

ORDINANCE NO. 14-2016

AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN REGARDING ADOPTION OF THE STATEMENT OF PURPOSE AND GENERAL RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF THE FIORENDO SIGISMONDI COMMUNITY CENTER

WHEREAS, the Fiorendo Sigismondi Community Center of the Township of Aberdeen ("Center") has been acquired/constructed by the Township of Aberdeen, Monmouth County, New Jersey ("Township"), solely with funds generated by taxation of the citizens and taxpayers of the Township, to be used and operated, solely for the benefit and enjoyment of the citizens of the Township; and

WHEREAS, the Center provides to the Township's citizens a unique, multi-purpose resource not otherwise available in the Township's existing recreation, cultural and civic facilities. Thus, it is necessary to employ reasonable use, time, place and manner regulations to govern the operation of the Center; and

WHEREAS, the Center shall be a "limited public forum" as that term is defined by law; and

WHEREAS, the benefits and enjoyment intended to be conferred on the Township's citizens by the use and operation of the Center shall be governed by the Rules and Regulations of the Township of Aberdeen as contained herein.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Aberdeen, in the County of Monmouth, State of New Jersey, as follows:

1. The Township of Aberdeen hereby adopts as its policy the Statement of Purpose and General Rules and Regulations governing the Use and Operation of the Fiorendo Sigismondi Community Center.

2. STATEMENT OF PURPOSE AND GENERAL RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF THE TOWNSHIP OF ABERDEEN COMMUNITY CENTER

I) The Fiorendo Sigismondi Community Center ("Center") has been acquired/constructed by the Township of Aberdeen, Monmouth County, N.J. ("Township"), solely with funds generated by taxation of the citizens and taxpayers of the Township, to be used and operated, solely for the benefit and enjoyment of the citizens of the Township.

- A) The Center provides to the Township's citizens a unique, multi- purpose resource not otherwise available in the Township's existing recreation, cultural and civic facilities. Thus, it is necessary to employ reasonable use, time, place and manner regulations to govern the operation of the Center.
 - B) It is the Township's intention that the Center shall be a "limited public forum" as that term is defined by law.
- II) The benefits and enjoyment intended to be conferred on the Township's citizens by the use and operation of the Center are strictly limited, in order of preferences, to the following uses:
- A) Official activities and events of the Township, the Board of Education and other governmental agencies;
 - B) Cultural, sporting, health promoting, civic, historical and educational events sponsored by the Township, Township based individuals and organizations operating on a "not-for-profit" basis (as that term is defined by the law of New Jersey), other governmental entities and not-for-profit organizations;
 - (i) Cultural events shall be limited to film and other media presentations.

Fashion/jewelry/crafts/media/ historical/book-poetry and food shows and presentations of historical or educational value conducted by government and not-for-profit organizations as above defined.
 - (ii) Sporting events shall be limited to the playing of sports which are not inherently dangerous and are sponsored by government and not-for-profit organizations (as above defined) and activities traditionally related to such events, e.g. awards presentations, pep rallies, try-outs, practice sessions, and team or event registration.
 - C) Political events, religious practice, for-profit-activities, illegal, or obscene activities are strictly prohibited on the Center's premises. Additionally prohibited are any

activities which are likely to generate significant harm to the health, safety or welfare of the Township's citizens or which violate the rules and regulations herein or hereinafter prescribed by the Township or the Center's authorized operations.

- D) No event or activity may include the sale or gifting of alcoholic beverages without a state issued license and the specific, prior written consent of the Township, (which may or may not be granted, in the Township's sole discretion) for each and every such event or activity involving the sale or gifting of alcoholic beverages,
- E) All parties or other uses of the Center will last a maximum of five (5) hours and will end by 11:00 PM unless authorized otherwise. The hours of operation of the grounds surrounding the facility shall be generally, from dawn until sunset, unless otherwise posted.
- F) Rental of the Center is limited to the main room, restroom(s) and kitchen. The parking lot (except for the parking of vehicles) and other portions of the Center are not available for use. The exterior portions of the facility are to be generally governed by ordinances and rules governing parks in the Township.
- G) In renting the Center for use, the Township reserves the right to give preference to applicants who are governmental entities, Aberdeen citizens or Aberdeen based entities or organizations.
- H) The person(s) in charge of the Center or his/her designees shall, from time to time, make such rules or regulations, as may be reasonably necessary, for the safe and efficient operation of the Center.

