

ORDINANCE 14-2011

**BOROUGH OF SEA GIRT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

AN ORDINANCE REGULATING SPECIAL EVENTS WITHIN THE BOROUGH OF SEA GIRT AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Section 1. Definitions:

A "special event" shall be defined as follows: Any race, walkathon, fair, carnival, festival, show, exhibition, block party or other similar event in or upon any public grounds, park, beach or road of the Borough, must first apply for and obtain a permit from the Borough.

"Block party" means a festive gathering on a residential street requiring a closure of said street, or a portion thereof, to vehicular traffic and use of the street for the festivity.

"special events permit" or *"permit"* means a permit issued pursuant to this article.

"Borough" means the Borough of Sea Girt

"Council" means the Sea Girt Borough Council

"Organizer" means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event. This person shall also be deemed the "responsible person(s)" who shall be the contact person prior, during and after the event for all Borough employees or representatives and shall respond to all Borough inquiries and demands.

"Person" as used in this article, means any natural person who is a Borough resident and owner or lessee of property on the block for which the permit is sought, or company duly formed and existing under the laws of the State of New Jersey, its owners, agents, employees or representatives, except where the context clearly requires a different meaning.

"Street" means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highways or alleys.

"Venue" means the specific property, area or site for which a block party permit has been issued.

"Special Events Committee" means the Borough Council of Sea Girt Special Events Committee, the Borough Administrator, Chief of Police or his designee, Superintendent of Public Works or his designee, such other municipal employees or professionals as deemed appropriate and necessary by the Committee.

"Public Ground or Park" shall not, for purposes of this ordinance, include real property owned or leased by Sea Girt Elementary School.

Section 2. Special Events Permits.

a.) A person or organization desiring to hold any race, walkathon, fair, carnival, festival, show, exhibition, block party, or other similar event in or upon any public grounds of the Borough of Sea Girt, park, beach or road of the Borough (except weddings which are addressed in Ordinance 07-2010), must first apply for and obtain a permit from the Borough Clerk in accordance with the requirements of subparagraph a of this section. Any such race, walkathon, fair, carnival, festival, show, block party or other similar event, shall constitute a "Special Event." To obtain a permit for a special event, the organizer shall also satisfy the requirements set forth herein.

b.) Special events dates. Special events- are permitted only on those dates designated and approved by the Borough council by resolution.

c.) Application.

An application for a permit required by this article shall be filed with the Clerk on a form furnished by the Borough Administrator, and signed by the organizer under penalty of perjury. The application shall evidence the consent of all affected property owners or lessees of property within the street(s) of a proposed block party. An application shall be filed not less than forty-five (45) days before the date of the proposed special event. The forty-five (45) day time period may be waived by the Council if an event arises on short notice, so long as it is submitted no later than four (4) business days before the next council meeting.

Application Fee: There shall be a fee of \$40.00, payable upon the filing of the application. This fee may be waived by the Council under circumstances which it deems appropriate.

An entity which holds recurrent events for the benefit of the citizens of Sea Girt may make a single application listing all of events for consideration. Unless waived by the Mayor and Council, only one application fee shall be paid. If such an entity wants to add an event after its application has been submitted, it shall do so with a letter addendum which will be considered as set forth herein.

d.) Permit application shall contain:

(1) Names, addresses, and telephone numbers of organizers and, where applicable, each owner of property whose access to the temporarily closed street will be directly impacted by a Special Event street closure, and a Consent and Acknowledgment form signed by each such owner.

(2) The date and period of time for such temporary street closings, if applicable

(3) The proposed location and description of any temporary structures, rides or other items to be placed in the roadway or other municipal property.

(4) A signed statement by the organizer that he/she or they agree to abide by all the conditions of the permit, the ordinances of the Borough, except as expressly waived by Resolution, and the applicable rules and regulations of the Police Department.

(5) A designated contact and responsible person(s).

(6) Where applicable, an acknowledgement by property owners that no motor vehicle traffic will be permitted during the Special events, except for vehicles used in connection with the block party, with the exception of municipal vehicles, and emergency vehicles.

