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Article II Use of Facilities

[Derived from Sec. 10-6 of the 2002 Revised General Ordinances, adopted 12-16-2002 by Ord. No. 02-27]

§ 240-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BREWER RECREATION FACILITY

Any portion of the building and structure known as the "Brewer Recreation Center," located at 430 Westfield Avenue, Clark, New Jersey, and the adjoining land, which includes the athletic fields and tennis courts.

INSURANCE

A policy of insurance furnished by the user of the facilities by a company approved by the Township and which includes the Township as a named insured.

OTHER PUBLIC LANDS

Those lands owned by the Township of Clark which are not specified in this article, but which may be otherwise used by the public upon application pursuant to the provisions hereof.

[Added 5-4-2009 by Ord. No. 09-16]

RENT

The fee paid to the Township of Clark for the use of the Brewer Recreation Center or any part thereof.

USER

Any person, organization, corporation or other entity granted the use of the Brewer Recreation Center pursuant to this article.

§ 240-5 Permit requirements; certificates of insurance.

[Amended 5-4-2009 by Ord. No. 09-16]

- A. The prospective user of any other Township lands shall file an application for the use with the Recreation Director of the Township of Clark specifying the date, time and purpose of its proposed use, providing the name and address of the organization seeking such use and specifying the nature of the use, the hours of operation and whether third parties will be engaged in the operation of the use. The Recreation Director of the Township will thereupon, after reviewing said application, determine the fee to be charged therefor based upon the criteria heretofore referenced.
- B. All applicants for permits shall be required to post with the Township Clerk, prior to the conduct of any such affair, appropriate certificates of insurance evidencing the fact that the user is insured, and that the Township of Clark has been named as a coinsured on its liability policy in an amount not less than \$1,000,000 for bodily injury to one person, \$3,000,000 for injuries to multiple parties and \$500,000 for property damage. Where the prospective licensee proposes to allow a third-party vendor to utilize the governmental site as part of its venture, all third-party vendors shall be required to provide certificates of insurance in similar fashion designating the Township of Clark as an additional insured. Failure to provide such coverages shall disqualify such potential vendor from participation in the event. The renter is responsible for cleanup during the event and after the event is complete.

§ 240-6 Fees.

[Amended 5-4-2009 by Ord. No. 09-16]

- A. Any organization within the Township of Clark seeking to use public lands for the conduct of an event sanctioned by the Clark Recreation Department shall pay to the Township of Clark a fee in connection therewith. Such fee shall be in an amount calculated to offset the cost paid by the Township for safety, public works, insurance charges and the like.
- B. The following fees shall apply to the uses specified:
 - (1) Gym: \$500 per day.
 - (2) Cafeteria: \$200 per day.
 - (3) Tennis courts: \$100 per day.
 - (4) Fields: \$200 per day.
 - (5) Room 2: \$100 per day.

§ 240-7 Exemptions from fees.

The following shall not be charged a fee for the usage of the Brewer Recreation Center on Monday through Friday only, exclusive of Saturday, Sunday and/or holidays, and not later than 11:00 p.m. all other days:

- A. Any program sponsored by the Township of Clark.
- B. Any program under the auspices and sponsorship of Arthur L. Johnson High School or any of the schools under the jurisdiction of the Clark Board of Education.
- C. Any usage for programs under the auspices and/or sponsorship of any independent youth, adult, civic, except political, charitable, community-wide and/or nonprofit organizations based within the Township of Clark, exclusive of fund-raising events.
- D. Any usage for programs under the auspices and/or sponsorship of any organization the same as set forth in Subsection C above, which is based outside the Township of Clark but serves the youth and/or adults of the Township of Clark and in which membership is open to anyone.
- E. Any usage before 8:00 a.m. or after 11:00 p.m. on Monday through Friday, or the usage on holidays or weekends, shall be subject to a fee for one or more of the services as set forth in § 240-6.

§ 240-8 Miscellaneous provisions.

- A. Insurance required. All users of the Brewer Recreation Center, except Township-sponsored programs, must furnish to the Township a certificate of insurance showing proof that such user is insured and naming the Township of Clark as a coinsured under the liability portion of the policy in an amount not less than \$1,000,000 for bodily injury per accident, \$500,000 bodily injury per person and \$50,000 property damage.
- B. Damage liability. If any damage to the facilities results from the use of the Brewer Recreation Center by any user, without exception, such user shall be fully responsible for reimbursement to the Township for the actual cost of repair of such damage.
- C. Applications. Applications for the use of the Brewer Recreation Center and its facilities shall be in a form prepared by the Recreation Director of the Township and filed with such office or its designee.
- D. Age requirement. Any applicant for the use of municipal facilities must be at least 18 years of age and

present written authorization by his/her organization or group to make such application. Responsible adult supervision shall be present at all times whenever the use of the facilities is by a youth organization or group.

- E. Security. Security shall be provided by the use when attendance exceeds 75 persons, and such plan of security shall be subject to the approval of the Recreation Director at least one week prior to the date of usage.
- F. Disposition of fees. All fees collected shall be deposited in the general fund of the Township, and costs shall be transferred to respective line-item accounts.

§ 240-9 Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty.