

AN ORDINANCE TO AMEND CHAPTER 159 OF THE CODE OF THE CITY OF CLIFTON, ENTITLED "BAZAARS, CARNIVALS, CIRCUSES, STREET FAIRS AND FESTIVALS"

BE IT ORDAINED, by the Municipal Council of the City of Clifton, that:

1. Chapter 159 of the Code of the City of Clifton, entitled "Bazaars, Carnivals, Circuses and Festivals," is hereby amended as follows:

§ 159-1. Definitions.

BAZAAR

A fair or function conducted for the sale of goods or merchandise excluding amusements of all kinds, including amusement stands, rides or amusement devices, or games of chance or skill as part of or incidental to the conduct or operation of any such bazaar.

CARNIVAL

A transient outdoor amusement show conducted as a place of amusement or recreation which includes games of chance or skill; or wherein goods or prizes are given or awarded to persons paying consideration for a chance or opportunity to win or secure the same; or where concession stands, amusement stands, rides are operated, conducted or maintained.

CIRCUS

A traveling company of acrobats, clowns, and other entertainers which gives performances exhibiting for amusement or recreation of the general public feats of physical skill.

STREET FAIR

An event that occurs on a City street that includes a sidewalk, street sale, or other similar outdoor function which celebrates the character of a neighborhood and is comprised of booths used to sell goods, food, or convey information. Street fairs can include carnival rides, live music and dance demonstrations.

FESTIVAL

An event celebrated by a community and centering on some characteristic aspect or aspects of that community marked by special observances, including programs of cultural and religious events or entertainment. Festivals can include live music and dance demonstrations.

§ 159-2. Limitations and Prohibitions.

- A. No person as owner, lessee, manager, sponsor, officer or agent shall establish, operate or conduct any bazaar, carnival, circus, street fair or festival within the boundaries of the City without first obtaining the approval of the governing body and a permit which shall be issued by the City Clerk.
- B. A bazaar, carnival, circus or festival may not be conducted by any person or entity that is not a house of worship, religious society, charitable organization or veterans organization of the City and the proceeds of the event must be for the financial benefit of the charitable or religious organization holding the event.

- C. A street fair may be conducted or operated by any merchant, merchants' association or neighborhood association of the City, or any house of worship, religious society, charitable organization or veterans organization of the City.
- D. Alcohol shall be prohibited unless a Special Permit is issued for the event in accordance with applicable State and local ABC regulations.
- E. The sale or transfer of tobacco products, cigarettes, e-cigarettes, vaping products or cannabis shall be prohibited.
- F. Entertainment that contains nudity or partial nudity that can be considered lewd or obscene shall be prohibited.
- G. Political signs shall be prohibited on public property in accordance with Chapter 185 of the Code of the City of Clifton.
- H. Solicitation of political contributions on any public property shall be prohibited in accordance with Chapter 251 of the Code of the City of Clifton.
- I. Any applicant, or any affiliate, shall be limited to four such special event permits per calendar year.
- J. No event shall be conducted for more than five consecutive days.
- K. The number of booths for the sale of goods or merchandise at a Bazaar shall be established by the Municipal Council taking into account the size of the location where the event is to be held, the number of people expected to attend the event and the effect on the health, safety and welfare of the public. Bazaars shall not be permitted to have rides.
- L. The maximum number of amusement rides at a Carnival shall be determined in accordance with N.J.A.C. 5:14A-9.18(g) which requires that the clearance envelopes for the operation of amusement rides shall be maintained as per the manufacturer's specifications at all times. The maximum number of games of chance or skill, or winner every time games and the maximum number of concession stands or booths at Carnivals shall be established by the Municipal Council taking into account the size of the location where the event is to be held, the number of people expected to attend the event and the affect on the health, safety and welfare of the public.
- M. Circuses shall not be permitted to have rides or acts with live animals.
- N. The maximum number of amusement rides at a Street Fairs shall be determined in accordance with N.J.A.C. 5:14A-9.18(g) which requires that the clearance envelopes for the operation of amusement rides shall be maintained as per the manufacturer's specifications at all times. The maximum number of _of concession stands or booths at a Street Fair shall be established by the Municipal Council taking into account the size of the location where the event is to be held, the number of people expected to attend the event and the affect on the health, safety and welfare of the public.
- O. Festivals shall not be permitted to have amusement rides, games of chance or skill, or win each time games. The maximum number of concession stands or booths at Festivals shall be established by the Municipal Council taking into account the size of the location where the event is to be held, the number of people expected to attend the event and the affect on the health, safety and welfare of the public.

§ 159-3. Application for permit.

- A. Any person, owner, lessee, manager, sponsor, officer or agent desiring a permit under this chapter shall file with the City Clerk an application, under oath, in writing on a

form furnished by the City Clerk at least 60 days prior to the planned event to permit adequate time for administration to process the application and for the governing body to consider the application.

B. The application shall set forth the following information:

(1) The type of event the applicant is seeking to conduct.

(2) A specific description of the nature of the proposed event.

(3) The applicant's name, address, telephone number, Social Security Number or Tax Identification Number.

(4) The name and address of the chairperson or individual who is primarily responsible for running the event.

(5) If the applicant is an individual, the applicant's residence address.

(6) If the applicant is a partnership, the full names and residence addresses of each partner.

(7) If the applicant is a corporation or other entity, the full names and residence addresses of each major officer and each stockholder, the name and address of the registered agent and the address of the principal office of the corporation. The term "stockholder" as used herein means and includes any person owning or having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of the applicant corporation. In the case of other entities, the full names, residence addresses of each member or each person having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of the entity, the name and address of the registered agent, if any, and the address of the principal office.

(8) Whether the applicant or any partners, officers or stockholders thereof have ever been arrested or convicted of a crime, and, if so, the name of the person arrested or convicted, the date of the arrest, the crime or charge involved and the disposition thereof.

(9) The location of the proposed event.

(10) The date(s) and time(s) of the proposed event.

(11) A diagram setting forth the size of the location, a proposed layout of the facilities, stands, booths, and rides to be conducted at the proposed event. For those events that are permitted to have amusement rides, the applicant shall also provide a diagram from the company or vendor that will be providing the amusement rides setting forth the location of each amusement ride and a certification that safety clearance envelopes for each ride are in accordance with the manufacturer's specifications and will be so maintained at all times during the operation of the amusement rides as set forth in N.J.A.C. 5:14A-9.18(g).

(12) The approximate number of people expected to attend the event per day.

(13) The number of games of chance or skill that the applicant is seeking to offer at the event.

- (14) The number of amusement devices or rides that the applicant is seeking to offer at the event.
- (15) The number of booths that the applicant is seeking to offer at the event.
- (16) Any arrangements made by the applicant for off-street parking that the applicant anticipates using in connection with the event.
- (17) Whether the applicant is requesting any restrictions on the use of public streets or public parking during the event, and, if so, a detailed description of the restrictions being sought.
- (18) Security measures that the applicant will employ during the event.
- (19) Whether the applicant has received any other special events permits from the City in the 12 month period immediately preceding the date of the application. If so, set forth the date and description of each event.
- (20) Any additional information which the City Manager or governing body shall find reasonably necessary with regard to the health, safety and welfare of the participants involved in the event or the members of the public attending the event to make a determination as to whether a permit should be issued.

- C. Before any application is presented to the governing body for consideration, the City Clerk shall furnish copies of the application to the Police Department, Fire Department, Health Department and Building Department for their review and investigation. Upon the conclusion of the review and investigation, each Department shall issue a report containing their recommendation concerning the proposed event and any other additional considerations the governing body should consider in determining whether a permit should be issued. The reports containing the results of the investigations of the Police Department, Fire Department, Health Department and Building Department shall be furnished by the City Clerk at the time the application is presented to the governing body for consideration.
- D. Security shall be required at all special events. The applicant shall be required to employ the services of unarmed private security guards and off-duty police officers to provide security and maintain order at the event. The number of off-duty police officers shall be determined in the sole discretion of the Chief of Police. The applicant shall be obligated to arrange to have present at the event the requisite number of off-duty police officers the Chief of Police determines is necessary to provide security and maintain order at the event.
- E. All tents, rides, exhibits, food concessions and/or amusements to be operated at the event must successfully pass all requisite health, safety and fire inspections which shall be conducted by the City of Clifton at least 48 hours prior to the opening of the event.

§ 159-4. Standards for issuance.

- A. The governing body shall approve the issuance of a permit as provided hereunder, from a consideration of the application, reports furnished by the various departments within the City and from such other information that it may otherwise obtain if it finds that:
 - (1) The conduct of the special event will not require the diversion of so great a number of police officers of the City so as to prevent normal police protection to the City.

- (2) The concentration of persons, rides or amusement devices, and vehicles at the event will not unduly interfere with proper fire and police protection of, or ambulance service to areas contiguous to the location of the event.
- (3) The conduct of the event will not interfere with the movement of fire-fighting equipment or other emergency vehicles in route to an emergency.
- (4) The event is not to be held solely for the purpose of advertising any product or goods and is not designated to be held purely for profit.
- (5) The effect of the conducting of the proposed event will not be contrary to the health, safety, and welfare of the public.

§ 159-5. Bonding and insurance requirements.

- A. No bond or insurance shall be required by any applicant where the event to be held is wholly on private property.
- B. For events that are to be held either partially or wholly on public property, upon the approval of the permit by the governing body, the applicant shall post a security deposit with the City Clerk, at least five days prior to the opening of the event, a certified check in the amount of \$2,500 or a surety bond from a licensed surety company licensed to conduct business in the State of New Jersey in an amount of \$2,500. For events that anticipate more than 5,000 people in attendance over the duration of the event, a certified check in the amount of \$5,000 or a surety bond from a licensed surety company licensed to conduct business in the State of New Jersey in an amount of \$5,000 shall be required. The certified check or bond shall be used for the purpose of protecting and preserving the property of the City of Clifton and shall be conditioned upon the applicant repairing or replacing any and all damage caused to City property or equipment from the conducting of the event and cleanup costs relating to the event. Should the applicant fail to timely repair or replace any damage to City property or equipment or fail to properly cleanup the facility at the conclusion of the event, the City shall be permitted to deduct the costs to repair or replace the damage to City property or equipment and/or the cost of cleanup from the bond.
- C. For events that are to be held either partially or wholly on public property, upon the approval of the permit by the governing body, the applicant shall file with the City Clerk, at least five days prior to the opening of the event, a certificate of liability insurance from an insurance company licensed to conduct business in the State of New Jersey naming the City of Clifton as an additional insured. The policy shall be in an amount of not less than \$250,000 (two hundred fifty thousand dollars) per person and \$500,000 (five hundred thousand dollars) per occurrence and shall be in effect for the period covering the duration of the event. The City of Clifton shall be named as an additional insured. In addition, the applicant shall execute a Hold Harmless Agreement with the City of Clifton agreeing to indemnify and save harmless the City of Clifton, its officers, agents, servants and employees against any and all liability, claims, judgments, demands or expenses whatsoever in the connection with the loss of life, personal injury and/or damage to property arising out of or resulting in whole or part from any activity associated with the event.
- D. For events that are to be held either partially or wholly on public property that will include amusement rides, upon the approval of the

permit by the governing body, the applicant shall file with the City Clerk, at least five days prior to the opening of the event, a certificate of liability insurance from an insurance company licensed to conduct business in the State of New Jersey naming the City of Clifton as an additional insured from each vendor or company furnishing the amusement rides that are to be utilized at the event. The policy shall be in an amount of not less than \$1,000,000 (one million dollars) per person and \$2,000,000 (two million dollars) per occurrence and shall be in effect for the period covering the duration of the event. The City of Clifton shall be named as an additional insured. In addition, each vendor or company furnishing the amusement rides that are to be utilized at the event shall execute a Hold Harmless Agreement with the City of Clifton agreeing to indemnify and save harmless the City of Clifton, its officers, agents, servants and employees against any and all liability, claims, judgments, demands or expenses whatsoever in the connection with the loss of life, personal injury and/or damage to property arising out of or resulting in whole or part from any activity associated with the operation of the amusement rides at the event.

§ 159-6. Violations and penalties.

- A. Any person, partnership, firm corporation or entity violating any provisions of this Chapter shall, upon conviction, be punished by one or more of the following:
- (1) A fine not exceeding \$2,000.
 - (2) Confinement in the municipal jail or in the county jail for a period not extending 90 days.
 - (3) a period of community service not exceeding 90 days.
- B. Each violation of any of the provisions of this Chapter, and each day same is violated, shall be deemed and taken to be a separate and distinct offense.
- C. The minimum penalty or fine for a violation of any provision of this Chapter shall be \$100.

2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

3. This ordinance shall take effect after final passage and publication as required by law.

Adopted: 5-21-24

Ray Grabowski

Raymond Grabowski, Mayor

ATTEST:


Nancy Ferrigno, City Clerk

CERTIFIED TO BE A TRUE COPY


Nancy Ferrigno, City Clerk