

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **23-027**

1ST READING JUNE 20, 2023

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING JULY 18, 2032

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 215, FEES, § 215-13, TOWNSHIP PROPERTY LEASE AND RENTAL FEES; POLICIES.

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Part II, General Legislation, Chapter 215, Fees, § 215-13, Township Property Lease and Rental Fees; Policies*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 215

FEES

§ 215-1. Municipal Clerk.

.....

§ 215-13. Township property lease and rental fees; policies.

A. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

.....

D. [Sayen House and Gardens and Grafton House rentals.] Sayen House and Gardens, Grafton House and Nottingham Ballroom rentals.

(1) Notwithstanding any other provision of this section, the following policies shall apply when a rental agreement is entered into for Sayen House and Gardens, [and] Grafton House and Nottingham Ballroom.

(a) A person or organization seeking to rent Sayen House and Gardens, [and] Grafton House and Nottingham Ballroom shall file an application, at least 14 days in advance, when practical, with the Department of Health, Recreation, Senior and Veterans Services, stating:

1. The name and address of the applicant.
2. The name and address of the person sponsoring the activity, if any. Applicant must be present at the site for the entire length of the event.
3. The day and hours for which the rental is desired.
4. The facility or portion thereof for which such rental is desired.

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5. An estimate of the anticipated attendance.
 6. The type of activity to be conducted.
 7. Whether the applicant is a resident or nonresident of the Township.
 8. Any other information which the Department of Health, Recreation, Senior and Veterans Services shall find reasonably necessary to attain a fair determination as to whether a rental should be approved under this section.
 9. Rentals cannot be transferred or assigned.
- (b) Standards for issuance. Standards for approval of a facility rental by the Department of Health, Recreation, Senior and Veterans Services shall include the following findings:
1. That the rental of the facility will not unreasonably interfere with or detract from the general public enjoyment of the facility.
 2. That the rental of the facility will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 3. That the rental of the facility will not include violence, crime or disorderly conduct.
 4. That the rental of the facility will not entail extraordinary or burdensome expense or police operation by the Township.
 5. That the facility desired has not been reserved for other use at the date and hour requested in the application.
 6. Priority of applicants.
 - a. The affairs of the Township shall take precedence over all other users of the facility.
 - b. Resident applicants will be given priority over other users for the use of the facility, based upon availability.
 - c. Nonresident applicants will be given priority over commercial applicants for the use of the facility, based upon availability.
 - d. Commercial applicants will be given the lowest priority for the use of the facility, based upon availability.
 - e. In the event of a conflict between requesting applicants, the request received earlier will be honored first.

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- (c) Appeal. Whenever in the opinion of the Director of Health, Recreation, Senior and Veterans Services the approval of a rental will violate any of the standards listed in Subsection **D(1)(b)** above, he or she shall refuse to approve the rental. Whenever the Director of Health, Recreation, Senior and Veterans Services has refused to approve a rental, the applicant may appeal from such determination in accordance with Chapter **285**, Licenses and Permits.
- (d) Rental of a facility or portion thereof shall be restricted to the facility, areas, dates, and times expressly requested on the rental application. The person renting the facility must be present on site, with identification, at all times during the use of the rental.
- (e) The person renting the facility shall be bound by all rules and regulations and all applicable ordinances fully as though the rules, regulations and ordinances were inserted in the rental agreements, and person renting the facility shall be present at all times during rental period.
- (f) The person or organization to whom rental is approved shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or organization to whom such rental shall have been approved. The Department of Health, Recreation, Senior and Veterans Services shall have the right to require any renter to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may be from time to time determined by the Department of Health, Recreation, Senior and Veterans Services, prior to the commencement of any activity for which any rental is approved and shall also have the right to require that the certificate of insurance name the Township of Hamilton as an additional insured.
- (g) The fee for a rental of Sayen House and Gardens, [and] Grafton House and Nottingham Ballroom shall be as set forth in this section.
- (h) There shall be a security deposit paid to the Township in the amount of \$100 for the rental of Sayen House and Gardens and Grafton House to assure that the property will be left in a clean, safe and sanitary condition and also to assure that the terms of the rental agreement are complied with. The Department of Health, Recreation, Senior and Veterans Services will examine the property following use by such renter and, upon determining that all of the rules, regulations and ordinances have been complied with, the deposit will be returned to the renter. If the rules have not been complied with, the deposit will be forfeited. If a renter is present in or on the property outside of the times approved in the rental agreement, the deposit will be forfeited.
- (i) There shall be a security deposit paid to the Township in the amount of \$500 for the rental of Nottingham Ballroom to assure that the property will be left in a clean, safe and sanitary condition and also to assure that the terms of the rental agreement are complied with. The Department of Health, Recreation, Senior and Veterans Services or agent will examine the property following use by such renter and, upon determining that all of the rules, regulations and ordinances have been complied with, the deposit will be returned to the renter. If the rules have not been

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complied with, the deposit will be forfeited. If a renter is present in or on the property outside of the times approved in the rental agreement, the deposit will be forfeited.

