

TOWNSHIP OF HARDING

ORDINANCE #11-2023

**ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, “PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES”**

WHEREAS, pursuant to Resolution TC 21-130, Harding Township revised the Township’s Use of Facilities Policy and Procedures; and

WHEREAS, Harding Township wishes to codify the Township Facilities Policy; and

WHEREAS, pursuant to N.J.S.A. 28:2-1, et. seq., monuments and memorials shall be under the jurisdiction of the entity to whom the property is located; and

WHEREAS, Harding Township wishes to establish procedures for the approval, purpose, and long term care of monuments and memorials which may be on or placed on Township property; and

WHEREAS, Harding has prepared the below ordinance to address these issues; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: The purpose of this ordinance is to codify the Township’s Use of Facilities as well as establish procedures for the approval, purpose and long-term care of monuments and memorials in the Township of Harding.

SECTION 1. The Municipal Code, Chapter 170, Section 1, “Facilities Use” is hereby created and shall read as follows:

I. AUTHORIZATION FOR USE OF TOWNSHIP FACILITIES

- A. Requests for the use of Township Facilities; including fields, parks and buildings, must be submitted to the Municipal Clerk, and approved by the Township Administrator.
- B. Unless authorized by permit in accordance with the Township Regulations, Consumption of an alcoholic beverage in or upon a Township Facilities is prohibited.

TOWNSHIP OF HARDING
ORDINANCE #11-2023
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"

C. Constitutional Designation area.

1. Memorial Park is designated for public expressive activities.

- a. The Facility Use application must be completed and submitted in accordance with the Facilities Use Policy & Procedures.
- b. The placement of free speech displays shall be assigned by date order of receipt by the Municipal Clerk.
- c. The applicant shall list the display placement area in order of preference.
- d. The display shall be limited to fourteen (14) calendar days starting on the first day the display is placed and erected.
- e. The display shall comply with all State and local regulations, Statutes, and Ordinances.
 - (1) Fire
 - (2) Health
 - (3) Safety
 - (4) Police
- f. The display shall not exceed the following dimensions:
 - (1) Height not to exceed seven (7) feet.
 - (2) Width not to exceed eight (8) feet.
 - (3) Depth not to exceed eight (8) feet.
- g. Signage shall not exceed two (2) feet by two (2) feet. Only one sign for each display is authorized.
- h. The applicant shall provide and submit the completed Facilities Use application fourteen (14) days before the placement of the display including the diagram placement location and placement location selections.
- i. To ensure public safety, all displays shall be subject to inspection by the appropriate Harding Township official.

TOWNSHIP OF HARDING

ORDINANCE #11-2023

**ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"**

- j. Any display that will continue beyond 48 hours may be subject to appropriate zoning setback and other requirements to ensure public safety.
 - k. All displays shall be removed within 48 hours following the completion of their use. If the display is not removed within 48 hours, the display extension request form must be submitted to the municipal Clerk 24 hours before the 48 hour removal requirement.
 - l. No generators shall be permitted. All sound amplification and lighting devices shall have their own power sources.
 - m. Any damage or disturbance to the ground in Memorial Park shall be repaired by the applicant, at applicant's expense, within 96 hours following the termination of the activity and subject to approval by the Harding Township Construction Official. The applicant may request an extension due to weather conditions. The display extension request form must be submitted to the Municipal Clerk.
 - n. No lights, other than those required as part of the display, or amplified sound shall be permitted earlier than 8:00 am or later than 10:00 pm.
 - o. Ceremonies and other manifestations of constitutionally protected events shall be conducted at Memorial Park.
 - p. These requirements shall apply equally to all applications for use of Memorial Park for displays, ceremonies, and manifestations of constitutionally protected events.
- 2. No other parks, recreation areas, trails, fields, or other Municipal facilities are designated for public expressive activities.
 - 3. Any approval is not precedential for any future requests or for any requests made by any other entity or party and any future requests by any party shall be subject to any updated Harding Township Facilities Use Policies & Procedures that may be established by the Township of Harding from time to time.

TOWNSHIP OF HARDING
ORDINANCE #11-2023
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"

II. FACILITIES RESERVATION APPLICATION / PERMIT

- A. The applicant shall complete and sign the Facilities Request Form / Permit for Township owned fields, parks, and buildings.
- B. A certificate of insurance for use of Township Facilities is required as outlined on the application forms.
- C. The application / permit includes a section entitled "Facilities Use Questionnaire". This section shall be completed and submitted to the Municipal Clerk along with the application.
- D. The Hold Harmless Agreement shall also be completed and submitted to the Municipal Clerk along with the application.
- E. The completed Facilities Reservation Application / Permit shall be submitted to the Municipal Clerk.

III. MUNICIPAL CLERK REVIEW

- A. Upon receipt of the completed Township Facilities Reservation Application/Permit Application and supplemental documentation, the application shall be sent to the Municipal Clerk for review.
- B. The Municipal Clerk shall review the application and complete the Facilities Use Checklist.

IV. APPROVAL/DENIAL

- A. After the Municipal Clerk reviews the application for completeness, the Facilities Reservation Application/Permit shall then be sent to the Township Administrator for review and final approval or denial.
 - 1. If the application/permit is approved by the Township Administrator, the approved application/permit shall be sent to the Municipal Clerk and shall be filed in the Municipal Clerk's Office, and the Municipal Clerk shall notify the applicant of said approval in accordance with Section V of this policy.

TOWNSHIP OF HARDING

ORDINANCE #11-2023

ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND FACILITIES"

2. If the application/permit is denied by the Township Administrator, the Township Administrator shall send notice of the denial to the Municipal Clerk. The application/permit denial from the Township Administrator shall be filed in the Municipal Clerk's Office, and the Municipal Clerk shall notify the applicant of said denial in accordance with section V of this policy.

V. APPLICANT NOTIFICATION

- A. The Township Administrator shall send the approved application/permit to the Municipal Clerk. The Municipal Clerk shall send the applicant written notice of the approval along with the approved application/permit.
- B. If the Township Administrator denies the application/permit, the Municipal Clerk shall similarly notify the applicant in writing. The notification shall state the reason for the denial.
- C. The applicant may appeal the Administrator's decision to the Township Committee within five (5) calendar days of receipt of Administrator's denial.

VI. PERMIT POSSESSION AND PROCESSING

- A. The applicant, or an authorized representative, must be present to supervise the event during the entire time the Township facility is in use. In addition, the applicant, or an authorized representative, must have the original approved application/permit in his/her possession at all times during the event.
- B. The Municipal Clerk will send a copy of the approved application/permit to the department heads for notice and information.
- C. For sports events, the applicant shall provide all event participants and parents with the NJ Department of Health "Guidance For Sports Activities" guidelines.
- D. For all sports events, the applicant shall provide all event participants and parents with COVID-19 field use protocols.

VII. FILING

- A. A copy of the Township Facilities Use Application/Permit, Township Administrator's determination, applicant notification, application/permit, and all other documents

TOWNSHIP OF HARDING
ORDINANCE #11-2023
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, “PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES”

relevant to the application/permit shall be filed with the Municipal Clerk in separate folders with the applicant's last name and address.

VIII. APPLICATION FORMS AND APPENDICES

- A. Any and all application forms and appendices which shall be required for the purpose of implementing this ordinance shall be created, amended, and maintained by the Township Administrator.

SECTION 2. The Municipal Code, Chapter 170, Section 2, “Monument and Memorials” is hereby created and shall read as follows:

I. Definitions

- A. Monument — A structure, statue or building erected to commemorate a person or notable event that has had an impact on the United States, State of New Jersey, County of Morris or the Township of Harding.
- B. Memorial — Serves to celebrate or honor the memory of a person or an event that has had an impact on the Township of Harding. Memorials may be a bench, plaque, tree, or other memorial approved by the Township Committee.

II. Monument

- A. Application Process
 - 1. The completed application for a monument must be submitted to the Municipal Clerk. The Municipal Clerk will review the application for completeness and send the application to the Township Administrator for review. The Township Administrator will review the application, request changes (if any) and approve or deny the request.
 - 2. The request for a monument must describe in detail the life and community contributions of the individual or organization proposed to be recognized.
 - 3. The request for a monument must detail the type, the proposed location and

TOWNSHIP OF HARDING
ORDINANCE #11-2023
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"

date for the installation.

B. Monument Approval Process

1. The Township Administrator will approve or deny an application after an evaluation of each monument application; decide civic appropriateness and the cost for the monument purchase and installation.
2. After review by the Township Administrator, the Township Committee may appoint a committee of residents to conduct appropriate studies and submit recommendations to the Township Administrator.
3. No individual shall be considered for monument recognition during his or her lifetime.
4. Authorization for a monument shall be by a resolution adopted by the Township Committee.

III. Memorial

A. Application Process

1. The application for a proposed memorial is to be submitted to the Municipal Clerk.
2. The Municipal Clerk will review the application for completeness and send the application to the Township Administrator for review.
3. The request should detail the type of memorial (i.e. plaque, tree, bench) and a brief explanation about the person who is to be memorialized and the reason.

B. Memorial Approval Process

1. The Township Administrator will approve or deny an application after an evaluation of each memorial application; decide civic appropriateness and the cost for the memorial purchase and installation.

TOWNSHIP OF HARDING

ORDINANCE #11-2023

**ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"**

2. The cost for the purchase and installation of a memorial shall be the responsibility of the applicant. The cost shall include the cost of the memorial bench, tree, plaque, shipping fees, transportation to the site and installation.
3. Authorization of a memorial shall be by a resolution adopted by the Township Committee.

IV. Appeal Process

- A. The Township Committee will hear all appeals.
- B. An appeal of a request for a monument or memorial will be filed with the Municipal Clerk.
 1. An appeal must be filed within ten days of the denial notice.
 2. The Municipal Clerk shall send the receipt of notice of appeal to the Township Committee and Township Administrator.
- C. The Mayor will decide when the appeal will be scheduled for the Township Committee hearing.

V. Maintenance

- A. Before installation, the donor should provide a maintenance plan and provide funding for this plan unless the Township agrees to fund the maintenance plan for ten years. The Township of Harding is responsible for the general maintenance and replacement for all monuments and memorials for a period not to exceed 10 years from the date of installation. Maintenance shall include and be limited to cleaning, minor repairs, painting and re-staining.
- B. The Township shall not be held responsible for loss or damage to the monument or memorial including but not limited to theft, vandalism, or weather. If the donor is not able to be reached or does not want to pay for repair or replacement, the Township shall

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ORDINANCE #11-2023

**ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"**

have the ability to repair the monument, not to exceed \$2,500, or remove the monument or memorial and returned to the donor.

C. The Township reserves the right to relocate any and all monuments or memorials at any time should such action be necessary, including but not limited to property development, vandalism, or interference with Township operations. The Township shall make a reasonable effort to contact the sponsor should relocation of a monument or memorial be required.

VI. Monument/Memorial Location Lists

A. The Municipal Clerk shall maintain an updated list of all monuments and memorials to include the following:

1. Location — plot plan and address.
2. Type — Monument/Memorial.
3. Name of the person or organization that donated the Monument/Memorial.
4. Landscaping materials (if applicable).
5. Color photo of each Monument/Memorial.
6. Color photo of each Monument/Memorial location.
7. Date the Monument/Memorial was installed.
8. Copy of approved Resolution.
9. The number and size of each Monument/Memorial is to be listed for each location.

B. The Municipal Clerk shall prepare a suggested future monument/memorial location list. The type of monument/memorial is to be listed for each location.

TOWNSHIP OF HARDING
ORDINANCE #11-2023
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, CREATING CHAPTER 170, "PUBLIC GROUNDS, BUILDINGS, AND
FACILITIES"

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- C. Periodically, the Township Committee will review the proposed future monument/memorial location list to decide if the locations are appropriate.

VII. APPLICATION FORMS AND APPENDICES

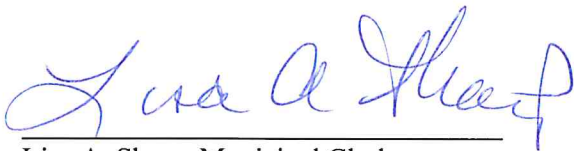
- A. Any and all application forms and appendices which shall be required for the purpose of implementing this ordinance shall be created, amended, and maintained by the Township Administrator.

SECTION 3. This ordinance may be renumbered for the purposes of codification.

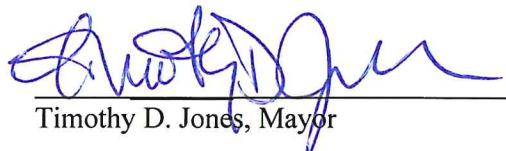
SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST

TOWNSHIP OF HARDING



Lisa A. Sharp, Municipal Clerk



Timothy D. Jones, Mayor

INTRODUCED: August 14, 2023

ADVERTISED: August 17, 2023

Vote on Introduction:	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson	1st Absent and	☒	☐	☐
Dr. Lacz		☒	☐	☐
Mr. Platt		☐	☐	☐
Mr. Yates		☒	☐	☐
Mr. Jones		☒	☐	☐