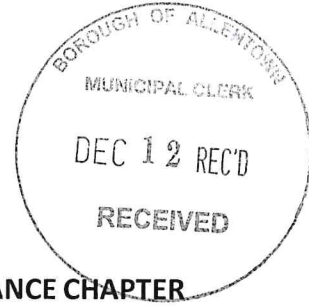


BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. 26-2019



AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER
2: "ADMINISTRATION" OF THE BOROUGH CODE TO REVISE THE
POWERS AND DUTIES AND MEMBERSHIP OF THE BOROUGH'S BOARD
OF RECREATION COMMISSIONERS

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Allentown that Chapter 2: "Administration" of the Revised General Ordinances of the Borough, is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

2-50 BOARD OF RECREATION COMMISSIONERS.

2-50.1 Membership; Terms; Compensation.

The Mayor shall appoint seven (7) ~~persons~~members, and two (2) alternate members, all citizens and residents of the Borough, ~~as members of~~to the Board of Recreation Commissioners. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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. All appointments shall be for a term of five (5) years. Vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.

2-50.2 ~~Right to Acquire Property; Survey~~Powers and Duties.

- a. ~~With the advice and consent of Borough Council, the Board may acquire lands for public playgrounds and recreation places by gift or purchase and it shall select lands for public playgrounds and recreation places; and, when deemed necessary or advisable by such Board, select lands for an approach or approaches by way of ingress thereto and egress therefrom of such size and dimensions as it shall think suitable, with regard being given to the population of the neighborhood.~~
- b. ~~The Board shall cause surveys and maps to be made thereof, together with a careful estimate, as nearly accurate as may be, of the probable costs of acquiring such lands, and a statement of the annual rental and duration of term, if it is proposed to lease the same, together with an estimate of the cost of preparing such lands and suitably equipping the same by the erection of buildings, stands,~~

~~seats and other structures and apparatus for such playgrounds and recreation places.~~

- ~~c. Such surveys, maps and estimates shall be submitted to the Borough Council with a request that an appropriation be made for the purpose of acquiring or leasing such lands, as the case may be, and suitably preparing and equipping the same.~~

Subject to the general authority of the governing body, the Board of Recreation Commissioners shall have the following powers and duties:

- a. To establish, supervise and regulate such recreation program(s) to meet the recreational programming needs of the residents of the Borough.
- b. The Board of Recreation Commissioners may arrange and provide for the giving of exhibitions, plays, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests, and in connection therewith, may:
- (1) Charge and collect a reasonable admission fee for each person entering such place as a spectator during the time or times when the same is being used or employed for such purposes.
- (2) Charge and collect a reasonable service charge from participants in order to assist in the meeting of the operating costs thereof in whole or in part.
- c. To promulgate, adopt and approve such rules and regulations as the Board of Recreation Commissioners shall deem necessary to carry out its purposes and objectives, subject to the review and approval of the governing body.
- d. To appoint such personnel as may be required to carry out the responsibilities of the Board of Recreation Commissioners for each calendar year.
- e. To recommend to the governing body a budget for the operation of the Board of Recreation Commissioners for each calendar year.
- f. The Board of Recreation Commissioners must abide by all local policies and regulations, including Ordinances, as well as all applicable State statutes.
- g. The Board of Recreation Commissioners shall meet regularly to discuss and act on items within their authority as dictated in this Section. Said meeting schedule will be established by the Board of Recreation Commissioners.
- h. To promulgate and adopt bylaws for governing its own affairs, subject to the approval of the Borough Council.