- (j)(i) If a rental for the Sayen House and Gardens or the Grafton House is cancelled by a renter prior to 10 days before the scheduled rental date the security deposit shall be refunded. If a rental is cancelled by a renter within and including 10 days before the scheduled rental date the security deposit will be forfeited.
- (k) If a rental for Nottingham Ballroom is cancelled by a renter prior to 60 days before the scheduled rental date the security deposit shall be refunded. If a rental is cancelled by a renter within and including 60 days before the scheduled rental date the security deposit will be forfeited.
- (l)(j) No alcoholic beverages shall be permitted in or on the premises of the facility, except for the distribution and consumption of alcoholic beverages pursuant to a lawfully issued State of New Jersey, Division of Alcohol Beverage Control permit allowing alcoholic beverages.
- (m)(k) When required by the Department of Health, Recreation, Senior and Veterans Services due to the number of persons and/or number of underage persons in attendance during a rental, the services of a law enforcement officer or officers shall be obtained to maintain order. The services of such officers shall be obtained pursuant to § 5-66, Employment of off-duty police officers, of the Township Code.
- (n)(l) The Department of Health, Recreation, Senior and Veterans Services shall have the authority to revoke a rental upon a finding of violation of any rule, regulation or ordinance or upon good cause shown, including, but not limited to, the falsification of any information required on the rental application.
- (2) Notwithstanding any other provision of this section the following fees shall apply when a rental agreement is entered into for the Sayen House and Gardens, and Grafton House and Nottingham Ballroom.

(a) Grafton House.

1. Grafton House rental fees:
 - a. Hamilton Township residents:
 - i. Monday through Friday (day or evening): \$250.
 - ii. Saturday and Sunday (day or evening): \$300.
 - b. Non-Hamilton Township residents:
 - i. Monday through Friday (day or evening): \$300.
 - ii. Saturday and Sunday (day or evening): \$400.

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- c. Hamilton Township businesses:
 - i. Monday through Friday (day or evening): \$300.
 - ii. Saturday and Sunday (day or evening): \$350.
 - d. Non-Hamilton Township businesses:
 - i. Monday through Friday (day or evening): \$350.
 - ii. Saturday and Sunday (day or evening): \$400.
2. General provisions.
- a. Proof of residency shall be required to receive Hamilton Township resident rate.
 - b. Grafton House rental fees are for a four-hour rental.
 - c. Payment is required in full at the time of booking in order to reserve Grafton House for any event.
- (b) Sayen House and Gardens. Sayen House and Gardens rental fees:
- 1. Sayen House rental fees:
 - a. Hamilton Township residents. Wedding: \$495.
 - b. Non-Hamilton Township residents. Wedding: \$800.
 - c. Hamilton Township residents and nonresidents. Shower: \$350.
 - d. Hamilton Township residents. Other event: \$400.
 - e. Non-Hamilton Township residents. Other event: \$450.
 - 2. Sayen House and Gardens ceremony and photography fees:
 - a. Hamilton Township residents. Wedding ceremony/photos: \$100.
 - b. Non-Hamilton Township residents. Wedding ceremony/photos: \$150.
 - c. Hamilton Township residents. Wedding photos only: \$75.
 - d. Non-Hamilton Township residents. Wedding photos only: \$100.
 - 3. General provisions.
 - a. Proof of residency shall be required to receive Hamilton Township resident rate.

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- b. Sayen House rental fees are for a four-hour rental.
 - c. Payment is required in full at the time of booking in order to reserve Sayen House for any event.
 - d. The rental fee for Sayen House includes the use of tables, chairs and white linens.
 - e. Sayen House and Gardens ceremony and photography fees are for one-hour use.
 - f. Wedding ceremonies can take place in either the white gazebo or the pond gazebo.
 - g. Temple Gardens is reserved for those renting Sayen House for an event. In the event Sayen House is not being rented, arrangements can be made to use that area.
- (c) Nottingham Ballroom rental fees:
- 1. Nottingham Ballroom Fees:
 - a. Saturday: \$1,600 for up to five (5) hours of event time.
 - b. Friday: \$1,400 for up to five (5) hours of event time.
 - c. Sunday –Thursday: \$800 for up to three (3) hours of event time.
 - d. Sunday – Thursday: \$1,200 for up to five (5) hours of event time (Maximum time allotment).
 - e. Additional time for Friday and Saturday is \$200 per hour and must be arranged at the time of agreement. Any extra time day of the event is at the discretion of the Township, no exceptions.
 - 2. General provisions
 - a. A deposit of 50% is required at the time of booking in order for to reserve the date and time.
 - b. The security deposit as stated in §215-13D(1)(i) of this chapter is required at the time of booking in order to reserve the date and time.
 - c. Final payment of balance due is required thirty (30) days prior to scheduled event date.
 - d. All events must be completed by 12am (midnight). Renter will have one hour after the completion of the event to return premises to original condition and vacate the premises. Renters in violation of this provision shall be charged \$100 per hour.

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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

PRESIDENT

MUNICIPAL CLERK

| RECORD OF VOTE | | | | | | | | | | | | | |
|-----------------------------|-----|-----|----|----|-----|-----|-----------------------------|-----|-----|----|----|-----|-----|
| First Reading | | | | | | | Second Reading | | | | | | |
| COUNCIL | AYE | NAY | NV | AB | ORD | SEC | COUNCIL | AYE | NAY | NV | AB | ORD | SEC |
| PASQUALE "PAT" PAPERIO, JR. | ✓ | | | | ✓ | | PASQUALE "PAT" PAPERIO, JR. | | | | | | |
| NANCY PHILLIPS | ✓ | | | | | ✓ | NANCY PHILLIPS | | | | | | |
| RICHARD L. TIGHE, JR. | ✓ | | | | | | RICHARD L. TIGHE, JR. | | | | | | |
| ANTHONY P. CARABELLI, JR. | ✓ | | | | | | ANTHONY P. CARABELLI, JR. | | | | | | |
| CHARLES F. WHALEN | ✓ | | | | | | CHARLES F. WHALEN | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____

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