

**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 include public gatherings of any nature, which are likely to require the expenditure of Township resources in the form of Police and/or Department of Public Works salaries, wages, or other expense. These include, but are not limited to, concerts, festivals, parades, dances, theatrical performances, exhibitions, and outdoor shows, which may involve the closing of a public street, the blocking or restriction of access to public or private property, the sale of merchandise, food, or beverages, the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers, the placement of portable toilets, or the placement of temporary “no parking” signs on a public right-of-way.

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 property, sidewalk, road and/or right of way, whether public or private, 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 Blirstown or any agency thereof;
2. Parties and gatherings on private property that are not open to the general public including, by way of example but not by way of limitation, birthday parties, weddings, graduations, anniversaries, and other such similar events that are limited to the family and friends of the owner of the private property where the event is held;
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.

#### 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 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.
4. In the event an applicant seeks the closure of any portion of any road within the Township, the applicant shall submit with the application a certification that a good faith effort has been made to notify all property owners and commercial and residential tenants of any property that would be affected by the closure of the date and time of the requested closure and description of the event. Notice may be provided via first class mail, hand delivery, and posting of notice at the Post Office and other venues where the general public congregates.

## SECTION VIII:

§84-7 entitled, “Written Authorizations for Inspections by Township” is hereby amended to read as follows:

1. An applicant shall, if requested by the Police Department, permit the inspection of property and facilities proposed to be used in conjunction with any outdoor event application.

## 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:

The Township Committee shall review an application and the report/recommendation of the Police Department at the first regularly scheduled public meeting following the submission of the application and the receipt of the Police Department's recommendation. The Committee shall open the application to public comment and thereafter make the final determination by resolution setting forth any conditions and restrictions determined to be reasonably necessary to ensure compliance with the standards set forth in this Chapter, and any concerns raised during the public hearing.

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 90 days in the county jail or a period of community service not to exceed 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.

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 Blirstown in the County of Warren and State of New Jersey, held on June 14, 2017 and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Council on June 28, 2017.

Dated: \_\_\_\_\_

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Linda Leidner, Clerk