

## **ORDINANCE 2015-07**

### **AN ORDINANCE REQUIRING PERMITS FOR SPECIAL EVENTS TO BE HELD IN THE BOROUGH OF ALLENHURST**

**WHEREAS**, the Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to require anyone intending to hold any of the types of events hereinafter described, to obtain a Permit for any such event, and

**NOW THEREFORE, BE IT ORDAINED** by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough of Allenhurst Revised General Ordinances are hereby amended and supplemented as follows:

### **CHAPTER III, POLICE REGULATIONS**

#### **SPECIAL EVENT PERMITS**

#### **3-15 SPECIAL EVENT PERMITS**

##### **3-15.1 PURPOSE AND INTENT**

The purpose and intent of this ordinance is to enable the Borough of Allenhurst and its Governing Body to have control over the type and scope of special events to be held within the confines of the Borough, while insuring the protection of the interests of those in the community upon whom such special events shall impact.

##### **3-15.2 PERMIT REQUIRED**

Any person or organization desiring to hold any movie event, television event, photography event, concert, race, walkathon, fair, carnival, celebration, sporting event, show, or any event which involves festival seating, or any other similar event in or upon any public grounds or private property, beach, park or road of the Borough of Allenhurst must first apply for and obtain a special events permit in accordance with the requirements of this section. The following shall be illustrative of, but not a limitation upon, the type of event(s) requiring a permit: any commercial filming, photography or television activity (exclusive of "news" collecting activity), the closing of a public street, the sale of merchandise, food or beverage on public property, or on private property where otherwise prohibited by law, the installation of a stage, bandshell, trailer, van, portable building, tent, grandstand or bleachers on public property, or on private property where otherwise prohibited by law, or placement of temporary "No parking" signs on public right of way.

### **3-15.3 APPLICATION**

- a. Any person(s) or organization(s) seeking issuance of a permit hereunder shall file an application with the Board of Commissioners, on a form to be provided by the Borough of Allenhurst for that purpose, on which the applicant shall furnish pertinent information, to include, but not limited to the following:
  1. The name, address and telephone number of the applicant(s).
  2. The name, address and telephone number of the person or persons, corporation, organization or association sponsoring the activity.
  3. A detailed description of the proposed event and a sketch that shows the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a footprint.
  4. The date(s) and hours for which the permit is desired.
  5. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security, traffic control, site cleanup, separation of recyclables and disposal of trash and debris and parking (and whether any temporary parking areas or street closures will be required).
  6. The number of attendees, participants, spectators, contestants, cast, crew and/or other people that are reasonably anticipated to attend the event.
  7. A detailed description of the Borough's resources or services that may be required to be provided in connection with the event.
- b. Upon verification that the application is complete, the Board of Commissioners may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the Board in their review of the application.
- c. All applications must be submitted to the Board of Commissioners at least thirty (30) days prior to the desired event, unless the applicant receives a waiver of this requirement from the Board of Commissioners, or unless the application is for a special event of the type by subsection d and e below.
- d. Permits for photography use must be submitted at least 48 hours prior to the date for which the permit is required.
- e. Permits for public gatherings and assemblies protected by the First Amendment to the United States Constitution and the New Jersey State Constitution (ie.

Demonstrations, rallies, etc) shall receive an expedited review. Such permits shall be granted or denied by the Board of Commissioners, within three (3) business days of receipt of a fully completed application. The Board's granting of an approval may be with such conditions as are deemed to be in the best interests of the Borough, upon consultation with the Police Chief, Fire Chief and any other Borough officials.

### **3-15.4 FEES**

All applicants for special events permits shall be required to pay a non-refundable application fee, as well as all other fees that are determined to be necessary by the Board of Commissioners depending upon the nature and extent of the proposed activity. The application fee shall be due and payable at the time that an application is submitted. Other fees that may be required include, but are not necessarily limited to, costs associated with the provision of police and/or fire supervision, emergency services, staffing, use of Borough owned property and/or use of Borough owned vehicles or equipment and the creation and/or use of temporary parking areas. A fee schedule setting forth all of the potential fees shall be established by the Board of Commissioners by Resolution. All required fees shall be due and payable at least ten (10) days prior to the event. Any requests for reductions or waivers of fees must be submitted in writing to, and approved by, the Board of Commissioners. In addition to the fees payable prior to the event, the applicant shall be required to pay for any and all additional or unanticipated expenses which were occasioned or become necessary during or after the event, as a direct result of the event.

### **3-15.5 STANDARDS**

The standards for issuance of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings:

- a. That the proposed event will not unreasonably interfere with or detract from the general public's enjoyment of public parks, beaches, roadways, or facilities to be utilized.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- c. That the proposed activity and uses that are reasonably anticipated will not be likely to include violence, crime or disorderly conduct.
- d. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- e. That the applicant will maintain premises in the same condition which existed prior to the event.

### **3-15.6 DENIAL OF PERMITS**

The standards for denial of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings:

- a. That the proposed event is anticipated to disrupt traffic within the Borough beyond practical solutions.
- b. That the location of the special event may cause undue hardship to adjacent property owners.
- c. That the proposed event will require the diversion of so many public employees that allowing the event would unreasonably deny service to, or jeopardize the safety of, the remainder of the Borough's residents.
- d. That the application contains incomplete or inaccurate information, or that the applicant has failed or refused to provide necessary information upon request from the Borough.
- e. That the application fails to comply with all the terms of this section, including the failure to remit all fees or deposits, or the failure to provide proof of proper liability insurance coverage, or the failure to execute an indemnification and hold harmless agreement, or the failure to provide a performance bond or cash security deposit when required by the Board of Commissioners, or for any other violation of the terms and conditions of this section.

