

**ORDINANCE NO. O-20-13**

**AN ORDINANCE ADDING CHAPTER 30, ENTITLED SPECIAL EVENTS PERMIT, TO THE CODE OF THE TOWNSHIP OF ROCKAWAY**

**WHEREAS**, the primary purpose of parks is to provide the public the opportunity to enjoy natural beauty and recreational opportunities and the primary purpose of streets and sidewalks is to provide a public right of way for a wide variety of transportation and pedestrian uses; and

**WHEREAS**, another important use of parks, streets, sidewalks, and other public places is to provide venues for a wide variety of public events and for the public to exercise their rights of free speech and assembly; and

**WHEREAS**, in order to ensure the public safety, peace, and tranquility it is the Township's responsibility to enforce permitted uses and conduct be undertaken upon real property located within the various zoning districts delineated by the Zoning Regulations Ordinance; and

**WHEREAS**, most events in public places and upon private property where permitted uses do not include special events require a special event permit, and many require considerable advance planning by more than one Department, sometimes in conjunction with other governmental agencies, in order to adequately protect public safety, Township property and reduce adverse impacts; and

**WHEREAS**, the Township has a compelling need to coordinate its planning for proposed special events in order to protect public health and safety and reduce adverse impacts such as noise, congestion, traffic, and parking problems, while guaranteeing the public's rights to free speech and assembly; and

**WHEREAS**, the Township has an interest in regulating events that take place on private property to the extent that the proposed events do not constitute permitted uses in the subject zone; and

**WHEREAS**, The Township has a direct interest in regulating and planning for that portion of an event that occurs in public places such as parks, streets, and sidewalks; and

**WHEREAS**, the Township does recognize that events that may occur at least in part on private property may also have a substantial impact on public places and require substantial public services such as police for crowd or traffic control; and

**WHEREAS**, if a proposed event is proposed to take place in private or public places, which may require public services to deal with the impacts of the event (such as the reallocation of police personnel from their standard assignments in other geographic areas of the thereby potentially jeopardizing essential police/public safety services to those neighborhoods), the Township has a legitimate interest in requiring the event applicant/organizer to plan for the event's impact upon services and impact upon zoning restrictions, noise, congestion, traffic, parking, etc. and to apply for and receive a special event permit; and

**WHEREAS**, while guaranteeing the public's rights to free speech and assembly, the Township, working with the applicant/organizers of proposed events, shall develop reasonable permit conditions in order to protect the general public health and safety and reduce adverse impacts such as noise, traffic, and parking problems, and determine whether such a proposed event

shall occur in the zone in question; and

**WHEREAS**, the Township has no interest in basing special event permitting decisions, including decisions regarding reasonable permit conditions, on the viewpoint or message of the proposed event, but does have the responsibility to develop reasonable and effective permit conditions based upon such public safety factors as anticipated crowd size; the nature of the event; pedestrian, and traffic control issues; anticipated noise, congestion, and parking problems; and the history of problems associated with the event or similar events and the event's or applicant/event organizer's compliance with previous permit conditions designed to deal with those issues and problems; and

**WHEREAS**, the Township wishes to provide applicants/event organizers with an efficient permitting process, and when permits are denied, prompt administrative review of permit denials;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWNSHIP OF ROCKAWAY:**

That the Ordinance of the Township is hereby supplements by adding Chapter 30, "Special Events Permit";

### **30-1. Special Events**

#### **A. Purpose and Policy**

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, etc. Special events may be allowed by a special events permit granted by the Business Administrator or his/her designated representative.

#### **B. Definitions**

The following terms, when used in this chapter, shall have the following meanings:

1. **"Applicant"**, Applicant shall include the person, or other entity applying for the special event permit. Applicant shall include, but not be limited to, the event's sponsor, organizer, or promoter.

2. **"Special Event"**, means meeting, gathering, or group of persons, animals or vehicles, or any combination thereof, having a common purpose, design or goal, upon a private or public facility, street, sidewalk, park, waterway, or other place, where the special event substantially inhibits the usual flow of pedestrian or vehicular traffic or which occupies any private or public area and impacts use in or around such area by the general public. A special event shall include, but shall not be limited to a farmer's markets, festival celebrations, concerts, parades, block parties, athletic events, drive in movies, and other similar gatherings which meets one or more of the following; 1) is reasonably expected to cause or result in more than FIFTY people gathering in a park or other private or public place; 2) is reasonably expected to have a substantial impact on such park or other private or public places; 3) is reasonably expected to require the provision of substantial public services; or, 4) occurs no more than four times per year with each event lasting for no longer than 48 consecutive hours.

3. **"Park"**, means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds,

playfields, botanical gardens, greenbelts, parking lots, community centers and other park, recreation and open space areas and buildings and facilities comprising the parks and recreation system of the Township under the management and control of the Township of Rockaway.

