

**ORDINANCE NO. 1181-2023**

**AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY AMENDING PART 2, “GENERAL LEGISLATION” OF THE “CODE OF THE TOWNSHIP OF CLINTON” TO ESTABLISH PERMITTING AND OTHER REQUIREMENTS FOR SPECIAL EVENTS**

**WHEREAS**, from time to time private individuals or organizations in the Township of Clinton (“Township”) host commercial or fundraising events to which the general public is invited, including events such as concerts, races, parades, block parties, etc.; and

**WHEREAS**, such events are currently unregulated; and

**WHEREAS**, such events can impact public roads and adjacent properties; and

**WHEREAS**, the Mayor and Council find that it is in the best interests of the Township’s residents and the general public to establish permitting and other requirements for special events, in order to protect the public health, safety and welfare of the community;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

**Section 1. Township Code amended to add permitting and other requirements for special events.** Part 2, “General Legislation” of the “Code of the Township of Clinton” (“Code” or “Township Code”) is hereby amended by adding thereto a new chapter entitled “Special Events”, which shall read as follows:

**Chapter \_\_\_\_**

**SPECIAL EVENTS**

**§ \_\_\_\_-1. Purpose and Intent.** The purpose and intent of this chapter is to clarify when and where “special events” as defined herein may be held within the Township of Clinton, and to establish a review process to ensure that the public health, safety and welfare will be protected and all necessary permits obtained.

§ \_\_\_\_-2. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

**SPECIAL EVENT**

- (1) Any type commercial or fund-raising event, *e.g.*, concert, race, parade, walkathon, fair, carnival, festival, celebration, balloon festival, bicycle race, running event, show, or other similar special event in or upon any public grounds or private property, park or road of the Township; and/or
- (2) Any event that is likely to involve or require the expenditure of Township resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department, Building Department and/or Emergency Medical Services; and/or
- (3) Any event that involves the closing of a public street; the blocking or restriction of access to public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property or on private property where otherwise prohibited by ordinance; or the placement of temporary “no parking” signs on a public right-of-way.

§ \_\_\_\_-3. **Permit required; exemptions.**

- A. Special Event Permit. No person or organization shall hold any type of special event as defined herein without first obtaining a special event permit from the Township Clerk in accordance with §\_\_-4 below.
- B. Exemptions. The following shall be exempt from the requirements of this chapter:
  - (1) Events or activities conducted by a governmental agency acting within the scope of its functions.
  - (2) Events sponsored by the Township of Clinton.
  - (3) Events sponsored by the Clinton Township School District, the North Hunterdon-Voorhees Regional High School District, the Hunterdon County Vocational School District, and/or any volunteer emergency services company of the Township of Clinton, provided that

- a. The event or activity will take place solely on the entity's own property, and
  - b. The event or activity will not involve the closure or obstruction of any public roads or public property.
- (4) Non-commercial private parties, celebrations, gatherings and other events, provided that
- a. They are conducted by invitation only;
  - b. They are not open to the public;
  - c. They are conducted on privately-owned lands by the owner thereof; and
  - d. They do not involve the anticipated closure or obstruction of any public roads or public property.

**§ \_\_\_\_-4. Application.**

- A. Application form. A person or organization seeking the issuance of a special event permit shall file an application with the Township Clerk on forms provided by the Clerk.
- B. Filing deadline. Any application for a special event permit shall be filed at least 45 days prior to the scheduled date of the event, except that the Township Clerk and Chief of Police, for good cause shown, shall have the discretion to accept an application that is filed less than 45 days prior to the event.
- C. Application fee.
  - (1) The application fee for a special event permit shall be \$100.00. This fee is nonrefundable and shall be used to reimburse the Township for its administrative costs in processing the application.
  - (2) The above fee shall be reduced by 50 percent if
    - a. The event is being sponsored by a verified nonprofit organization as defined by the statutes of the State of New Jersey or Section 501(C)(3) of the Internal Revenue Code; or

