

ORDINANCE NO. 2018-12

**TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH**

**ORDINANCE MODIFYING SECTION 13-2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF HOLMDEL,
TITLED “FACILITY USAGE AND PROGRAM FEES”**

WHEREAS, pursuant to Ordinance 2017-03, the Township leases approximately 17,759 square feet of real property in the Bell Works building, located at 101 Crawfords Corner Road, Holmdel, New Jersey; and

WHEREAS, the Township’s leasehold currently houses the Holmdel Township Library and Learning Center, which is operated by the Monmouth County Library Commission; and

WHEREAS, the Township’s leasehold also includes meeting rooms, which are not operated by the Monmouth County Library Commission, and are instead under the operational purview of the Township (the “Meeting Rooms”); and

WHEREAS, the Township wishes to adopt an ordinance establishing the terms of use and fees applicable to rentals of the Meeting Rooms, and to update other provisions in the Section to reflect current operations.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey that the Revised General Ordinances of the Township of Holmdel be and are hereby amended as follows:

SECTION 1.

Section 13-2 is hereby amended as follows (additions are **underlined and bolded**, deletions contain ~~strikethroughs~~, sections moved are outlined in [brackets] and underline):

13-2.1 ~~Indoor and Outdoor Facilities; Applications for~~ Use of Township Facilities Permit; User Groups; Scheduling.

a. The Township of Holmdel desires to establish **regulations** ~~user fees~~ for the **use of all applicable** ~~indoor and outdoor~~ facilities owned and operated by the Township of Holmdel as ~~follows:~~ set forth in this Section.

[original b. MOVED TO 13-2.3]

[original c. MOVED TO 13-2.3]

b. For purposes of Section 13-2, user group shall be defined to include any individual or group representing an organization or group of individuals that seek to use Township facilities for an organized activity.

ca. All uses of Township Facilities by user groups governed by Section 13-2 shall require the issuance of a facility use permit. Applications for recreational **facility** use permits must be made **through a facility use request** in writing and on the forms supplied by the Township. Forms may be obtained from the Township's Recreation Department or on the Township's website, ~~pursuant to the following conditions:~~

d. The following terms shall govern all facility use requests by user groups, and all issuances of facility use permits shall be conditioned upon the following:

1. Applications must be submitted to the Township's Recreation Office no less than fourteen (14) calendar days before the date of requested use.

2. The application shall be signed by an adult representative of the ~~individual or~~ **user** group requesting the facility use permit who shall be considered the organization's authorized agent. **The user group must have the authorized agent or at least one other adult in attendance while the facility is being used pursuant to the facility use permit.**

3. Applicants must agree that they shall assume responsibility for the orderly and careful use of the facility for which they are seeking approval.

4. Applicants must agree to indemnify and hold the Township harmless from any and all claims, injuries and/or damages arising out of the permitted use of the facility and must furnish evidence of adequate liability insurance coverage of a minimum of one million (\$1,000,000.00) dollars per person, incident and for property damage with such Certificate of Insurance clearly naming the Township of Holmdel as additionally insured for the period of time which the permit is being issued.

5. Applicants agree they will not sublet or assign any permitted facility. Only the individuals or organizations making reservations for the fields or facilities may use them for the stated time on their permit. Any unauthorized subletting or assignment will result in the immediate forfeiture of the individual or organizations permit.

6. The Township shall not discriminate in making any of its facilities available on the basis of race, color, national origin, religion, sex, sexual orientation, age, physical limitation, or any other protected class under applicable law.

7. The issuance of a facility use permit to a user group shall not constitute or imply in any way an endorsement by the Township of the user group's aims, policies, or activities, and a user group hereby agrees to not imply such Township endorsement in any of its advertisements or announcements.

~~68.~~ The Township Administrator, Governing Body and Recreation Director ~~reserve the right to~~ **shall** deny any permit application if they determine **that the applicant fails to satisfy any of the applicable requirements contained in Section 13-2.** ~~it is not in the~~

best interest of the Township to do so, or as **if a** user group has not paid permit fees **imposed by Section 13-2** in a timely fashion.

