

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF SOUTH HARRISON AMENDING CHAPTER 4  
OF THE SOUTH HARRISON TOWNSHIP CODE**

**WHEREAS**, the Township Committee of the Township of South Harrison has determined that certain amendments to the Township Code are necessary and desired with respect to Chapter 4, Article I entitled “Board of Recreation Commissioners”;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of South Harrison in the County of Gloucester and State of New Jersey that Chapter 4, Article I entitled “Board of Recreation Commissioners” of the South Harrison Township Code be and is hereby amended, as follows:

**SECTION I – Purpose.**

The purpose of this Ordinance is to amend Chapter 4, Article I of the South Harrison Township Code entitled “Board of Recreation Commissioners” in order to comply and set forth the Statutory criteria under N.J.S.A. 40:12-1, et seq.

**SECTION II – Adoption.**

Chapter 4, Article I, is hereby amended, as follows:

**Section §4.1. - Unchanged.**

**Section §4-2. Establishment; Composition; Qualifications; Compensation.**

There is hereby created a Board of Recreation Commissioners pursuant to N.J.S.A. 40:12-1, et seq., consisting of seven (7) members, who shall be appointed by the Mayor. Members of the Board shall be residents of the Township of South Harrison of recognized fitness for such position. A Commissioner shall not receive any compensation for his or her services.

**Section §4-3. Appointments; Term of Office.**

Pursuant to N.J.S.A. 40:12-1, the Board Members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, in such manner that the term of at least one (1) Commissioner and not more than two (2) Commissioners shall expire in each year according to the number appointed as fixed by the Mayor. Thereafter, all appointments shall be for the term of five (5) years for so long as the Board consists of five (5) or seven (7) Members according to the number appointed to comprise the Board, and vacancies shall be filled for the unexpired term only. The Members shall serve until their respective successors are appointed and shall qualify. No Commissioner shall be permitted to act on a matter in which he or she has either directly or indirectly any personal or financial interest. A Commissioner may, after Public Hearing, if he or she requests on, be removed by the Township Committee for cause.

**Section §4-4. Organizational Meeting; Elections of Chair.**

An Organizational Meeting shall be held in January of each calendar year by the members of the Board, during which Meeting there shall be elected a Chair, Vice-Chair, Recording Secretary and Treasurer. All Commissioners shall have an equal vote.

Chapter 4, Article I, Section §4-5 entitled “Advisory Commissioner Members” is hereby amended, as follows:

**Section §4-5. Alternate Members.**

A. In addition to the regular Commissioner Members, the Mayor may appoint one (1) or two (2) Alternate Members to the Board. Alternate Members shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2”. The length of the terms of the Alternate Members shall be the same as the length of the terms of the Regular Member of the Board of Recreation Commissioners. If two alternates are appointed, their terms shall be staggered by the appointment of one (1) of the Alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of the term shall be filled by the Township Committee for the unexpired term only.

B. No alternate Member shall be permitted to act on any matter in which the Alternate has either directly or indirectly any personal or financial interest. An Alternate Member may, after Public Hearing if he or she requests one, be removed by the Township Committee for cause.

C. Alternate Members may participate in discussions of the proceedings of the Board but may not vote, except in the absence or disqualification of a Regular Member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a Regular Member may vote instead of an Alternate Member. In the event that a choice must be made as to which Alternate Member is to vote, Alternate No. 1 shall vote.

**Section §4-6 – Unchanged.**

**Section §4-7 – Unchanged.**

Chapter 4, Article I, Section §4-8 entitled “Adoption of Rules and Regulations; Violations of Rules” is hereby amended, as follows:

**Section §4-8. Games and Expositions; Admission Fee; No Charge For Children.**

In order to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under its control, the Board of Recreation Commissioners may arrange and provide for the giving of expositions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon expositions, plays, concerts, games and contests. The Board may charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes, but shall not use or employ any such playground or recreation place for such purpose for a greater period than a ratio of one

(1) hour to every two (2) hours in each day during which the playground or recreation places are utilized nor more than sixteen (16) hours in any one (1) calendar week, and when any such playground or recreation place is used for such purpose, no admission fee shall be charged or collected from children under twelve (12) years of age. The Board of Recreation Commissioners may charge and collect a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.

**Section §4-9 – Unchanged.**

Chapter 4, Article I, Section §4-10 entitled “Violations and Penalties” is hereby amended, as follows:

**Section §4-10. Control of Grounds; Violations and Penalties; and Insurance.**

The Board of Recreation Commissioners shall have full control over all parks, playgrounds, recreation facilities and open space areas and may adopt a Board seal, suitable rules, regulations and by-laws for the use thereof, and the conduct of all persons while on or using the same; and any person who shall violate any of such rules, regulations or by-laws shall be deemed and adjudged to be a disorderly person subject to the penalties provided by New Jersey Law and as provided in Section §1-14 of this Code.

