

ORDINANCE NO. 2023-13

ORDINANCE REPEALING AND REPLACING CHAPTER 131, ENTITLED “MUNICIPAL BUILDINGS, USE OF,” OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH AND REPLACING IT WITH A REVISED CHAPTER 131, ENTITLED “KENILWORTH SENIOR CENTER, USE OF.”

WHEREAS, the Borough of Kenilworth Municipal Code Chapter 131 entitled “Municipal Buildings, Use Of” governs when a municipal building may be utilized by any persons other than municipal officers performing official duties and any and all organizations, associations and corporations other than those created by statute; and

WHEREAS, the Borough of Kenilworth is not currently enforcing Chapter 131 and Municipal Council finds that it is in the best interests of the Borough and its citizenry to amend and modify Municipal Code Chapter 131 to limit it only to the use of the Kenilworth Senior Center and/or room(s) therein; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey, as follows:

SECTION 1. The foregoing clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 131, “Municipal Buildings, Use of,” shall be repealed and replaced as follows:

CHAPTER 131 Kenilworth Senior Center, Use of

§ 131-1. Purpose.

The Borough of Kenilworth intends to make available the Kenilworth Senior Center (“Senior Center”) for use by any Person for activities of an educational, cultural, civic, social, recreational, and governmental nature. Use of the Senior Center shall be granted insofar as the activities do not infringe upon or interfere with the conducting of official government business of the Borough of Kenilworth.

§ 131-2. Definitions.

For the purposes of this chapter, the following words shall have the meanings indicated:

PERSON – Includes any and all persons who enter into an Indemnification and Hold-Harmless Agreement with Borough to use the Senior Center other than the Borough of Kenilworth or Union County employees performing official duties in the Senior Center.

USER Includes any and all persons who have received the written permission from the Borough to enter upon and use the Borough’s Senior Center.

§ 131-3. Application and Indemnification and Hold Harmless Agreement.

No Person or group shall exclusively use any portion of the Senior Center or any room therein unless they submit an application to the Senior Center Director on a form to be provided and kept on file by the Borough Clerk. Every User shall be required to enter into and execute an Indemnification and Hold-Harmless Agreement with the Borough for such use, subject to the approval by the Kenilworth Municipal Council. This section shall not be applicable to the Union County’s use of the Senior Center to provide lunches to seniors.

§ 131-4. Compliance with All Laws and Borough Policies and Procedures.

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Every User of the Senior Center must comply with all state or local laws and regulations governing the use of the Senior Center including, but not limited to, the Borough’s Policies and Procedures for the use of the Kenilworth Senior Center as promulgated by the Governing Body.

§ 131-5. Violations and penalties.

Violations of this chapter shall, upon conviction, be subject to the general penalty set forth in Chapter 1, Article I, General Penalty, of the Borough of Kenilworth Code.

SECTION 3. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.


Linda Karlovitch, Mayor

INTRODUCTION				FINAL ADOPTION			
Moved	Sec.	Aye	NP	Moved	Sec.	Aye	NP
		X					X
X		X				X	
	X	X					X
		X				X	
		X			X	X	
		X		X		X	
Introduced: June 7, 2023				I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.			
Final Adoption: June 21, 2023				 Angela Lazzari, Borough Clerk			