- b. The event is a private event for the residents of a specific block or neighborhood, is not open to the general public, and will not involve the closure of more than one public street.
- D. Other charges. In addition to the nonrefundable application fee, permittees shall be responsible for any costs established pursuant to §\_\_-5C below.
- E. Contents. The application for a special event permit at a minimum shall contain the following information:
  - (1) The name, address, telephone number and email address of the person requesting the permit.
  - (2) The name, address, telephone number and email address of the person, persons, corporation, or association sponsoring the activity.
  - (3) The name, address, telephone number and email address of the person or persons overseeing the special event and responsible for the conduct thereof, including a mobile telephone number where that person may be reached during the event.
  - (4) The location of the event for which the permit is sought.
  - (5) A detailed description of the proposed event and a sketch showing the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a “footprint.”
  - (6) The date(s) and hours for which the permit is sought, including any “rain” dates, if applicable.
  - (7) Whether any music or other entertainment will be provided, either live or recorded, whether the music or other entertainment will be amplified, whether it will be conducted indoors or outdoors, the hours during which it will be conducted, and what types of sound attenuation measures will be employed, if any.
  - (8) Whether any food or beverages (alcoholic or non-alcoholic) will be served.
  - (9) Whether any police or emergency services will be required.

- (10) The purpose of the event, the estimated number of persons to participate and otherwise attend, and the plans for parking of all vehicles.
- (11) Complete details as to how the applicant intends to provide for security and traffic control (subject to review and recommendation of the Chief of Police).
- (12) Whether an admission fee will be charged.
- (13) The number and location of any sanitary facilities that will be provided, if applicable.
- (14) The provisions that will be made for trash and recycling.
- (15) The method of notifying participants of the terms and conditions of the special event.
- (16) An acknowledgment that if the permit is issued, the applicant will: a) be bound by all applicable Township ordinances, rules and regulations; and b) be liable for all loss, damage or injury sustained by any person, for whatever reason, which might occur during the special event due to the negligence of those organizers, persons, corporations or associations.
- (17) Such other information as the Chief of Police may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

**§ \_\_\_-5. Issuance procedures and standards.**

- A. Procedure. Upon the filing of a complete application and payment of the application fee, the Township Clerk shall promptly transmit the application to the Chief of Police, who shall review the application for compliance with the standards and criteria below. In conducting this review, the Chief shall also obtain the input of the Zoning Officer, Construction Code Official, Fire Official, Public Works Director, and any other staff member or official as may be necessary or applicable to determine compliance with the requirements of this chapter.
- B. Standards and requirements.
  - (1) When considering whether to approve a special event permit application, the Chief of Police shall take the following into

consideration, based on his or her own judgment and the recommendations of other applicable Township officials:

- a. The proposed event's impact on the public health, public safety and general welfare of the public.
- b. The impact of the proposed event on the public's enjoyment of the Township's amenities, if applicable.
- c. The impact of the proposed special event on the Township's resources and/or services.
- d. Whether or not the proposed event will unreasonably interfere with the public's use of the streets and sidewalks and private properties and can be conducted in a safe manner.
- e. Whether or not the proposed event will conflict with another proposed or scheduled special event, including events sponsored by the Township of Clinton, the Clinton Township Board of Education, and/or emergency volunteer services of the Township of Clinton in such a fashion that the Township's Police Department and/or other departments would have insufficient resources to adequately provide for the public safety of the community.
- f. Whether or not there will be a sufficient number of ambulances, emergency service and fire-fighting equipment and the attendant personnel designated for the special event, and the conduct of the event will require the diversion of such a quantity of ambulances, emergency service, fire-fighting equipment or related personnel as to prevent normal ambulance, emergency, or fire-fighting service for the rest of the Township during the event. The applicant will consult with and comply with any recommendations of the chiefs of all applicable fire companies and emergency service organizations with primary responsibility for serving the portion of the Township in which the event will be taking place.
- g. Whether or not the special event will have an adverse impact on the health, safety or welfare of the neighborhood or the Township.
- h. Whether or not adequate parking will be provided.

- i. Whether or not adequate sanitary facilities will be provided.
- j. The Chief of Police shall not consider the content of the speech, actions or event in reaching her or his decision on whether to grant the permit or to incorporate any conditions, unless the Township Attorney first determines that such conditions meet a strict scrutiny test in conformance with the United States Constitution and the Constitution of the State of New Jersey and there is a compelling public interest in imposing such stipulations.

- (2) Limitation on number of events. Not more than 5 days of special events may be held on a property during a single calendar year.
- (3) Outstanding violations, fines and penalties. A permit shall be denied if there are any outstanding zoning, construction or fire code violations against the property on which the event will be taking place, including unpaid fines or penalties assessed for such violations, or if there are unpaid taxes for the property in question.

