

ORDINANCE # 2060

AN ORDINANCE TO AMEND CHAPTER XIV ENTITLED “SWIMMING POOLS” OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965”

BE IT ORDAINED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, “Revised General Ordinances of the Township of Ocean, 1965” is hereby amended and supplemented to read as follows with all other subsections not listed to remain the same:

SECTION I

Chapter XIV, Swimming Pools, Subsection 14-10 entitled Municipal Swim Pool Complex is hereby amended and supplemented to read as following with all other subsections not listed remaining the same:

14-10 Municipal Swim Pool Complex.

14-10.1 Purpose.

- a. There shall hereby be created and established rules and regulations for the use and operation of the township municipal swim pool complex.
- b. Use of the swimming facilities and appurtenances thereof shall be subject to such rules and regulations as may be promulgated by the Township Council by ordinance or by the facility management to promote the safety and well-being of patrons.

14-10.2 Definitions.

- a. *Adult.* A person who is 21 years of age or older.
- b. *Age.* The individuals' age on May 15 of each season.
- c. *Child.* A person under 21 years of age and over 18 months.
- d. *Diving Pool.* The designated area of the swimming pool facility at which the diving boards shall be located and normally devoted to diving purposes only.
- e. *Management.* The department of human services and its authorized personnel shall be responsible for the use and operation of the township municipal swim pool complex.
- f. *Pool Area.* The entire fenced area surrounding the swimming pool facility, including parking and recreation area.
- g. *Pool Deck.* The area of concrete immediately surrounding the swimming pools.
- h. *Pool Season.* Saturday of Memorial Day weekend through Labor Day.
- i. *Resident.* A person who dwells permanently or continuously in or pays municipal taxes to the Township of Ocean.

14-10.3 Membership.

a. Membership shall be limited to residents of the township except as hereinafter provided and to a maximum of 1000 memberships. Memberships shall not be transferable and applicants in excess of membership capacity shall be placed upon a waiting list and their applications numbered in sequence of receipt. Residents and members of previous season will be given priority on the waiting list.

b. Types of membership are as follows:

1. Family membership shall include two adults and all natural or adopted children unmarried and living at home. All persons must permanently occupy the same residence.
2. Individual membership shall be available to any individual.
3. Senior citizen membership shall be available to any person 62 years or older. Two persons age 62 or older occupying the same residence are eligible for senior citizen couple rate. Married couples in which one spouse is 62 years or older are eligible for senior citizen couple rates.
4. A guest shall be any nonmember who shall be admitted with a member to the township swim pool complex. The pool manager may curtail or eliminate guest privileges when, in the manager's opinion, such action is necessary to accommodate regular members and to avoid overcrowding pool facilities.
5. Nonmember residents of the township may be admitted once entered into the computerized identification system and then with payment of established daily rate.

c. Membership fees* are as follows:

TYPE	Resident	Nonresident
1. Individual	\$125.00	\$165.00
2. Two persons	\$185.00	\$245.00
3. Family, three and four persons	\$255.00	\$340.00
4. Family, five persons and up	\$270.00	\$355.00
5. Mother's helper	\$95.00	\$125.00
6. Senior citizen - Individual	\$65.00	\$115.00
7. Senior citizen - Couple	\$95.00	\$165.00

*Membership fees are subject to New Jersey sales tax.

8. August membership may be purchased in any membership category for 50 percent of the regular rate at the township's discretion. These memberships are valid from August 1st to the close of the pool season.

9. Evening membership, allowing utilization of the pool and tennis facility from 4:00 p.m. until closing on weekdays, is available in all membership categories, except Mother's Helper, for 50 percent of the regular membership fee.

d. *Other Fees.*

1. Daily fees for Township of Ocean residents, guests of members and guests of Township of Ocean resident nonmembers:

(a)	<i>Weekday</i>	<i>Weekend</i>
Children (birth through 23 months)	Free	Free

Children (2 years through 4 years)	\$2.00	\$3.00
Children (5 years through 11 years)	\$4.00	\$6.00
Age 12 - 61	\$5.00	\$7.00
Senior residents (62 years and over and registered into the computerized identification system)	\$3.00	\$4.00

2. Guests: Holders of facility memberships may purchase guest pass tickets having five guest passes per ticket at the rate of twenty (\$20.00) dollars per ticket. These tickets may be purchased any time during the season. Guest passes may be used only during the season of issue. The township manager or his designee is authorized to provide for guest passes upon occasion to promote memberships at the facility.

3. Group rate: Any group of 30 persons or more may utilize the pool facilities during operating hours by completing appropriate reservation procedures and paying the established daily fees.

4. Reserved

5. Parties, bus trips, and other special events may be scheduled by the director of human services or designee. Determination of cost is to take into account actual cost of event in addition to an approximate ten percent administrative charge.

6. Nonmembers participating in the Women's Tennis Team affiliated with the Jersey Shore Tennis League shall pay a sixty-five (\$65.00) dollar fee to the Township of Ocean plus the established coaching fee. This participation fee shall entitle holders to court use during home matches, court use for team practice but not to exceed up to three hours on one weekday evening per week, and up to one hour per season for a private lesson with the coach. No other facility privileges will be permitted other than access to rest rooms and the snack bar area during the times noted above.

e. To insure membership for the following season at the preceding year's rates, a member shall be required to file an application and make a nonrefundable deposit by September 30th of the preceding year as follows:

1. Two persons and family memberships: fifty (\$50.00) dollars.
2. Individuals and senior citizen memberships: twenty-five (\$25.00) dollars.
3. The balance must be paid by January 31st to obtain one free guest card.

f. Pre-season (15 April to Saturday of Memorial Day weekend) and post-season (day after Labor Day to 15 October) use of lighting for tennis courts is available for residents upon scheduling with the Department of Human Services and paying the established daily rate.

g. *Refund Policy.*

1. No refunds will be granted for daily admissions.
2. Written requests for refunds received prior to the start of the season (Saturday of Memorial Day weekend) will be granted less the nonrefundable deposit of fifty (\$50.00) dollars for two person or family memberships or twenty-five (\$25.00) dollars for individual or senior memberships, whichever is applicable.

3. After the opening of the pool for the season, the refunds may be issued if justifiable reason is submitted in writing prior to the fourth week of the pool season or fourth week of membership, whichever is earlier. Justifiable reasons include:

- (a) Economic hardship resulting from an unforeseen condition.
- (b) Moving out of the area to a location greater than 20 miles from the Township of Ocean.
- (c) Serious illness or death.

Documentation of any such condition may be required prior to consideration of a refund.

4. Refunds granted after the opening of the pool season will be according to the following schedule:

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| (a) During the first week of the pool season or the first week of membership, whichever is later | 75 percent refund |
| (b) During the second week of pool season or the second week of membership, whichever is later | 50 percent refund |
| (c) During the third week of pool season or the third week of membership, whichever is later | 25 percent refund |
| (d) During the fourth week of pool season or the fourth week of membership, or thereafter | No refund |

14-10.4 Identification.

- a. All members and resident nonmembers, shall be entered into the computerized identification system, and shall be "checked in" for admission to the pool area.
- b. The giving of false information shall constitute grounds for revocation or suspension of membership and forfeiture of membership fees.

14-10.5 Hours of Operation.

- a. Saturday, Sunday and holidays: 10:00 a.m. to 8:00 p.m.
- b. Weekdays.
 - 1. 12:00 p.m.–6:00 p.m.; weekdays that correspond to Ocean Township Schools' half days.
 - 2. 10:00 a.m.–8:00 p.m.; daily from end of school through Labor Day.

14-10.6 Swimming Regulations.

- a. No one shall be allowed in the water unless a lifeguard shall be present.

- b. All persons shall shower prior to entering the pools.
- c. All bathers, including babies, shall wear bathing suits in swimming pool and wading pool. Children who require diapers shall wear rubber pants or disposable swim diapers.
- d. Any person having any communicable disease, open wounds, blisters, sores or cuts, eye, ear, nose or mouth infection, excessive sunburn or skin disease, shall be excluded from the pools. No person wearing any type of bandage or cast shall be permitted in the pools.
- e. No inflatable water paraphernalia or toys shall be allowed in the pools. Masks or other swimming aids shall be permitted only by special permit of the pool manager.
- f. Diving shall be permitted only in the diving area. Only one person at a time shall be permitted on the diving board. Divers shall swim directly to the proper ladder. Divers shall not dive until the previous diver has cleared area. Diving shall not be permitted from side of board.
- g. No hanging onto the buoy lines in the pool shall be permitted.
- h. The wading pool is designed for children age five years of age or under. Parents and guardians shall be responsible for supervision of their children using this facility.
- i. Dressing and undressing shall be done in locker rooms only.
- j. No smoking, spitting or unnecessary spouting of water shall be permitted in the pool or on the pool deck. Smoking is allowed only in designated smoking areas.

14-10.7 General Regulations and Prohibitions.

- a. Compliance with the established Code of Conduct is required.
- b. All litter, paper and debris shall be placed in trash receptacles.
- c. Food and beverages shall not be brought into any area except those designated for eating.
- d. No glass or glass containers shall be allowed in the facility.
- e. No pets or animals shall be allowed in the swimming pool area.
- f. No person shall consume or be in possession of alcoholic beverages at the Ocean Community Pool and Tennis Facility during operating hours.
- g. Persons under the influence of alcohol or other substances or appearing to be under the influence may be refused admission to the facility or may be ejected.
- h. Lounges and chairs shall not be permitted within the designated limits around the pool.
- i. Members shall abide by all parking and driving regulations.
- j. No person under 12 years of age shall be admitted without a responsible adult who shall remain with the child while they shall be in the facility.

- k. Bicycles shall be placed in designated areas only.
- l. No roughness, rowdyism, profanity or other conduct affecting the safety and comfort of others shall be allowed.
- m. Destruction of property or vandalism or failure to abide by swimming pool regulations shall justify immediate expulsion from the swimming pool facility and constitute grounds for suspension or revocation of membership, without refund.
- n. Members and parents shall be responsible for the conduct of their guests.
- o. Lifeguards shall be required to enforce all rules and regulations. In case of an emergency, notify the nearest lifeguard.
- p. Lifeguard stations shall be limited to lifeguards and authorized personnel.

14-10.8 Tennis Regulations.

Tennis courts operated by and available to the swim pool membership shall be subject to rules and regulations to be established by the pool management.

14-10.9 Liability.

- a. The township municipal swim pool shall not be responsible for valuables brought into any area of the pool property.
- b. All persons using the township municipal swim pool facility do so at their own risk and sole responsibility. Neither the township, the township council, employees of the township municipal swim pool nor other township employees shall assume any responsibility or shall have any personal liability for any act, accident or injury in connection with the use of the facilities.

14-10.10 Amendments.

All matters not determined by the rules and regulations may be determined by rules and regulations subsequently, adopted. All rules and regulations shall be subject to amendment, from time to time, by ordinance adopted by the township council.

14-10.11 Enforcement of Rules and Regulations.

- a. Regulations shall be posted at the pool and strictly enforced.
- b. The pool manager or designee, in his absence, may close or limit the swimming facilities or establish such additional rules and regulations whenever, in their judgment, such action shall be deemed necessary or desirable for the protection, health or the safety of such persons entitled to use such facilities.
- c. Members of the police department, pool manager and designees, and all lifeguards, when on duty at the swimming pool, shall have authority to prohibit any conduct or action which they may consider to be dangerous, improper or immoral and any act or actions in violation of rules and regulations hereinabove provided.

14-10.12 Penalties for Violation.

a. Any person who shall violate these rules and regulations shall be subject to immediate ejection from the pool area by the pool manager, or in his absence by the designee and his membership shall be subject to revocation or suspension.

b. The municipal court judge shall have jurisdiction in actions for violation of any rules and regulations set forth in this section. The rules and regulations shall be enforced by the same proceedings and processes, and the practice for the enforcement thereof shall be the same as that provided by law for the enforcement of other ordinances in the township, R.S. 40:61-22.28.

c. The penalty for violation of any rule or regulation shall not exceed \$100.00 in the discretion of the municipal court judge.

* The general power to adopt local police ordinances of all kinds is contained in the Charter, R.S. 40:69A-29, 30. The power to adopt the New Jersey State Swimming Pool code by reference is contained in R.S. 40:69A-181.

SECTION II

All other ordinances or parts thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid such subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION IV

This ordinance shall take effect as provided by law after its final passage.

CERTIFICATION
I HEREBY CERTFY THE ABOVE TO BE A TRUE COPY OF AN _____ ORDINANCE AS
(Introduced) (Adopted) ON _____
BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN.

Municipal Clerk