(7) Escrow: The organizer shall provide an escrow, as determined by the Special Events Committee based upon the reasonably anticipated Borough costs for public works, police services and first aid services, arising from the special event, no less than 10 days prior to the special event. Costs incurred as a result of the special event will be drawn from the escrow. If money remains it shall be refunded to the organizer, and any deficiency will be paid by the organizer no later than 5 days after notice of said deficiency.

e.) Special Events Committee Review: The Special Events Committee shall review each application and make the following recommendations:

(1) To approve or deny the permit application;

(2) Appropriate and necessary public entity support services, such as police, first aid, and public works;

- (3) Appropriate health, safety and risk management techniques and measures;
 - (4) Other permit conditions which promote the health, safety, and welfare of the public.
- f.) Approval Process.
- (1) Standards for issuance. The Mayor and the Council shall review the recommendations of the Special Events Committee and make the final determination of whether to issue a Special Events Permit, by Resolution adopted by majority vote. The Resolution shall set forth such conditions, measures and restrictions as may be necessary to insure that the standards and obligations set forth herein, and in the Permit, are complied with. The Permit shall also be conditioned upon the organizer's written agreement to comply with the terms of the Permit.
- g.) Standards: In addition to considering the health, safety, and welfare of the public, the standards for the issuance of a permit shall include:
- (1) The time, size and location of the special event will not disrupt, to an unreasonable extent, the movement of traffic throughout the Borough;
 - (2) Whether the special event is of a size or nature that it would require the diversion of so great a number of police officers of the Borough that reasonable police protection would be denied to the Borough.
 - (3) The special event will not interfere with another event for which a Special Event Permit has already been issued.
 - (4) Complies with the public demonstration ordinance.
 - (5) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or create a disturbance.
 - (6) The conduct of the special event, or its location, will not interfere with the movement and response of fire fighters and their equipment, police or ambulance service.
 - (7) The time, size and location of the special event will not cause undue hardship to adjacent residences or businesses.
 - (8) The Borough reserves the right to waive any and all conditions, or to reject the application, in its sole discretion.
- h.) Exemptions: The following events and entities are exempt from the requirements of this ordinance:

- (1) No Special Event Permit shall be required for impromptu public pourings which do not require the closing of a roadway;
- (2) Non-profit, civic and community entities holding sporting or other recreational activities or events on property owned or leased by the Sea Girt Elementary School;
- (3) Borough Recreation Department;
- (4) Sea Girt Beach Utility and Beach Patrol;
- (5) The Fire Department and Fire Company;
- (6) Events arranged by the Borough.

The Mayor and Council may, where they determine it to be appropriate, waive the costs associated with policing or cleaning after such an event.

Section 3. Insurance and Indemnity Requirements.

The Borough shall require, as a condition of the issuance of a permit, and the organizer shall furnish evidence of a public liability insurance policy in an amount not less than one million dollars (\$1,000,000.00) combined single limit, per occurrence and in the aggregate, covering personal injury and property damage, issued by an insurance company authorized to do business in the State of NJ . The insurance policy shall be endorsed to the Borough of Sea Girt, with the Borough, its elected and appointed boards, officers, agents, and employees named as additional insured, and shall provide that any other insurance maintained by the Borough shall be in excess of and not contributing with, the insurance coverage provided to the Borough under the organizer's policy,

The organizer shall also be required to sign an indemnity agreement in a form approved by the Borough attorney which shall expressly provide that the organizer agrees to defend, protect, indemnify and hold the Borough, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of organizer, participants, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the organizer shall, at organizer's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the Borough, its officers, agents, participants or employees, and that the organizer shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the Borough, its officers, agents or employees as a result of the alleged acts or omissions of organizer or organizer's officers, agents, participants or employees in connection with the uses, events or activities under the permit.

Section 4. Penalty for Violation.

A violation of this article shall be considered a misdemeanor and may be punished as such with penalties and fines consistent with Borough Ordinances. In addition to the penalties and fines established by ordinance, the violating party may be assessed police and/or public works costs incurred by the Borough as a result of said violation.

The holding or conducting of any block party subject to the provisions of this article without a valid permit issued pursuant to the provisions of this article is hereby declared a public nuisance.

Section 5. Enforcement

- a.) The Police Department of the Borough shall, in connection with their duties imposed by law, diligently enforce the provisions of this section.
- b.) The Police Department of the Borough shall have the authority to eject from the Special events area any person or persons acting in violation of this ordinance or other applicable ordinances of the Borough.
- c.) The Police Department of the Borough shall have the authority to seize and confiscate any property, thing, or device used in violation of this section.
- d.) The Mayor and Chief of Police shall have the authority to suspend or revoke a permit upon a joint finding by them of a violation of any rule, permit condition, ordinance or upon good cause shown. If a permit is suspended, it may be reinstated by the Mayor and Chief of Police if the violation is demonstrated to be rectified in a timely manner.

Section 6. Severability

All ordinances or parts thereof in conflict or inconsistent with this ordinance are hereby repealed.

Section 7. When Effective.

This ordinance shall take effect when passed and published.