4. **“Private Place”**, means and includes parking lots, malls, streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and non-dedicated roadways and the space above or beneath its surface, whether or not opened or improved, where the proposed special event is not a permitted use pursuant to the Zoning Ordinance in the zone in which the special event is proposed to take place.

5. **“Public Place”**, means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting (parking) strips, squares, triangles and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved.

6. **“Substantial impact on a park or private, or public place”**, means an event which would impact in whole or in significant part the public’s normal and customary use of such place.

7. **“Substantial public services”**, means a material increase in the amount, scope, or level of necessary fire, police, traffic control, crowd control, or other public services above those that would normally be required without the event. With respect to police resources, "substantial public services" means resources for crowd management or traffic control required for the event over and above the normal deployment of police in that geographic area of the Township at the time of day during which the event will occur.

8. **“Athletic Event”**, shall mean an occasion in which a group of persons collect to engage in or watch a sport or a form of exercise on private or public property not designed for such activity and/or on a Township street, sidewalk, alley, or other street right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot-races.

9. **“Block Party”**, shall mean a festive gathering on private property or a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music or games.

10. **“Parade”**, shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any township street, sidewalk, alley, or other right- of-way, which obstructs delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

11. **“Permit Application Fee”**, shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the Township. Such fee shall be set by the Council.

12. **“Refundable Deposit”**, shall mean the amount of money required of a permittee by the Township if the special event is held in a public place, in order to assure adequate cleanup of the special event site. However, if it is reasonably anticipated that the holding of a special event on private property will result in the need for a cleanup in a surrounding public area, such deposit shall also be required. The deposit shall be returned to the permittee upon the completion of the event and approval of the Business Administrator.

13. **“Special events permit”**, shall mean the permit issued by the Business Administrator or his/her designated representative after the applicant has met all applicable reviews and requirements set forth in this chapter.

14. **“Entertainment Areas”**, shall be the area(s) designated by the Business Administrator or his/her designated representative as an area within specific boundaries in which a permitted special event may take place. Special event vendors will be allowed within the boundaries of the entertainment areas with proper permitting and approval of the Business Administrator of his/her designated representative.

15. **“Special Event Vendor”**, shall be a permitted vendor allowed to operate within entertainment areas during permitted special events.

**C. Exceptions**

The provisions of this chapter shall not apply to:

- (a) Funeral processions;
- (b) Groups required by law to be so assembled;
- (c) Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls; and
- (d) Activities and events deemed by the Mayor or his/her designated representative to not require a special events permit.

**D. Administration**

The Business Administrator or his/her designated representative shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits.

**E. Special Event Permit Required**

A special event permit from the Business Administrator or his designated representative is required for any special event, as defined in this chapter, except that no special event permit shall be required if the event sponsor, organizer, or other party and the Township have entered into a written agreement covering the same matters as would otherwise be included in a special event permit for such an event. Such special event permits shall be in addition to any street or park use permits, or other regular permits as may be required by ordinance.

When a special event permit is required, the Business Administrator or his/her designated representative shall, distribute the application to all Township Department Heads for their review. After the Application has been reviewed the Business Administrator or his/her designated representative may, if they deem it necessary, meet with the organizer, advise the organizer of all other permits that appear to be required for the event and/or of the requirements of the Township to be followed, if any, which must be adhered to by the applicant in order for the special events permits to be approved.

**F. Permit Fee**

The fee for issuance of a special events permit shall be the designated by the Council annually by Resolution.

#### **G. Exemptions**

- (a) No fee shall be imposed when prohibited by the First and Fourteenth amendments to the United States Constitution.
- (b) No fee shall apply to a block party that occurs on private property and fees may be waived for special events sponsored by nonprofit agencies and which further the goals and objectives of the Township.

#### **H. Special Event Permit Application**

(a) Any person wishing to sponsor a special event must apply for a special event permit by filing an application with the Business Administrator or his/her designated representative thirty days prior to the date on which the event is to begin to occur.

(b) The Business Administrator or his/her designated representative shall issue the special events permit once the application has been approved after review of appropriate departments to include health, police, fire, public works, building and planning, parks and recreation, zoning and others as determined by the Business Administrator or his/her designated representative, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

(c) The Business Administrator or his/her designated representative shall approve, conditionally approve, or deny an application based on the recommendations of departments involved in the review process.

#### **I. Conditions Authorized**

The Business Administrator or his/her designated representative may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place, length and manner of the event; the implementation of a plan presented by the applicant and approved by the Township for crowd control, traffic control, and security; compliance with health and sanitary regulations as explicated by the Health Department for the event; coordination with the Fire Department or medical personnel for emergency treatment and evacuation of people who may need immediate care, cardio-pulmonary resuscitation or ambulance service; emergency communication; fire suppression equipment with structures; maintenance of unobstructed emergency passageways; and, where traffic congestion may be anticipated, encouraging the use of public transit and car-pooling. In determining conditions, the Business Administrator or his/her designated representative shall consider anticipated impacts of the event based on an assessment of the event, including size, scope, complexity, and history as well as the event's or event organizer's successful implementation of conditions included in previous permits. Conditions shall be based upon projected impacts on public safety, public places and public services, but shall not be based upon the programming content of the event or message that the proposed event may convey.