C. Conditions.

- (1) Any permit issued under this chapter may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in the date, time, duration or number of participants as requested by the applicant. Additional conditions may include, but not be limited to:
  - a. Conditions for the applicant's provision of refuse collection receptacles and portable restrooms for attendees.
  - b. If the special event will be taking place in a residential area, requirements for providing notice to adjacent residents of the special event.
  - c. Sound attenuation measures if the event will include amplified music.
- (2) For the purposes of public safety and welfare, the Chief of Police may order the temporary closing of streets and/or the temporary prohibition of parking along same during the event, and shall direct the posting of proper warning signs in connection with said event, as provided by law.

- (3) Additionally, if the Chief of Police indicates that additional police officers shall be made available for the purpose of preserving the public health, safety and welfare during the course of the event, the permittee shall deposit in advance of the holding of the event a sum of money to be determined by the chief to pay in full for all police services which the chief deems necessary in connection with the event, which shall be based on the extra-duty rate then in effect. After the conclusion of the event, if additional costs are incurred for the purpose of providing police protection, the holder of the permit shall be required to pay to the municipality the additional funds within fourteen days of notification by the municipality as to the exact figure due. In the event that the sum of money so deposited in advance exceeds the funds needed to pay for actual police protection, the municipality shall refund any excess deposit within fourteen days after the holding of the event.
- D. Post-event cleanup. Any special event permit granted pursuant to this chapter shall contain a guarantee from the applicant that the areas used for the special event shall be cleaned up as soon after the conclusion of the special event as is reasonably possible. This cleanup shall include, but not be limited to, such items as refreshments, signage and any litter or debris generated from the special event.
- E. Compliance; liability. The permittee shall be bound by all applicable Township ordinances, rules, and regulations; shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued; and shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment.
- F. Insurance and indemnification. The permittee shall agree, in writing, to indemnify and hold harmless the Township, its servants, agents and employees, for any and all claims caused by or arising out of the activity covered in the permit. Further, the holder of the permit shall present to the Chief of Police an insurance policy in a form acceptable to the Chief which will provide for indemnification as aforementioned.
- G. Other permits or outside approvals. The issuance of a permit pursuant to this chapter shall not excuse the applicant from securing all other approvals or permits that may be required from any other governmental agency having jurisdiction over the event, including, but not limited to, the Township Construction Official, Township Fire Official, Hunterdon County Board of Health, New Jersey Division of Alcoholic Beverage Control, and New Jersey Department of Environmental Protection.



**§ \_\_\_\_-6. Approval or denial; notice; right to appeal.**

- A. The Township shall approve or deny the application for a special events permit no later than 14 days after the filing thereof and shall, within such time, notify the applicant of its action and, in the event of a denial of the permit, the reasons for the denial.
- B. Any applicant aggrieved by the denial of a special events permit shall have the right to appeal the denial to the Township Mayor and Council. Such appeal shall be submitted in writing within three days after notice of denial. The Mayor and Council shall act upon the appeal as soon as practicable after receiving notice of the appeal. Alternatively, the applicant may seek redress in a court of competent jurisdiction and the failure to appeal to the Mayor and Council shall in no way affect the ability to seek redress in court.

**§ \_\_\_\_-7. Revocation of permit.**

The Chief of Police shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

**§ \_\_\_\_-8. Violations, Penalties.**

Any person or organization found to be in violation of the requirements of this chapter shall, in addition to revocation of any permit issued, be subject to the penalties set forth in §1-17 of this Code.

**§ \_\_\_\_-9. Enforcement.**

- A. The Chief of Police and other authorized personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapters.
- B. The Chief of Police and other authorized personnel shall have the authority to eject from the special event area any person or person acting in violation of this chapter.
- C. The Chief of Police and any other authorized personnel shall have the authority to seize and confiscate any property, thing, or device used in violation of this chapter.

**Section 2. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

**Section 3. Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

**Section 4. Effective Date.** In accordance with N.J.S.A. 40:69A-181, this ordinance shall take effect 20 days after final passage.

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Carla Conner, RMC, Township Clerk

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Brian Mullay, Mayor

Introduced: March 22, 2023

Public Hearing: April 26, 2023

Adopted: