

ORDINANCE NO. 2017-03

**TOWNSHIP OF BLAIRSTOWN
COUNTY OF WARREN
STATE OF NEW JERSEY**

**AN ORDINANCE
TO AMEND CHAPTER 84
OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN
ENTITLED "CONCERTS AND FESTIVALS, OUTDOOR"**

BE IT ORDAINED, by the Township Committee of the Township of Blairstown, Warren County, New Jersey, that Chapter 84 entitled "CONCERTS AND FESTIVALS, OUTDOOR" of the Code of the Township of Blairstown be and is hereby is amended as follows:

SECTION I:

The title of Chapter 84 be and hereby is revised to be, "Concerts, Festivals and Outdoor Events."

SECTION II:

§84-1 entitled, "Findings" be and hereby is retitled "Definitions" with the following provisions:

A. Outdoor Event - shall mean public gatherings of any nature that (1) is likely to require the expenditure of Township resources in the form of Police and/or Department of Public Works salaries, wages, or other expenses, and (2) will close, block or restrict, in whole or in part, any public street. These include, but are not limited to, concerts, festivals, parades, dances, theatrical performances, exhibitions, and outdoor shows.

B. Person – shall include all individuals, partnerships, corporations, associations, and all other organizations and/or any entities of any form desiring to hold an outdoor event as defined in this ordinance upon any public property, sidewalk, road and/or right of way, within the Township of Blairstown.

SECTION III:

§84-2 entitled, "License Required: Exceptions" is hereby amended to read as follows:

A. License Required - no person shall hold an outdoor event within the Township without first having obtained a license.

B. Exceptions – the provisions of this Chapter shall not apply to any of the following:

1. The Township of Blairstown or any agency thereof;

2. Parties and gatherings on private property including, by way of example but not by way of limitation, birthday parties, weddings, graduations, anniversaries, and other such similar events;

3. Outdoor events held by the Blirstown Township Volunteer Fire Company or the Volunteer Blirstown Ambulance Squad at property owned by these organizations;

4. Outdoor events held by the Blirstown Township Elementary School or the North Warren Regional High School at property owned by the respective schools;

5. The following traditional holiday events: (1) the annual Halloween parade; (2) the Fourth of July celebration; (3) Jingle on Main Street; (4) the Memorial Day parade.

6. Events at public parks or other public property for which a Facilities Use Permit has issued.

SECTION IV:

§84-3 entitled, "Waiver of Requirements" is hereby amended to read as follows:

The Township Committee may waive the requirements of this Chapter for any event conducted by the Blirstown Elementary School, North Warren Regional High School, or any religious or charitable non-profit organization upon written request and in its sound discretion, based upon the recommendation of the Police Department and a determination that the event will not adversely affect the public health, safety and welfare.

SECTION V:

§84-4 entitled, "Application" is hereby amended to revise and reduce the application fee in subparagraph H from \$500.00 to \$100.00. All other subparagraphs of this Section shall remain unchanged.

SECTION VI:

§84-5 entitled, "Investigation: Written Report" is hereby amended to read as follows:

Upon the filing of an application for an outdoor event license, the Clerk shall refer the application to the Police Department for review and recommendation, including any recommendation for the use of police officers for traffic control or other public health and safety issues and the estimated cost.

SECTION VII.

§84-6 entitled, "Requirements" is hereby re-titled, "Standards for License Issuance" and amended to read as follows:

The standards for the issuance of a permit pursuant to this chapter shall include the following findings:

1. That the proposed event will not unreasonably interfere with or detract from the general public enjoyment of any public park, roadway, or other public property proposed to be utilized.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not be likely to include violence, crime, or disorderly conduct.

SECTION VIII:

§84-7 entitled, "Written Authorizations for Inspections by Township" is hereby deleted in its entirety.

SECTION IX:

§84-8 entitled, "Comprehensive Liability Insurance Required" is hereby amended to read as follows:

1. The Township may condition the issuance of any license upon the applicant submitting evidence of adequate liability insurance for the event and, where recommended by the Township Attorney, naming the Township as an additional insured.

SECTION X:

§84-9 entitled, "Hearing" is hereby retitled, "Review of Application; Decision by the Township Committee" and amended to read as follows:

- A. Three (3) applications for a license shall be submitted to the Township Clerk with all accompanying documentation at least ninety (90) days prior to the proposed date for the outdoor event.

B. The application shall be circulated by the Township Clerk to the Police Department and, if applicable, to the DPW Supervisor for review/recommendation. The application shall be scheduled for consideration by the Mayor and Township Committee at the next regularly scheduled meeting of the Township Committee that is at least thirty (30) days subsequent to the receipt of the application.

C The applicant shall submit at least ten (10) days prior to the Township Committee meeting at which the application shall be heard proof that: (1) notice stating the date, time and place of the Committee meeting and a description of the location and the outdoor event proposed to be held has been published in the official newspaper of the Township; (2) notice has been provided to all property owners within 200', in all directions of the location of the event, as shown on a list to be obtained from the Tax Assessor; (3) a good faith effort has been made to notify all business owners and commercial and residential tenants of any property that would be affected by the closure; and (4) posting of notice at the Post Office.

D. The Township Committee shall review the application and the report/ recommendations of the Police Department and the DPW at the public meeting and shall open the application to public comment. The Committee shall either (1) approve the application by motion incorporating any conditions and restrictions determined to be reasonably necessary to ensure compliance with the standards set forth in this Chapter, (2) continue the hearing on the application to the next regular public meeting, in the event additional information is required; or (3) deny the application.

SECTION XI:

§84-10 entitled, "Issuance of License" is hereby retitled, "Violations and Penalties" and amended to read as follows:

Any person that commences or conducts an event without a permit without a license or fails to comply with any requirement or provision of an event license issued pursuant to this Chapter shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued. Each offense shall be punishable by one or more of the following: a fine of not more than \$1,250.00, imprisonment for a period not to exceed ninety (90) days in the county jail or a period of community service not to exceed ninety (90) days.

SECTION XII:

§84-11 entitled, "License Fee" is hereby retitled "Enforcement" amended to read as follows:

A. The Police Department of the Township shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

B. The Police Department of the Township shall have the authority to eject from public property a person(s), partnership, corporation, association, organization and/or any entity acting in violation of this chapter.

C. The Police Department of the Township shall have the authority to seize and confiscate any property, thing, or device in or on public property used in violation of this chapter. Any property seized or confiscated shall be disposed of in the sole discretion of the Police Department, unless retrieved by the owner thereof, within thirty (30) days.

SECTION XIII:

The following Sections of Chapter 84 are hereby repealed in their entirety:

§84-12 – 20.

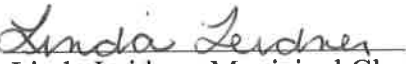
SECTION XIV: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.


SECTION XV. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION XVI. Effective Date. This ordinance shall take effect after the second reading, public hearing, adoption and publication, in accordance with the law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Blairstown in the County of Warren and State of New Jersey, held on June 14, 2017, was further considered for final passage after public hearing thereon at a regular meeting of said Township Council on June 28, 2017, was the subject of a continued public hearing on July 12, 2017, and will be further considered for final passage after public hearing on August 9, 2017.

ATTEST:


Linda Leidner, Municipal Clerk


Herman P. Shoemaker, Mayor

Introduced: June 14, 2017

Motion: Van Valkenburg

Second: Lance

VOTE: AYE: Avery, Dalton, Lance, Van Valkenburg, Shoemaker

Advertised: June 19, 2017

Adopted: August 9, 2017

Motion: Lance

Second: Dalton

VOTE: AYE: Avery, Dalton, Lance, Van Valkenburg, Shoemaker

Advertised: 8/14/2017

This is the Final Copy with amendments.

For Internal Use Only

Municipal Clerk

Licenses and Permits required for this event

Costs

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Comments or concerns with event

Signed off by Municipal Clerk:

Date:

DPW

Description and Time Estimate for DPW workers before and after event

Are additional trash containers needed for this event?

Yes

No

If yes, Number and Size

Is there a need for any DPW worker to be present on day of event?

Yes

No

If yes, how many and estimated number of hours

Comments or concerns with event

Signed off by DPW Foreman:

Date:

POLICE

Are police requested OR are police required at this event?

Yes

No

If yes, number of officers and estimated time

Will there be a need for traffic control?

Yes

No

If yes, number of officers and estimated time

Need for special parking permits?

Yes

No

Comments or concerns with event

Signed off by OIC:

Date:

RECREATION DEPARTMENT

| | | | |
|--|-----------|----------|--|
| Facility requested is available | Yes _____ | No _____ | |
| Certificate of Insurance Provided | Yes _____ | No _____ | |
| Will there be any bounce houses/amusements at event? | Yes _____ | No _____ | |
| If yes, has Township insurance agent verified proper coverage | Yes _____ | No _____ | |
| If Nonprofit 501 c(3) organization supplied proof of non-profit status | Yes _____ | No _____ | |
| | | | |
| Are extra Port-A-John's need for event? | Yes _____ | No _____ | |
| Comments or concerns with event | _____ | | |
| | _____ | | |

Date Application Submitted
Estimated Fees

| | |
|--------------|-----------------|
| Clerk | \$ _____ |
| DPW | \$ _____ |
| Police | \$ _____ |
| Recreation | \$ _____ |
| Total | \$ _____ |

Security Deposit Required
 (50% of Total Usage Fee)

_____ CFO Signature

_____ Date

Committee Action

Approved: _____ Denied: _____ Dated: _____