

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 08-2023** - Ordinance of the Borough of Eatontown Entitled “**An Ordinance of The Borough of Eatontown Dissolving the Technical Advisory Committee and The Athletic Advisory Committee**” was passed after a public hearing at the regular meeting of February 22, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 08-2023**

#### **BOROUGH OF EATONTOWN**

#### **COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

### **AN ORDINANCE OF THE BOROUGH OF EATONTOWN DISSOLVING THE TECHNICAL ADVISORY COMMITTEE AND THE ATHLETIC ADVISORY COMMITTEE**

**WHEREAS**, the Borough Council seeks to update the Borough Code to ensure that it is consistent with the modern practices of the Borough by eliminating Committees of the Borough which are no longer functioning for various reasons including the retention of technology consultants by the Borough and the transfer of responsibilities to Borough staff in lieu of volunteers.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends the Borough Code as follows:

[deletions are noted through strike-out and additions are underscored]

Article XI Technical Advisory Committee, Section 7-68-Section 7-71, are hereby deleted in their entirety.

Section A362-23 Eatontown Technical Advisory Committee is hereby amended as follows:

- A. ~~The Borough has already established a Technical Advisory Committee under Ordinance No. 10-2008, as adopted on May 14, 2008,<sup>14</sup> which has taken over the duties of the old Cable Television Advisory Committee with expanded duties. The aforesaid ordinance is hereby incorporated in this ordinance as amended to perform in addition to other duties set forth in its ordinance a review of all matters pertaining to the cable services to the residents of the Borough of Eatontown and other related matters. Under this ordinance, in addition to duties set forth under Ordinance No. 10-2008, The Borough has dissolved the Technical Advisory Committee under Ordinance 08-2023 and the duties of the Technical Advisory Committee as it relates to the previous Cable Television Advisory Committee will now rest with the Business Administrator. the Committee~~ The Business Administrator shall perform the following services related to this Cable Television Franchise Ordinance and cable services in general:

Subsection (1)-(7) shall remain unchanged.

- B. ~~The names of the members of the Committee and a mailing address for the Committee shall be sent to the Office of Cable Television and to the company.~~

Section 326-3 Eatontown Athletic Advisory Committee is hereby deleted in its entirety.

Section 326-4 Violations and Penalties is hereby amended as follows:

- A. ~~The Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee, as well as other individuals such as umpires, referees and elected league officials who are allowed to provide temporary, limited and immediate enforcement as set forth more fully below, should impose sanctions in a progressive fashion depending on the severity of the offense, providing verbal and/or written warnings where appropriate and possible prior to suspensions and bans depending upon the severity of the offense and the existence of a continued violation.
- B. Any parent or guardian, participant, player, guest, spectator, coach or official at any youth sports event who initiates a fight, scuffle or any type of physical abuse or threats of abuse towards any participant, player, coach, official, parent, guardian or spectator may be subject to a verbal and/or written warning, a suspension from the particular youth sports event in attendance or may be banned from attendance at all youth sports events within the Borough of Eatontown for a period not exceeding 12 months from the date of the incident, subject to further conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.
- C. Any parent or guardian, participant, player, guest, spectator, coach or official at any youth sports event who verbally abuses officials, participants, coaches, players or spectators, including the use of obscene or profane language or jesters, racial, ethnic or sexual slurs, may be subject to a verbal and/or written warning or, in severe cases, suspended from the subject event and/or banned from attendance at all youth events for a period not

exceeding 12 months from the date of the incident, subject to conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.

- D. Any parent or guardian, participant, player, guest, spectator or official at any youth sports event who throws or causes to be deposited any object on the field of play, court or rink during any youth sports event may be suspended from the subject event and/or banned from attendance at all youth events for a period not exceeding 12 months from the date of the incident, subject to conditions of anger management counseling as set forth more fully below and/or other disciplinary actions allowed by ordinance.
- E. Any parent or guardian, participant, player, official, coach or spectator at any youth sporting event shall be subject to the authority of all field officials, including umpires, referees and elected or appointed league officials or coaches of the youth sports activity. This authority shall also include any youth teams, practice or instructional event, and such authority shall include the authorization to direct any persons involved in any incident in violation of this chapter or applicable Code of Conduct to immediately remove themselves from the premises.
- F. Any parent or guardian, participant, player, official, coach or spectator who violates one or more of the provisions contained in the Code of Conduct, either during the same event, or separate events, may be banned from attending, coaching, officiating, participating in any youth sports events within the Borough of Eatontown for a period not exceeding 12 months from the decision of the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee if the person:
  - 1. Has been issued a prior written warning for violating one or more of the provisions contained in the Code of Conduct; or
  - 2. Violates the Code of Conduct by engaging in verbal or physical threats or abuse aimed at any coach, parent, guardian, player, participant, official or any other attendee, guest, or spectator; or
  - 3. Violates the Code of Conduct by initiating a fight or scuffle with any coach, parent, guardian, player, participant, official or any other attendee, guest, or spectator.
- G. Any parent or guardian, official, coach or spectator 18 years of age or older who is suspended from a youth sporting event and/or removed from the premises and/or banned from youth sports events for violations of the Code of Conduct for whatever time shall be required to complete anger management or an equivalent counseling program consisting of not less than 12 hours of instruction prior to being allowed to attend future youth sports events and shall provide proof of satisfactory completion to the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee.
- H. Any person 17 years of age or younger who is suspended from a youth sports event and/or removed from the premises and/or banned from a youth sports events in violation of the Code of Conduct shall be required to complete an anger management or equivalent counseling program consisting of not less than six hours of instruction prior to being allowed to attend future youth sports events and shall provide proof of satisfactory completion to the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee.
- I. An anger management counseling program shall, at a minimum, offer services to individuals, singly or in groups, for purposes of providing anger control principles and shall be administered by an individual:
  - 1. Licensed as a professional counselor pursuant to the provisions of the Professional Counselor Licensing Act, N.J.S.A. 45:8B-33 et seq.; or
  - 2. Licensed as a practicing psychologist pursuant to the provisions of the Practicing Psychology Licensing Act, N.J.S.A. 45:14B-1 et seq.
- J. Nothing contained in this chapter shall prohibit the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee from requiring a person to complete an anger management counseling program at his or her expense as a condition of not being banned from youth sports events or as a condition in reducing the length of such a ban.
- K. Conditions on termination of bans.

