



ORDINANCE 11-2008

AN ORDINANCE ESTABLISHING CHAPTER VIII, ARTICLE IV, “HARBOR SKATE PARK” AND ESTABLISHING THE RULES AND REGULATIONS PERTAINING THERETO”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, it is the desire of the Governing Body of the Borough of Atlantic Highlands to permit the operation of The Harbor Skate Park in the Municipal Harbor at Block 118 Lot 4, located on First Avenue at the Holly Tree Parking Lot; and,

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that Chapter VIII, Article IV, “Harbor Skate Park”, of the Revised General Ordinances of the Borough of Atlantic Highlands is hereby established with the following provisions:

8-3.1 Short Title

HARBOR SKATE PARK

8-3.2 Hours/ Times and Conditions of Operation

1. The Skate Park is open from 8:00 a.m. until dusk. No trespassing when park is closed.
2. The park will be closed during wet, snow or icy conditions or during park maintenance periods.
3. The Borough reserves the right to close the Skate Park or modify its hours of operation for any reason at the direction and discretion of the Borough Administrator, Harbor Master or his/her designee.

8-3.3 Park Supervision and Personal Liability

All persons entering the Skate Park are deemed to have knowledge that the Skate Park is a non-supervised activity site designed for skateboarding and in-line skating only, and that all use of the Skate Park is at the risk of the user.

All persons entering the Skate Park are deemed to have agreed to indemnify, defend, and hold harmless the Borough of Atlantic Highlands & the Atlantic Highlands Harbor Commission, its officers, employees, agents, and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the Skate Park.

8-3.4 SKATE PARK RULES

- a. All participants must skate with due care and circumspection as to avoid accidents or collisions with other skaters and use the equipment in the proper manner. NO Reckless or dangerous skating

permitted. Reckless or dangerous skaters will be required to leave the skating area and the premises immediately.

- b. Helmets, kneepads, elbow pads, appropriate closed toe footwear and wrist guards are required for skaters within the park.
- c. Participants 10 and under must have a responsible adult present.
- d. All bicycles; scooters; motorized vehicles of any kind; and skateboards with wheelbases longer than 20 inches are prohibited.
- e. Personal ramps, rails, boxes, other apparatus or modifications to the skate surface are prohibited.
- f. Food, beverages or glass containers are not allowed inside the Skate Park.
- g. Spectators and pets are prohibited inside the Skate Park.
- h. All skaters are to act in an orderly, safe and considerate manner while on the premises and in the skating area.
- i. Smoking and the use of tobacco products, drugs, alcohol, profanity or abusive language is strictly prohibited and shall result in automatic and/or permanent expulsion from this facility.
- j. Vandalism, graffiti and the placement of unauthorized stickers is strictly prohibited. Any violation of this provision shall result in automatic and/or permanent expulsion from the facility and the violator shall be subject to all costs incurred to clean, repair and/or replace damaged equipment.
- k. Use of radios, stereos or any type of amplified sound is prohibited in the Skate Park. Wearing head phones while in the skating area is prohibited.
- l. Each user of the Skate Park should have personal identification that includes name, address, and telephone number in his/her possession at all times during use of the Skate Park.

8-3.5 Enforcement:

This ordinance shall be enforced by the Atlantic Highlands Harbor Security and/or the Police Department of the Borough of Atlantic Highlands.

Notice of these rules shall be placed at the main entrance into the skating area.

8-3.6 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to expulsion from this facility, a fine not to exceed three hundred [\$300.00] dollars, community service and/or revocation of any privileges for its use.

BE IT FURTHER ORDAINED, that provisions of this Ordinance shall be severable. If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption and publication according to law.

Council member Fligor introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Archibald and approved by the following vote.

AYES: Council members Archibald, Dellosso Doyle, Fligor, Hoffmann, and Sutton

NAYS:

ABSENT:

The Second Reading, Public Hearing and possible adoption is scheduled for August 13, 2008.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held July 23, 2008.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 25th day of July 2008.

Dwayne M. Harris [Digital Signature]

Dwayne M. Harris, RMC

After a Public Hearing and Second Reading, Councilmember Fligor moved for final adoption of this Ordinance. It was seconded by Councilmember Archibald and adopted by the following vote.

AYES: Council members Archibald, Dellosso, Doyle, Fligor, Hoffmann and Sutton

NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held August 13, 2008.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 14th day of August 2008.

Dwayne M. Harris [Digital Signature]

Dwayne M. Harris

DATE OF MAYOR'S APPROVAL: August 18, 2008

Frederick J. Rast III [Digital Signature]

Frederick J. Rast III, Mayor