13-2.2 Indoor Facilities.

a. The fees for the Senior/Community Center shall be:

- | | | |
|------------|-----------------------------------|------------|
| 1a. | Resident Fee (entire building) | \$125/hour |
| 2b. | Nonresident Fee (entire building) | \$250/hour |
| 3e. | Resident Fee (per section) | \$50/hour |
| 4d. | Nonresident Fee (per section) | \$100/hour |
| 5e. | Security Deposit (refundable) | \$250 |

Minimum rental time is one (1) hour – maximum rental time is five (5) hours. Changes to the minimum and maximum rental time can be made at the discretion of the Recreation Director or the Recreation Advisory Committee.

b. Holmdel Township Bell Works Meeting Room

1. This section shall govern the use of the Holmdel Township Bell Works Meeting Room, located adjacent to the Holmdel Township Library and Learning Center, in the Bell Works building at 101 Crawfords Corner Road in Holmdel (the “Meeting Room”).

2. The Meeting Room facility consists of a meeting room that can accommodate up to 200 people seated, and may be subdivided into two smaller meeting rooms, each roughly one-half of the size of the larger room. The room set-up consists of tables and chairs. All other audio visual equipment must be provided by the user group.

3. The Meeting Room may only be used for activities that are customarily associated with a public library. Accordingly, the Meeting Room shall not be used by user groups for any of the following activities:

(A) Programs involving the sale, advertising or promotion of products or services.

(B) Business firms and other for-profit organizations soliciting or selling products or services, regardless of purpose.

(C) Private social functions, such as showers, birthday parties, dances, recitals, and the like.

(D) Programs that would interfere with the Library or Bell Works building operation by causing excessive noise, a safety hazard, security risk, etc.

4. The following terms shall govern facility use requests by user groups for the Meeting Room:

(A) Reservation requests will be accommodated as space is available and by priority as determined by the Holmdel Township. Reservations will be taken up to 30 days in advance. Unless otherwise authorized by the Recreation Director, Township Administrator or Township Committee, user groups will be limited to one reservation per month.

(B) The Township reserves the right based upon the nature of the reservation request to determine whether the entire Meeting Room or only a subdivision thereof may be used by the user group.

(C) Meeting Room reservations shall be made through the Recreation Office during the hours of 8:30 am – 4:30 pm., Monday – Friday. Applications for Meeting Room use may be submitted by email, mail, or by fax to the Recreation Office.

(D) A group using the Meeting Room must conclude their business and leave the room in good order no later than fifteen minutes prior to the scheduled end time in the approved facility use request.

5. The following fees shall apply to use of the Meeting Room:

	<u>Monday-Friday 9am-5pm</u>	<u>Monday-Friday 5pm-10pm</u>	<u>Saturday/ Sunday</u>
<u>Maximum Occupancy</u>	<u>200 people</u>	<u>200 people</u>	<u>200 people</u>
<u>Holmdel Township Library programs</u>	<u>Free of Charge</u>	<u>Free of Charge</u>	<u>Free of Charge</u>
<u>Holmdel Township programs/meetings</u>	<u>Free of Charge</u>	<u>Free of Charge</u>	<u>Free of Charge</u>
<u>Holmdel Township Non- Profit Organizations (see C below)</u>	<u>Free of Charge</u>	<u>\$50/hour</u>	<u>\$75/hour</u>
<u>Other Non-Profits, Private Businesses & For- Profit Organizations</u>	<u>\$50/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
<u>Security Deposit (refundable)</u>	<u>\$150</u>	<u>\$150</u>	<u>\$150</u>

For purposes of the above fee structure, the following definitions shall apply:

(A) Holmdel Township Library programs shall be defined as programs sponsored and/or operated by the Monmouth County Library Commission, in its capacity as operator of the Holmdel Township Library and Learning Center.

(B) Holmdel Township programs/meetings shall be defined as programs sponsored and/or operated by the Township of Holmdel, including but not limited to activities by the Holmdel Recreation Department.

(C) Holmdel Township Non-Profit Organization shall be defined as a user group constituted as a legally-established entity with current non-profit status, demonstrated by proof of proper tax and/or corporate filings to the Township, which must be re-submitted on an annual basis, and additionally comprised with 65% or more of its members as Holmdel Township residents.

(D) The rental fee and security deposit may be paid by cash, check or money order and shall accompany the application. If payment is made by check or money order, it must be made payable to the Holmdel Township with the name and phone number of the person or organization requesting the room printed on the check. Fees will be returned if the reservation cannot be confirmed, or if due to inclement weather or other unforeseen circumstances, the Township and/or Bell Works needs to close unexpectedly. If the user group chooses to cancel its reservation, the Township must be given two (2) business days' prior notice; otherwise the room rental fee will not be refunded.

(E) When the Meeting Room is used pursuant to this Section, a Holmdel Township employee must be on site during the duration of the facility use. Notwithstanding the foregoing, a Holmdel Township employee need not be present for Holmdel Township Library programs, provided an employee of the Monmouth County Library Commission assumes the appropriate responsibilities for the Meeting Room on behalf of the Township .

6. The following are additional provisions governing the use of the Meeting Room:

(A) Food & drink are not permitted.

(B) The Meeting Room must be left neat and clean after its use. User groups will be charged for damage to rooms or equipment beyond normal wear and tear at the current replacement cost.

(C) Materials may not be affixed to the walls, ceiling or windows.

(D) User groups are required to comply with any applicable copyright laws in their use of print, film, video, music, or other media, and are also responsible for observing the policies associated with the Public Performance Site License and admission policies of the Motion Picture Association of America (MPAA) when showing rated films as applicable.

(E) The meeting room is handicap accessible. User groups using the Meeting Room are responsible for providing any additional accommodations that may be

required pursuant to the Americans with Disabilities Act (ADA) or other applicable law, including but not limited to auxiliary aids and services to persons requiring accommodations.

(F) The Township does not provide storage space for user groups using the Meeting Room.

(G) The Township reserves the right to revoke reservation privileges and refuse to book Meeting Room space for user groups who do not comply with the guidelines of this policy or fail to pay any assessed fees or fines. The Township further reserves the right to pursue legal recourse for any violations of the terms governing use of the Meeting Room, including but not limited to this Ordinance.

13-2.3 Outdoor Facilities.

a. The Holmdel Township Department of Parks and Recreation shall sponsor adult and youth programs **at Township Outdoor Facilities** and the fees will be recommended by the Recreation Director.

b. The Township Recreation Director shall establish user fees for activities at Township **Outdoor** Facilities and to update the fees on a periodic basis as may be required.

c. [MOVED FROM 13-2.1] Classification and Prioritization of Approved User Groups. Organizations and individuals User groups using Township permitted programs and Outdoor recreational facilities pursuant to this Section shall be classified as stated below:

1. Holmdel Township sponsored events.

2. Holmdel Board of Education sponsored events.

3. Resident Children's group. A Holmdel group that consists of school age children (i.e. H.Y.A.A., Holmdel Football Association, Scout Groups).

4. Principally Holmdel Children's Group. A group that is intended to consist of a significant number (100 or more) of Holmdel residents or an organization whose membership consists of significant percentage (50% or more) of Holmdel residents or both (i.e. Holmdel F.C.).

5. Nonresident Group. A nonresident group that is not intended to consist of only Holmdel residents (less than 50% resident).

6. For profit group (resident or nonresident). A for profit group who intends to run a program/event for the sole purpose of earning a profit (i.e. private camps/clinics, etc).

d. [MOVED FROM 13-2.1] Scheduling of uses pursuant to this Section shall be granted in the following priority order.

1. Holmdel Township.

2. Holmdel Board of Education.

3. Holmdel Children's groups.
4. Holmdel Adult Groups.
5. Principally Holmdel Children's Groups (50% or more residents).
6. Nonresident Groups.
7. For Profit Groups.

Ordinance Summary Pursuant to N.J.S.A.40:49-2

This ordinance modifies certain provisions of Ordinance 13-2 titled "Facility Usage and Program Fees" to establish fees and procedures for the use of the new Holmdel Township Bell Works Meeting Room, and to clarify certain other provisions to reflect current operations.

SECTION 2. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect after final adoption and approval pursuant to law.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on Tuesday June 26, 2018, and will be considered for final passage at a meeting of said Township Committee to be held on Tuesday, July 17, 2018 at the Holmdel Township Municipal Building, 4 Crawford's Corner Road, Holmdel, New Jersey, at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Thomas Critelli, Mayor

Attest:
Maureen Doloughy, RMC
Township Clerk