1. In regards to all disciplinary actions taken by the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee, the termination of all bans shall be subject to the following three conditions, which can also serve as disciplinary requirements by the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation in lieu of bans or as part of the decision in reducing the length of a ban:
  - A. Any person subject to a ban shall, and in the case of other disciplinary actions may, be required to request permission to resume participation for attendance at youth sports activities which were a subject of the ban or other disciplinary action;
  - B. Any person subject to a ban shall, and in the case of other disciplinary actions may, be required to provide a written apology to the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee which issued the ban or disciplinary decision and to the person or persons who were the subject of the behavior which constituted the violation of the Code of Conduct as directed by the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee;
  - C. Any person subject to a ban shall, and in the case of other disciplinary actions may, as set forth fully in this chapter, be subject to an anger management counseling program prior to being allowed to continue attending youth sports activities.
2. Any person subject to a ban or other disciplinary actions may also be subject to other requirements set forth more fully by the ~~Eatontown Athletic Advisory Committee~~ Director of Recreation or their designee.
- L. Temporary, limited and immediate enforcement allowed by umpires, referees and Borough recreation supervisors includes verbal and/or written warnings, suspension from participation in part or all of the current event or game or removal from the premises for part or all of the event or game.
- M. Bans in excess of 12 months shall be permitted where the violator committed a felony or indictable offense or the equivalent thereof as part of his violation of this chapter as determined by the ~~Eatontown Athletic Advisory Committee~~ Recreation Director or their designee or was subject to two or more prior bans in separate disciplinary actions at separate youth sports event.

**§ 326-5 Procedures and gearings.**

The ~~Eatontown Athletic Advisory Committee~~ shall meet and function in the same fashion as provided in ~~§ 326-3~~ of this chapter subject to the following rules:

- A. Upon determination by the Recreation Director or their designee ~~majority vote of the members of the Eatontown Athletic Advisory Committee at any special meeting~~ that a parent, guardian, participant, player, guest, spectator, coach or official at any youth sports event sponsored by such youth sports has violated a provision of this chapter or Code of Conduct of the youth sports activity, the ~~Eatontown Athletic Advisory Committee~~ Recreation Director or their designee shall forward to such violator a notice via regular and certified mail identifying the date, location, nature of the violation, period of proposed banning or other action to be taken in response to such violation.
- B. Any parent, guardian, participant, player, official, coach or spectator at a youth sports event who believes that a violation of this chapter or Code of Conduct has been violated shall forward his or her name, address, phone number and violation of ordinance, date, and location of violation and nature of the violation to the ~~Eatontown Athletic Advisory Committee~~ Recreation Director or their designee. The ~~Committee~~ Recreation Director or their designee will then investigate the incident and, upon determination by ~~a majority vote of the Committee~~ the Recreation Director or their designee, such official shall forward to such violator a notice via regular and certified mail indicating the date and location and nature of the violation, a period of proposed banning or other action to be taken in response to such violation.
- C. Any person receiving such a notice who wishes to contest the same shall appeal to the ~~Eatontown Athletic Advisory Committee~~ Business Administrator within seven calendar days of the mailing of said notice by forwarding a copy of said notice with a written request for appeal specifically setting forth the basis of such person's contest of the notice of violation via personal delivery, fax or certified mail to the ~~Chairman of the Eatontown Athletic~~

~~Advisory Committee at the address specified and if none, then to the Eatontown Athletic Advisory Committee, C/O Borough of Eatontown, 47 Broad Street, Eatontown, New Jersey 07724~~ Business Administrator.

- D. Upon receipt of such appeal, the ~~Eatontown Athletic Advisory Committee~~ Business Administrator shall ~~convene~~ schedule a hearing within seven days and provide an opportunity for said person and any interested person or persons to appear and be heard with respect to the occurrence of any violation and action taken by the ~~Eatontown Athletic Advisory Committee~~ Recreation Director or their designee.
- E. The ~~Eatontown Athletic Advisory Committee~~ Business Administrator shall review statements, first-hand accounts and any other pertinent information or documentation relevant to the violation and ~~upon the majority vote of the members of the Committee present at such hearing,~~ and may sustain, overturn or modify the notice of violation consistent with this chapter or the Code of Conduct.
- F. Any person, while appealing his or her violation of the Code of Conduct, shall be reinstated with full rights and authority until such time as a determination and disposition of his or her appeal has been made.
- G. All notices of violation and banning or other actions taken shall remain in effect until terminated by decision of the ~~Board~~ Business Administrator ~~or overturned or modified by the Eatontown Athletic Advisory Committee.~~
- H. In the event any notice of violation is not appealed within seven days of such notice, said notice of violation and action taken by the official or ~~Eatontown Athletic Advisory Committee~~ the Recreation Director or their designee, including banning from youth sports events or other actions taken, shall become final.
- I. There shall be no basis for appeal of temporary, limited and immediate enforcement by umpires, referees and the Borough Recreation Supervisor, except that such officials are also subject to the Code of Conduct.

**BE IT FURTHER ORDAINED,** that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.