

BOROUGH OF EMERSON
COUNTY OF BERGEN, NJ

Introduced: October 16, 2007
Adopted: November 20, 2007

ORDINANCE NO. 1337-07

AN ORDINANCE AMENDING CHAPTER 61 OF THE CODE OF THE BOROUGH OF EMERSON, ENTITLED "PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF"

BE IT ORDAINED by the Mayor and Council of the Borough of Emerson that certain sections of Chapter 61: "PARKS, PLAYGROUNDS AND RECREATION, DEPARTMENT OF" of the Code of the Borough of Emerson is hereby amended as follows:

§ 61-9. Code of Conduct. [Added 9-20-2005 by Ord. No. 1293]

- A. **Applicability.** The Code of Conduct described herein shall be applicable to all recreational programs operating under the auspices of the Borough of Emerson Recreation Commission.
- B. **Definitions.** As used in this section, the following terms shall have the meanings indicated:
CODE OF CONDUCT – A written specification of the behavior of parents, guardians, coaches and officials prepared by the Recreation Commission of the Borough of Emerson which must at a minimum incorporate the terms of the within article and must be consented to in writing by the parents and legal guardians of the minor participants of each sports team.
YOUTH SPORTS ACTIVITY – Any sports organization pursuant to a Borough-sponsored or a nonprofit or similar charter which is affiliated with or received monetary or other support services from the Borough of Emerson or regularly utilizes any facilities owned, operated or maintained by the Borough, which sports organization participates in sporting competitions involving minors.
YOUTH SPORTS EVENT - Any competition, practice or instructional event involving one or more youth sports activities.
- C. **Code of Conduct.** All participants, coaches, parents, guardians of participants, spectators, officials, or any and all other individuals attending youth sports events operating under the auspices of the Borough of Emerson Recreation Commission shall not engage in any of the following:
1. Initiate a fight, scuffle or any type of physical abuse or threats of abuse towards any player, coach, official, parent or spectator.
 2. Enter the field of play, court or rink for the purpose of physically or verbally abusing or confronting coaches, players or officials.
 3. Verbally abuse officials, players or spectators, including the use of obscene or profane language or gesture, or racial, ethnic or sexual slurs.
 4. Throw or cause to be deposited an object on the field of play, court or rink.
 5. Refuse to obey the order of a field official, umpire, referee or elected league official of the youth sports team or teams sponsoring the youth sports event or, in the absence of such officials at a youth sports team's practice or instructional event, the ranking youth sports team coach on the premises.
- D. **Authority of field officials.** Any parent, official, coach or spectator at any youth sporting event shall be subject to the authority of all field officials, including umpires and referees, and elected league officials of the youth sports team or teams sponsoring the youth sports event and, in the absence of such persons at a youth sports team's practice or instructional event, to the authority of the ranking youth sports team coach on the premises. Such authority shall include the authorization to direct any person or persons involved in any incident in violation of this section or the Recreation Commission's Code of Conduct to immediately remove themselves from the premises.
- E. **Penalties.** Any parent, guest, spectator, coach or official who has been found to be in violation of any provision of this section, as determined by the Recreation Commission, shall be subject to disciplinary action which may include one or more of the following:
1. A probationary period of specific duration as determined by the Recreation Commission.
 2. Suspension from coaching or attending a specified number of games and practices of the sport/activity in which the violation occurred and, if the Recreation Commission so chooses, any other sports/activities in which the violator is or may become involved.
 3. Suspension from coaching or attending games and practices of the sport/activity in which the violation occurred and, if the Recreation Commission so chooses, any other sports/activities in which the violator is or may become involved, for a specified period not to exceed 12 months.
 4. Attendance at and completion of an anger management or equivalent counseling program approved by the Recreation Commission, with proof of satisfactory completion provided to the Commission.
 5. Suspension from coaching or attending games and practices for a specified period exceeding 12 months, where the violator committed a felony or indictable offense as part of his/her violation of this chapter or was subject to two or more prior suspensions in separate disciplinary actions, provided said violator shall be permitted to file a written application with the Recreation Commission for reinstatement, no sooner than one year to the date after the suspension was imposed and every three months thereafter.
 6. Permanent suspension from coaching or attending games and practices where the violator committed a felony or indictable offense as part of his/her violation of this chapter, provided said violator shall be permitted to file a written application to the Recreation Commission for reinstatement, no sooner than one year to the date after the suspension was imposed and every six months thereafter.
 7. Any individual who has been found to be in violation of any order of suspension from a sport or sports shall be subject to further disciplinary action, as determined by the Borough's Recreation Commission.
- F. **Procedures.**
1. Upon receipt of a complaint alleging that a parent, coach or other individuals has violated the Code of Conduct, the subcommittee governing the sports activity at which the incident occurred shall convene a meeting within ten (10) days to determine whether to hold a hearing of the matter, which may result in the recommendation of a disciplinary action. One copy of the subcommittee's decision shall be forwarded to the Recreation Commission.
 2. Upon the determination that a disciplinary hearing will be held, the presiding sports subcommittee shall forward to the alleged violator(s) via regular and certified mail the date, location and nature of the violation, and the date, time and location of the hearing.
 3. In making its decision on whether to recommend disciplinary action, the presiding sports subcommittee shall rely on the testimonies of the alleged violator(s) and key witnesses, which may be provided in person or in writing, and may consider any prior violation(s) of the Code of

Conduct by the alleged violator(s). A copy of the sports subcommittee's recommendation as to whether to impose disciplinary action, and the specific action recommended, shall be forwarded within seven days to the Recreation Commission for its approval.