~~2-50.3 Acquisition and Maintenance of Parkland; Equipment.~~

~~If the Borough Council authorizes the acquisition of such lands and if the Borough Council appropriates a sum for the purchase and equipment thereof, or authorizes the leasing thereof and appropriates a sum for the equipment thereof, the Board shall acquire the same by purchase, condemnation or lease, as the case may be, and suitably prepare and equip the same for a playground and recreation place or approach thereto.~~

~~2-50.4 Condemnation.~~

~~If the Board is unable to agree with the owner or owners as to the price and terms of purchase, or if, by reason of any legal disability or the absence of any owner or owners thereof or for any other cause, an agreement for the purchase of such lands or any part thereof or any rights or interest therein cannot be made, the Board may cause such lands or any rights or interest therein to be condemned, and taken on behalf of the Borough, and the compensation to be made thereof shall be ascertained and paid or tendered in the manner provided in N.J.S.A. 20:1-1 et seq., as appended and supplemented.~~

~~2-50.5 Improvements.~~

~~The Board may cause any land so acquired to be laid out and improved as a public playground, recreation place or an approach thereto.~~

~~2-50.6 Title.~~

~~The title to all lands acquired or taken under the provisions of N.J.S.A. 40:12-1 to 40:12-8 shall vest in the Borough and all leases of land for such purpose shall be in the name of the Borough.~~

~~2-50.7 Fees and Service Charges.~~

- ~~a. 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 may arrange and provide for the giving of exhibitions, plays, concerts, games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests.~~
- ~~b. 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.~~
- ~~c. The Board 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.~~

~~2-50.8~~ **Rules and Regulations.**

~~The Board shall have full control over all lands, playgrounds and active recreation places acquired or leased and may adopt suitable rules, regulations and bylaws for the use thereof and the conduct of all persons while on or using the same. (1975 Code § 39-8; Ord. No. 03-76; New)~~

~~2-50.9~~ **Employees.**

~~The Board may appoint a secretary or clerk, and such number of custodians, supervisors, assistants and recreation personnel for the several playgrounds and recreation places under its control as it shall think necessary. The Borough Council shall set and determine their salaries in the Salary Ordinance. (1975 Code § 39-10; Ord. No. 03-76; New)~~

~~2-50.10~~ **Appropriation for Care and Maintenance.**

~~The Borough Council shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such playgrounds and recreation places, and for the expenses of the Board, which shall be raised by taxation in the same manner as other taxes.~~

2-50.113 **Appropriation of Funds.**

The money necessary to pay for lands purchased or condemned for such playgrounds and recreation places, and requested by the Board of Recreation Commissioners pursuant to Section 2.52(e) hereof for providing recreational programming and otherwise carrying out the Board's powers and duties and equipping the same, may be raised and provided by the Borough Council, at its sole discretion, by general taxation, as other taxes are raised and levied, or by the issuance of temporary loan bonds, or by the issuance of permanent bonds. All such bonds or other obligations shall be issued and paid in the manner provided by the law.

2-50.124 **Special Fund; Indebtedness.**

- a. All moneys received by the Board shall be paid over to the Borough Treasurer CFO and be kept by him or her in a special Trust 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 and its activities.
- b. Payments shall be made to vendors under the rules and policies set forth in the Purchasing Procedures section of this Code. All matters regarding expenses shall be brought forth to the Board Members at their regularly scheduled meetings and shall be voted upon for payment. The Council Liaison has the responsibility of

ensuring that financial matters are in good order, after conferring with the ~~Treasurer of the Borough CFO~~. A formal report by the Council Liaison regarding the financial status of the Board will be given at each regularly scheduled meeting.

2-50.135 Officers.

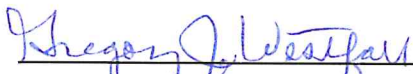
The Board of Recreation Commissioners shall select one (1) of their ~~number~~ regular members to act as Chairman of the Board of Recreation Commissioners, one (1) of their ~~number~~ regular members to act as Vice Chairman and one (1) of their ~~number~~ regular members to act as Secretary of the Board of Recreation Commissioners, who shall hold this office until the first meeting of the Board after January 1 following, and thereafter a Chairman and Vice Chairman shall be selected to hold this office for the term of one (1) year.

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

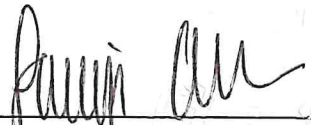
BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

ATTEST:



GREGORY WESTFALL, Mayor



LAURIE A. ROTH, Borough Clerk

DATED: 12/10/2019

DATED: December 10, 2019