RECREATION COMMISSION AND PARKS AND RECREATION COMMITTEE," ARTICLE III "USE OF TOWNSHIP PARKS AND FACILITIES," SUBSECTION 8 "FEES; INSURANCE; RULES AND REGULATIONS" AND CHAPTER 94 "OPEN SPACE AND RECREATION AREAS" OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, AND THE STATE OF NEW JERSEY TO ESTABLISH A LATE FEE AND REVISE THE CANCELLATION POLICY FOR RENTALS.**

**WHEREAS**, the Township Committee wishes to revise Section 34-8(C) of the Ordinance to establish a late fee for failure to timely pay rental fees; and

**WHEREAS**, the Township Committee wishes to revise Section 34-8 and Section 94-3(P) of the Ordinance to revise the cancellation policy; and

**WHEREAS**, the Township wishes to reorganize the subsections of Chapter 34-8 to make it easier to read and to add a notice of the Township's right to deny rentals; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey as follows:

Section 1:

Section 34-8(C) shall be replaced with the following:

A fee of \$20 will be charged on any returned checks. A late fee of \$75.00 will be charged for any fees paid more than 30 days late. If any fees are not paid within 90 days of the due date, the individual/organization shall be locked out of the facility and/or unable to rent any Township facilities until all fees and late fees are paid in full. Unless a due date of a payment is specifically set forth in the Township Code or the rental contract, "late" shall be defined as any fees not paid as of the date of the scheduled event. The day of the event shall be counted as the first late day for purposes of counting the late period.

Section 2:

Section 34-8(D) shall be re-number as Section 34-8(F)

Section 3:

Section 34-8(E) shall be re-number as Section 34-8(G) and amended as follows:

All persons using any Kingwood Township park, as described in Subsections A and B, shall provide proof of insurance as is more specifically described in the rules and regulations applicable to all Kingwood Township parks and facilities, which were earlier adopted by the Township and are ratified and made a part hereof entitled "Exhibit A" and kept on file in the Township Clerk's office and available for review during regular business hours.

Section 4:

Section 34-8(F) shall be re-number as Section 34-8(H)

Section 5:

The following shall be added as Section 34-8(D):

Cancellation Policy: All cancellations must be reported in writing to the Township. Cancellations within 30 days prior to the scheduled rental date will receive a 100% refund of all rental fees. Cancellations 29-8 days prior to the scheduled rental date will receive a 50% refund of all rental fees. Cancellations 7 days or less before the scheduled rental date will not receive a refund. Individuals/organizations who have not paid their rental fee as of the date of cancellation shall be obligated to pay the fee or portion of the fee in accordance with the cancellation policy. Cancellations due to the closing of the facility by the Township shall be granted a full refund of all rents paid. The reserving party assumes all risk arising from inclement weather or cancellations of any kind. If the Township does not cancel a reservation, the reserving party shall use its best judgment concerning cancellations due to inclement weather.

Section 6:

The following shall be added as Section 34-8(E):

The Township reserves the right to deny any individual/organization the right to rent Township property based upon that individual/organization's prior use of the property including but not limited conduct during the rental and/or the condition the facility at the end of the rental. The decision not to rent the facility to an individual/organization shall be in the sole discretion of the Township and any rental payments made in advance of an event shall be returned if the event is canceled by the Township, provided that individual/organization do not owe any prior rental or late fees amounts.

Section 7:

The following shall be added as Section 34-8(I):

Any person(s), corporation or organization using any portion of a Township park for a for-profit activity shall be required to provide the Township with proof of adequate insurance naming the Township as an additional insured. "For-profit activities" shall be defined as any use of the park in which participants pay a fee to any person, corporation or organization in conjunction with a use of the park. Examples of such activities include but are not limited to horseback riding lessons or tours, sports/recreational instruction, yoga/exercise classes which are held in or travel through the park.

Section 8:

Section 94-3(P) shall be amended as follows:

Reservation of facilities and areas.

Although persons/organizations may reserve a facility, on forms available through the Township, or area within an open space or recreation area for limited specific use, such reservation and permission to use the facility shall be in the sole discretion and continuing jurisdiction of the Township and subject to the rules and regulations imposed herein and such other conditions related to public health, safety and well-being imposed by the Township. Fees paid to reserve an area shall be subject to the Township's Cancellation Policy found at Section 34-8(D).

Section 9:

All other subsections of Section 34-8 shall remain unchanged.

Section 10:

If any part or parts of this ordinance are for any reason held to be invalid such adjudication shall not affect the validity of the remaining portions of this ordinance.

Section 11:

All ordinances or parts of ordinances which are inconsistent herewith are repealed but only to the extent of such inconsistency. All other parts of the Code of the Township of Kingwood not inconsistent herewith are ratified and confirmed.

Section 12:

This Ordinance shall take effect immediately upon final adoption and publication according to law.

**TOWNSHIP COMMITTEE OF  
TOWNSHIP OF KINGWOOD**

---

**Phillip Lubitz, Mayor**

**Attest:**

---

**Mary E MacConnell, RMC  
Township Clerk**

**Introduced:** **April 6, 2017**

**Publication:**

**Final Adoption:** **May 4, 2017**

**Publication by Title Only:**

**ROLL CALL VOTE:**

	<b>MOVED</b>	<b>SECONDED</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>T Ciacciarelli</b>						
<b>R Dodds</b>						
<b>P Lubitz</b>						