Any Contractor, vendor, entity or person authorized by the Board to utilize the recreation property and facilities under its control for any of the purposes set forth at Section 4-8 hereof or for any other purpose authorized by the Board shall provide, in advance of the authorized use, a Certificate of Insurance naming the Township of South Harrison, the Board of Recreation Commissioners, their respective officers, agents and employees as Additional Insureds under a policy of insurance covering claims for public liability, personal injury, death and property damage with limits of insurance not less than \$1,000,000.00 for a combined single limit policy or, in the alternative, coverage for such liabilities for personal injury and death of not less than \$1,000,000.00 for any single incident or occurrence and \$500,000.00 for any single incident or occurrence of property damage. Lessee may satisfy the above insurance requirements with an endorsement to a master policy or by way of umbrella coverage, or any combination of the two methods.

**Section §4-11. Meetings; Quorum.**

Regular meetings of the Board of Recreational Commissioners shall be held at the call of the Chair or, in his or her absence or disability, at the call of the Vice-Chair; provided, however, that a meeting shall be called upon the written request of at least four (4) members of the Board of Recreation Commissioners. At all meetings a Quorum shall consist of four (4) voting members of the Board. No business shall be transacted by the Board unless a Quorum consisting of at least four (4) voting members of the Board is present.

**Section §4-12. Special Fund.**

All monies received by the Board shall be paid over to the Township Treasurer and shall be kept in a special fund, which shall be under the control of the Board and used only for the purpose of defraying the expenses of improving, maintaining or policing the playgrounds and recreation places and for the other expenses of the Board.

**Section §4-13. Board Vacancy deemed on resignation, incapacity, death, residence, absence, or removal; filling unexpired term**

The position of any person(s) appointed as a member of the Board of Recreation Commissioners to a specified term by the Mayor of South Harrison Township pursuant to N.J.S.A. 40:12-1, et seq. shall be deemed vacant pursuant to N.J.S.A. 40A:9-12.1;

- A. Upon its being so declared by judicial determination;
- B. Upon the filing of his or her written resignation;
- C. Upon the refusal of a person(s) designated for appointment to such position to qualify or serve;
- D. Upon the determination of the Mayor that his or her appointee shall have become physically or mentally incapable of serving;
- E. Upon the death of a Recreation Commissioner;
- F. Upon the determination of the Mayor that, in violation of a lawful residency requirement, the Recreation Commissioner appointed by the Mayor no longer resides within the corporate limits of South Harrison Township;
- G. Upon the removal of the Recreation Commissioner appointed by the Mayor for cause in accordance with law or for any other reason prescribed by law; and
- H. Whenever the appointed Recreation Commissioner, without being excused by a majority of the authorized members of the Board of Recreation Commissioners, fails to attend and participate at meetings of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that the Board of Recreation Commissioners shall notify the Mayor, in writing of such determination; provided, further, that the Board of Recreation Commissioners may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness; provided, however, that nothing in this subsection shall preclude the Township Committee from adopting by Ordinance a policy establishing a lower absentee threshold,

provided that the Ordinance shall not permit the removal of the Recreation Commissioner if the Recreation Commissioner has been absent for less than six (6) consecutive weeks, or three (3) consecutive meetings, whichever shall be of longer duration, without being excused, within the term of office for the position held by the individual.

Whenever any of the above shall occur, the Mayor shall forthwith fill the vacancy for the unexpired terms in the manner prescribed by law and this Ordinance.

**SECTION III – Effective Date.**

This Ordinance shall take effect upon final adoption, publication and as otherwise provided by law.

**SECTION IV – Repealer.**

All Ordinances or parts of Ordinances inconsistent with the terms and provisions of this Ordinance be and are hereby repealed to the extent of such inconsistency.

**SECTION V – Saved From Repeal.**

All Ordinances or parts of Ordinances not inconsistent with the terms and provisions of this Ordinance are hereby saved from repeal.

**TOWNSHIP OF SOUTH HARRISON**

By: \_\_\_\_\_

James McCall, Mayor

Dated: \_\_\_\_\_

**ATTEST:**

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Nancy E. Kearns, RMC  
Township Clerk

**NOTICE**

The foregoing Ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of South Harrison conducted on March 10, 2010 and will be considered for final hearing and adoption at a meeting to be held on the 14<sup>th</sup> day of April 2010, at 8 p.m., at which time any objections hereto may be heard in the Municipal Building of South Harrison Township, 664 Harrisonville Road, Harrisonville, New Jersey.

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Nancy E. Kearns, RMC  
Township Clerk

**NOTICE**

Notice is hereby given that the foregoing Ordinance O-10-06 was finally adopted at a Regular Meeting of the South Harrison Township Committee held on the 14<sup>th</sup> day of April 2010 at 8:00 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey

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Celeste Keen, RMC  
Deputy Clerk

Information Only