### **3-15.7 RESPONSIBILITY, LIABILITY, PERFORMANCE GUARANTEE/SECURITY DEPOSIT, INSURANCE COVERAGE AND INDEMNIFICATION.**

- a. Responsibility.
  1. It shall be the permit applicant's responsibility to secure all necessary other permits, licenses and/or approvals which may be required (i.e. by State, local or other outside agencies), in conjunction with the proposed event.
  2. All permit applicants shall assume all risks associated with premature advertisement of any event prior to the time of the issuance of a permit by the Board of Commissioners, as well as any and all other costs which may have been expended prior to the time of official approval of the application by the Board of Commissioners.
  3. All permit holders shall be required to abide by all requirements set forth in the permit, as well as all borough ordinances, State Statutes (including but not limited to the New Jersey Riot Act, N.J.S.A. 2C:33-1 et seq.) and all other rules and regulations which may be applicable to the event.

4. All permit holders shall be responsible for any and all additional costs that are incurred as a result of the event, including costs which may not have been foreseen at the time that the permit was issued but which become necessary, such as costs associated with additional resources provided by the Borough, including but not limited to, manpower and/or equipment costs, police, and/or fire supervision, emergency services, cleanup activities, etc.
5. Any personnel provided by the Borough (i.e. police, fire, emergency, public works or other Borough employees) in connection with any special event sponsored by an outside party shall not be considered employees or agents of the outside party. If emergency services are required for any special event, then only Borough of Allenhurst emergency personnel may be utilized.
6. The person and organization to which the permit is issued will be responsible to see that all rules, regulations and ordinances are obeyed and that Borough property is not damaged. They will preserve order and decorum and leave the site and/or facilities in an as good or better condition.
7. The person and organization to which the permit is issued will be responsible to coordinate all parking requirements and street closures with the Allenhurst Police Department by contacting the Police Chief or Captain.
8. The person and organization to which a permit is issued, for shooting a commercial motion picture or television show, will be responsible for notifying, by Certified Mail, all property owners within 200 feet of any filming at least two weeks in advance of any shoot. Proof of service shall be filed with the Borough Clerk. A property owner's list may be obtained from the Borough Clerk.

b. Liability.

1. All permit holders shall be liable for all losses, damages, and/or injuries sustained by any person whatsoever by reason of the event or activities associated with the event.
2. The terms of this section shall not be construed as imposing upon the Borough or its officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit was issued. The Borough and its officials and employees should not be deemed to have assumed any liability or responsibility by reason of any inspections performed, the issuance of any permits, or the approval for use of any Borough property in connection with a permit issued hereunder.

3. All permit holders shall assume full responsibility for the acts and conduct of all persons admitted to the event by or with the consent of the permit holder, or of any personal action for or on behalf of the permit holder.
4. The person and organization that obtains the permit assumes all risk for damage or defacement of the Borough Property. If any portion of Borough property or other premises where the event is held is damaged by the act or omission of the permit holder, or by the permit holder's agents, employees, patrons, customers, guests, invitees, or any other person admitted to the premises by the permit holder, the permit holder shall be responsible for all costs associated with restoration of the property or premises to the condition that existed prior to the occurrence of such damage. The amount of such damage shall be considered an additional fee.
5. A cash security deposit may be required to ensure compliance with all terms and conditions imposed by the Board of Commissioners in connection with issuance of the permit.

c. Insurance Coverage

1. All permit holders must submit minimum liability insurance coverage in an amount to be determined by the Board of Commissioners depending upon the size and nature of the event planned. The Borough, its officers, employees, professionals, agents and representatives must be named as "additional insured" parties on the policy.
2. A Certificate of Insurance showing coverage in the amount required must be submitted to the Borough prior to the special event.

d. Indemnification

1. All permit holders must answer to actions resulting in bodily injury to any and all persons and shall defend, indemnify and hold the Borough, its officers, employees, professionals, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the event, and shall execute an indemnification and hold harmless agreement in a form acceptable to the Borough prior to the event.

### **3-15.8 NO RIGHTS CONVEYED, REVOCATION**

All permits issued pursuant to this section shall be temporary and do not invest any permanent or continuing rights. No permit issued pursuant to this section shall convey any right, interest or title in any Borough property to the permit holder. Any permit may be revoked at any time by the Borough, for violation of the conditions for which the permit was issued, or for violation of any ordinance which relates to the conducting of the event, or for violation of any of

the terms of this section, or when the event is found not to be in the best interests of the Borough or for other good cause shown.

### **3-15.9 OFFENSES AND PENALTY**

- a. Offenses. A person commits an offense if he or she:
  - 1. Commences or conducts an event that is subject to the requirements of this section without a permit, or
  - 2. Fails to comply with any condition, requirement or provision of the permit, or otherwise violates any ordinance, rule or regulation that is applicable to the event.
- b. Penalty. A person who violates a provision of this section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued and shall be liable, upon conviction, to the penalty as stated in section 1-5.1(a) of the Borough Code, or as provided by State Statute.

**APPROVED: February 24, 2015**

**ADOPTED: March 10, 2015**