In order to accommodate other concurrent events, the rights of abutting owners, and the needs of the public to use streets or parks, the conditions may include, but are not limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the

duration of the event.

## **J. Denial or Revocation of Permit**

1. **Denial:** A special event permit may be denied based upon a determination that:

(a) The proposed event would unreasonably disrupt the orderly or safe circulation of traffic or as would present an unreasonable risk of injury or damage to the public; or

(b) The event would seriously inconvenience the general public; or

(c) The event would unreasonably infringe upon the rights of abutting properties; or

(d) The proposed event is proximate to another previously permitted or previously scheduled event, so that the combined impacts and required public services exceed what the Township, after reasonable efforts have been made to accommodate both events, can reasonably provide; or the proposed event would interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting properties; or

(e) There are not sufficient safety personnel or other necessary Township staff to accommodate the event; or

(f) The applicant failed to complete the application form after being notified of the additional information or documents required; or

(g) The applicant supplies false or misleading information; the applicant fails to complete the application or to supply other required information or documents; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms or conditions contained in the proposed permit; or

(h) The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies; or

(i) Other issues in the public interest were identified by the Business Administrator or his/her designated representative; or

(j) Failure to prepay expenses.

2. **Revocation:** The Business Administrator or his/her designated representative may cancel or revoke a permit already issued upon written notice to the applicant stating the grounds for revocation if:

(a) The applicant, in the information supplied, has made misstatement of a material fact; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by an applicant in payment of the fee for a permit has been dishonored; or

(b) The applicant requests the cancellation of the permit or cancels the event; or

(c) An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety. The Township shall refund the

permit fee in the event of a revocation caused by an emergency or supervening occurrence; the Township shall refund the balance of the fee less its costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter.

**K. Indemnification**

Prior to the issuance of the special event permit, the applicant must agree to reimburse the Township for any costs incurred by the Township in repairing damage to Township property and/or the public rights of way which may occur in connection with the permitted event.

Permittee agrees to defend, indemnify and save harmless the Township, its appointed and elected officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the Township, its elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event, except only such injury as shall have been occasioned by the sol negligence of the Township, its appointed or elected officers or employees.

The Business Administrator or his/her designated representative has the authority to require a refundable deposit for reimbursement of the costs for cleanup services.

**L. Insurance Required**

As required by the Business Administrator or his/her designated representative, the permittee shall provide the Township with proof of commercial general liability insurance in the amount of one million dollars per occurrence, and an endorsement naming the Township of Rockaway, its employees agents and or representatives as an additional insured must be provided. Such additional insured coverage shall be primary and non-contributory.

Certificates of Insurance along with a copy of the insurance policy with all endorsements shall be submitted to the Township for approval no less than fifteen working days prior to the event. Acceptability of insurance is subject to approval by the Township's legal counsel.

**M. Entertainment Areas & Special Event Vendors**

- (a) The Business Administrator or his/her designated representative shall have the right to designate the entertainment areas for permitted special events. Entertainment areas may include by not be limited to streets that have been approved for closure and public areas.
- (b) Special event vendors listed by the special event sponsor in the special event permit application
  - 1) will be allowed within the designated entertainment area only after having first complied with all applicable State and local laws/regulations;
  - 2) the Business Administrator or his/her designated representative reserves the right to determine location of special event vendors within entertainment areas.

**N.** All ordinances of the Township of Rockaway that are inconsistent with the provisions of these

amendments to the Ordinance are hereby repealed to the extent of such inconsistency.

O. If any section, subsection, clause or phrase of these amendments to this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the amendments to this Ordinance or to the rest of the Ordinance.

P. This Ordinance shall take effect upon final passage and approval in accordance with law.

### CERTIFICATION

I, Christina Clipperton, Township Clerk of the Township of Rockaway, County of Morris, State of New Jersey, do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened meeting held on June 23, 2020 and adopted at a duly convened meeting held on July 14, 2020.



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Michael Puzio, Mayor



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Christina Clipperton, Township Clerk



**July 14, 2020 Council Meeting**

**Motion:** To establish a fifty-dollar (\$50.00) fee for a Special Events Permit for the calendar year 2020.

Motion was made by Council President Jackson, seconded by Council Member Quinn.

Roll Call Was Taken.

Yah Votes: 8 (Quinn, Friedlander, Kritz, Salberg, Brookes, Noon, Sackett, Jackson)

Nah Votes: 1 (Kelley)

Motion is carried.

**CERTIFICATION**

**I HEREBY CERTIFY** the above to be a true copy of a Motion passed by the Township Council of the Township of Rockaway at a duly convened Meeting held on July 14, 2020.



Christina Clipperton  
Township Clerk