

**BOROUGH OF NORTHVALE**  
**County of Bergen**  
**State of New Jersey**

**ORDINANCE #937-2014**

**AMEND CHAPTER 135 – ARTICLE I – LIGHTNING DETECTION**

WHEREAS, this Article has been established to regulate the use of outdoor athletic facilities located in the Borough of Northvale, County of Bergen and State of New Jersey, so as to protect the public health and welfare, and to prescribe penalties for failure to comply; and

WHEREAS, the Mayor and Council have found that a uniform policy for vacating public outdoor athletic facilities when lightning is present or imminent is necessary to protect athletes, coaches, officials and spectators from the dangers of cloud to ground lightning strikes.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Northvale in the County of Bergen and State of New Jersey, as follows:

Chapter 135 be and hereby is amended and revised to add the following subparagraphs to section 10:

SECTION I

§135-10.

- G. Regulations; Parks or Recreational Facilities; Lightning Risk Warnings.
- i. The Borough may act to temporarily close or limit the use of parks, recreational facilities, including (but not limited to) municipal and Board of Education fields and lots, whenever, in the judgment of any of the appropriate enforcing authorities, as defined in Chapter 135 of the Code of the Borough of Northvale, such action is deemed necessary or desirable for the protection of public health or safety.
  - ii. As used in this section, the term “ lightning risk warning” shall mean notice to the Borough of a lightning risk, the activation of the lightning warning system siren or strobe or the happening of any event deemed by any of the appropriate enforcing authorities to be a risk to health and safety due to lightning.
  - iii. If a lightning risk warning occurs, all parks and recreational facilities will be closed including (but not limited to), municipal and Board of Education fields, lots and other areas.
  - iv. If a park or recreational facility is closed, as provided in this Chapter:

- a. All activities within such park or recreational facility shall immediately cease until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open; and
- b. All persons within the park or recreational facility when the lightning risk warning occurs shall immediately exit the park or recreational facility and not return until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open. "All persons" shall include all employees of the Borough of Northvale, volunteers, coaches, team members and their families and umpires/referees as well as all members of the public.

v. Organized activities.

The person or persons seeking issuance of such a permit shall be responsible to ensure all coaches, umpires, referees, and or coordinators shall sign the Borough of Northvale Lightning Safety Policy.

The umpire, coach, coordinator or adult in charge is responsible to ensure that their group follows the Lightning Safety Policy. Disregarding the policy subjects the umpire, coach, coordinator and adult in charge to a suspension, up to and including a lifetime suspension, from all Northvale Recreation activities, and privileges including using the fields and parks for organized activity.

vi. Unorganized activities.

Members of the Public informally using the parks, fields, lots or other facilities are also subject to the terms of this Chapter.

G. Nothing in this Chapter is intended to negate the authority of the appropriate enforcing authorities, as defined herein and in Chapter 135 of the Code of the Borough of Northvale, to take such action as deemed necessary or desirable for the protection of the public's health or safety.

§135-12. Violations and penalties.

- A. If the Code of the Borough of Northvale provides for the licensing or permitting of any person or entity who/which violates the terms of this Chapter, the Mayor and Council of the Borough of Northvale reserve the right to revoke such permit or license.

- B. Any person or entity found guilty of violating this Chapter of the Code of the Borough of Northvale shall be subject to a penalty consisting of a fine not to exceed \$500.

§135-13. Enforcing authorities.

Members of the Police Department of the Borough of Northvale, members of the Northvale Fire Department, designated agents of the Parks and Recreation Department and the Mayor and Council shall be the “enforcing authorities” authorized to enforce the terms of this Chapter.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication according to law.

STANLEY “ED” PIEHLER  
Mayor

ATTEST:

Frances Weston  
Deputy Borough Clerk

Wanda A. Worner  
Borough Clerk

Introduced: April 9, 2014

Passed: May 14, 2014