4. Upon receipt of the subcommittee's recommendation, the Recreation Commission shall have 30 days to accept the recommendation, reject the recommendation and exonerate the individual, reject the recommendation and vote to hold its own hearings, or modify the recommendation. The Recreation Commission's Presiding Officer shall forward the Commission's decision to said individual via regular and certified mail. One copy of the Recreation Commission's decision shall also be forwarded to the appropriate sports subcommittee, or subcommittees if the violator has been suspended from more than one sport and one copy to the Mayor and Council. The decision of the Recreation Commission shall be final.
5. In the event that a subcommittee chooses not to hold a hearing, as outlined in subsection 1, above, the Recreation Commission shall have the authority to hold its own hearing. Upon the determination that a hearing will be held, the Recreation Commission shall forward to the alleged violator(s) via regular and certified mail the date, location and nature of the violation, and the date, time and location of the hearing. In making its decision on whether to impose disciplinary action, the Recreation Commission shall rely on the testimonies of the alleged violator(s). The Recreation Commission's decision on whether to impose disciplinary action shall be forwarded to the alleged violator(s) via regular and certified mail. One copy of the Recreation Commission's decision shall also be forwarded to the appropriate sports subcommittee, or subcommittees if the violator has been suspended from more than one sport and one copy to the Mayor and Council.

§ 61-10. Violations of Recreational Sports Rules and Policies.

A. Disciplinary Hearing Procedures – Where a recreation sports subcommittee is holding a hearing for an alleged violation of a rule or policy not covered under § 61-9 above, where disciplinary action may be imposed, that subcommittee shall, at minimum, abide by the following procedures:

1. Upon determining that a disciplinary hearing will be held, the presiding sports subcommittee shall forward to the alleged violator via regular and certified mail the date, location and nature of the violation, and the date, time and location of the hearing. The notice shall cite the specific rule(s) or policy that has allegedly been violated. One copy of the subcommittee's notice shall be forwarded to the Recreation Commission.
2. In making its decision on whether to impose disciplinary action, the presiding sports subcommittee shall rely on the testimonies of the alleged violator and key witnesses. The alleged violator shall be given the opportunity to provide his/her testimony in person.
3. The sports subcommittee's decision on whether to impose disciplinary action and the specific action imposed shall be forwarded to the disciplined individual via regular and certified mail. Said decision shall cite the specific rule(s) or policy for which the individual is being disciplined and shall inform said individual of his/her right to appeal the decision within ten (10) days to the Recreation Commission. One copy of the decision shall be forwarded within seven (7) days to the Recreation Commission and one copy to the Mayor and Council.
4. Upon receipt of the written notification from the presiding sports subcommittee, the disciplined individual shall have ten (10) days to submit a written appeal to the Recreation Commission. Upon receipt of the written appeal, the Recreation Commission shall have thirty (30) days to accept or reject the appeal. If accepted, the Recreation Commission may vote to overrule the subcommittee's decision and exonerate the individual, modify the decision, or hold its own hearings. One copy of the Recreation Commission's decision shall be forwarded via regular and certified mail to the individual who has submitted the appeal; one copy to the presiding sports subcommittee; and one copy to the Mayor and Council. The decision of the Recreation Commission shall be final.

B. Suspension Exceeding Twelve Months – Where an individual has been suspended from coaching or attending games and practices for a specified period exceeding twelve (12) months, said individual shall be permitted to file a written application with the Recreation Commission for reinstatement, no sooner than one year to the date after the suspension was imposed and every three (3) months thereafter.

C. Permanent Suspension - Where an individual has receive a permanent suspension from coaching or attending games and practices, said individual shall be permitted to file a written application to the Recreation Commission for reinstatement no sooner than one year to the date after the suspension was imposed and every six (6) months thereafter.

D. Violation of Suspension - Any individual who has been found to be in violation of any order of suspension from a sport or sports shall be subject to further disciplinary action, as determined by the Borough's Recreation Commission.

ATTEST: Carol Dray, RMC, CMC

MAYOR: Louis J. Lamatina

Participation in Recreation Programs/Sports cannot take place unless this form is signed by an adult/parent/guardian

Borough of Emerson

I have received a copy of the Recreation 'Code of Conduct' ordinance and have read all sections and understand the same.

Print name: _____

Signature: _____

Address: _____

Date: _____

Please fill out the above and return to:

Emerson Borough Hall
Recreation Department
1 Municipal Place
Emerson, NJ 07630