III) The Township shall require that all requests to use the Center by non-governmental entities, for any purpose be, supported by a written application, filed not less than thirty (30) days before the proposed use, dated and executed by an authorized representative, or responsible person. Such applications shall include:

- A) The name, address, telephone number, email address, and identification of the responsible person or the applicant;
- B) In addition to the other fees and responsibilities application fees for the use of the Center to raise revenue for and facilitate the conduct of internal business for the Center and the Township will be as follows:
1. Township Resident - \$300.00
 2. Township based Non-Profit Groups - \$175.00
 3. Non-Residents - \$450.00
 4. Non-Township based Non-Profit Groups - \$275.00
 5. Security Deposit - \$300.00
- C) Proof of the not-for-profit status of the applicant;
- D) A concise but complete written description of the proposed event, as well as the proposed date, time, duration, and expected attendance not to exceed one hundred forty seven (147) people at the proposed event;
- E) Such proof of liability and such other insurance, by an insurance company licensed to do business in the state of New Jersey, and in the amount that the Township may reasonably require in a form and content approved by the Township Attorney, and naming the Township as an additional insured;
- F) A dated and executed hold harmless, defense and indemnification agreement, in a form and content acceptable to the Township Attorney, in favor of the Township and providing that the Township may, thereunder, designate its own legal counsel and experts;
- G) A written undertaking specifying the provision of security, food and beverage, janitorial, maintenance, set-up, take-down, restoration and parking services, as may be required by the Township, in its sole discretion, and in a form and content acceptable to the Township Attorney;

- H) Original permits and licenses as may be required (sealed copies may be substituted in the Township's sole discretion);
- I) Such dated and executed releases, waivers, and other information and assistance as the Township may require, in its sole discretion, in a form and content acceptable to the Township Attorney, to investigate the bona-fides of the applicant, its/their ability to fulfill its/their obligations under the Township's rules and regulations for use of the Center, and, the history of the applicant, its principals and its related or predecessor entities, as same may be reasonably germane to the applicant's suitability to safely and legally conduct the proposed event and fulfill its/their obligation pursuant to the rules and regulations governing the use of the Center;
- J) A written undertaking, dated and executed by a/the responsible person or representative in a form and content acceptable to the Township Attorney, to fully abide by the Center's rules and regulations, to promptly and timely inform the Township's representatives of any changes to its representations and undertakings in connection with the application or the conduct of the event and specifying in/their agreement that the Township's designated representative and its police, fire, health, and other inspectors may, at their discretion, be present at all times and places involving the event and execute such control over or terminate the event, in their sole discretion, without liability or legal recourse, to insure compliance with applicable laws, rules, regulations, agreements, or the public health, safety or welfare, and;
- K) Such other terms and requirements as the Township may in its sole discretion require in order to secure compliance with the statement of purpose, applicable rules and regulations, applicable law and the health, safety or welfare of the public.

- L) When required by the Township, a bond, advance payment, and/or other financial guarantee as the Township may require in its sole discretion, in a form and content acceptable to the Township Attorney, to guarantee advance and later payment of the applicant's obligations;
- IV) All fees, insurance and bond requirements set forth above may, in the Township's sole discretion, be modified or waived for uses by non-Township governmental entities, citizens of Aberdeen, and not-for-profit organizations based in Aberdeen.
- V) The Township reserves the right to disqualify or refuse an applicant, in its sole discretion, without liability or recourse, due to failure to strictly comply with the requirements of this ordinance, other applicable law, the incompatibility of the proposed use with the purposes set forth herein, public necessity, misrepresentation, or changed circumstances.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take immediate effect upon passage and publication in accordance with applicable law.

PASSED:

ADOPTED:

KAREN VENTURA
MUNICIPAL CLERK

FRED TAGLIARINI
MAYOR

