



BOROUGH OF HIGHLANDS
SPECIAL MEETING - SKATEPARK ORDINANCE
22 Snug Harbor Avenue, Highlands, NJ 07732
Thursday, July 06, 2023 at 7:00 PM

AGENDA

SPECIAL MEETING: 7:00PM

The notice requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Asbury Park Press and the Two River Times and by posting at the Borough of Highlands Municipal Building and filing with the Borough Clerk all on June 30, 2023. Items listed on the agenda are subject to change.

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilmember Cervantes | Councilmember Chelak | Councilmember Melnyk

Council President Olszewski | Mayor Broullon

INTRODUCTION OF PROPOSED ORDINANCE

1. O-23-12 An Ordinance Amending Chapter 3 (General Police Regulations), Section 3-13.19 (Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades) of the Code of the Borough of Highlands

DISCUSSION ITEMS

PUBLIC PORTION

Individuals wishing to address the Council shall be recognized by the presiding officer and shall give their name, address, and the group, if any, they represent. Although the Council encourages public participation, it reserves the right, through its presiding officer, to terminate remarks to and/or by any individual not in keeping with the conduct of a proper and efficient meeting. If any individual refuses to conduct themselves in a proper manner, they will be removed from the meeting. The Council will not, during the public portion of this meeting, discuss matters involving employment, appointment, termination of employment, negotiations, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific or prospective or current employee. There is a three-minute time limit for your comments.

ADJOURNMENT

If you have any questions regarding this agenda, please contact the Borough Clerk at 732-872-1224 ext. 201 or email clerk@highlandsborough.org



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-23-12

AN ORDINANCE AMENDING CHAPTER 3 (GENERAL POLICE REGULATIONS), SECTION 3-13.19 (USE OF SKATEBOARD PARK, SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES) OF THE CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, Chapter 3, General Police Regulations, Section 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades of the Borough Code establishes rules and regulations regarding the use of Skateboard Parks, Skateboards, Roller Skates and Roller Blades; and

WHEREAS, the governing body desires to amend the rules and regulations.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Chapter 3, General Police Regulations, Section 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades is hereby amended as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

§ 3-13.19, Use of Skateboard Park, Skateboards, Roller Skates and Roller Blades.

a. Time of Operation. The Skateboard facility shall be open during the following hours:

~~Saturday between 10:00 a.m. until 8:00 p.m. or dusk whichever is earlier~~

~~Sunday between 12:00 p.m. until 5:00 p.m.~~

~~Weekdays (school year) 2:00 p.m. until 7:00 p.m. or dusk whichever is earlier~~

~~Weekdays (non-school year) 10:00 a.m. until 8:00 p.m. or dusk whichever is earlier~~

Monday through Sunday 10:00 a.m. until dusk.

The park will be closed during wet, snow or icy conditions, or during park maintenance periods. 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, Chief of Police, or Superintendent of Public Works. There shall be no trespassing when the park is closed.

b. Definitions. The following terms used in this section shall have the following meanings:

ROLLER SKATES OR ROLLER BLADES

Shall mean a pair of devices normally worn on the feet with a set of wheels attached regardless of the number or placement of those wheels and used to glide or propel the user over the ground. Devices commonly known as “roller blades” are intended to be included with this definition.

SKATEBOARD

Shall mean a device made of material designed primarily to be stood upon, with a set of wheels attached, regardless of the number or placement of those wheels (wheelbases must be 20 inches or less) and used to glide or propel the user over the ground, sidewalk or other pavement. ~~It includes skateboards that are motorized. It also includes skateboards, or similar devices, with a handle commonly referred to as “scooters” or “razor boards.”~~

SKATE PARK

Shall mean the Borough-owned skate park at the Community Center parking area and any subsequent skate park erected or acquired or areas designated by the borough for skateboarding and/or roller blading.

TRASH

Shall mean debris from food or drink that is brought into the park area.

- c. **Helmet and Protective Gear Required.** No person shall operate or ride upon a skateboard, roller skates or roller blades on any property open to the public unless that person is wearing on his/her head a properly fitted and fastened safety helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing and Materials (ASTM) helmet standard or other such standard, as appropriate. **Kneepads, elbow pads, appropriate closed toe footwear and wrist guards are required for skaters within the park.**
- d. **Prohibited Manner of Operation.** No person shall operate, or cause to be operated, any skateboard, roller skates, roller blades or the like in a reckless or hazardous fashion or in a manner creating interferences with pedestrian traffic or vehicular traffic, nor shall such person hold onto a motor vehicle or bicycle while such motor vehicle or bicycle is in motion.
- e. **Use of the Borough of Highlands Skate Park.**
 1. All persons, regardless of age, must wear on his/her head a properly fitted and fastened safety helmet, properly fitted and fastened knee pads and elbow pads which meet the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing and Materials (ASTM) helmet standard or other such standard, as appropriate.
 2. All persons using the skate park must abide by all rules and regulations adopted by the Mayor and Borough Council by resolution or by ordinance.
 3. All persons using the skate park must abide by all posted rules and regulations.
 4. All persons using the skate park must abide by all directions, commands or orders of any police officer or borough official.
 5. Use of bicycles on skateboard equipment or ramps is strictly prohibited.
 6. All trash brought into the park by its users will be taken with them when they leave the park or deposited in the appropriate receptacles which will be provided by the borough. Failure by the users to police the park for trash may result in the closing of the park for 48 hour periods.
 7. **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. Reckless or dangerous skaters will be requested to leave the skating area and the premises immediately.**
 8. **Participants 10 and under must have a responsible adult present.**
 9. **All bicycles, scooters, motorized vehicles of any kind, and skateboards with wheelbases longer than 20 inches are prohibited.**
 10. **Personal ramps, rails, boxes, or other apparatus or modifications to the skate surface are prohibited.**

11. Food, alcoholic beverages and glass containers are prohibited inside the skate park.

12. Spectators and pets are prohibited inside the skate park.

13. All skaters are to act in an orderly, safe and considerate manner while on the premises and in the skating area.

14. Tobacco products, smoking, use of drugs, alcohol, profanity or abusive language or vandalism/graffiti/stickers is strictly prohibited and shall result in automatic and/or permanent expulsion from the facility.

15. Use of radios, stereos or any type of amplified sound is prohibited in the skate park. Head phones are prohibited.

16. Each user of the skate park shall have personal identification that includes name, address and telephone number in his/her possession at all times during use of the skate park.

- f. Notification of Parent, Guardian, Adult. Notwithstanding any other action, which a law enforcement office is authorized to take upon probable cause to believe a minor has violated this section, the officer shall cause the minor's parent, guardian or other adult in the minor's household to be notified of the situation and shall request that the parent, guardian or other adult respond to headquarters to take custody of the minor. The Highlands Police Department shall also have 30 days from the date of the violation to determine if a complaint will be signed under this section or other applicable law.
- g. Violations. Any person violating the provisions of this subsection shall, upon conviction, be punished by:
 - 1. A fine not to exceed one hundred (\$100.00) dollars; and/or
 - 2. A sentence of community service of not more than 30 days; and/or
 - 3. Removal from the skate park for a period of time not to exceed 14 days on the first offense, 30 days on the second offense and indefinitely at the discretion of the judge on any subsequent offenses.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as provided by law.

First Reading and Set Hearing Date for O-23-12:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk’s Office.

DATE OF VOTE: July 6, 2023

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-23-12:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk’s Office.

DATE OF VOTE: July 19, 2023

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands