

**BOROUGH OF HALEDON
ORDINANCE NO. 4-13-2023B**

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH
OF HALEDON, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO AMEND CHAPTER 131 (CARNIVALS AND SHOWS)
OF THE CODE OF THE BOROUGH OF HALEDON**

WHEREAS, under N.J.S.A. 40:48-1, a municipal may enact ordinances to preserve peace and good order, regulate places where people assemble and any public amusement equipment and under N.J.S.A. 40:48-2 to make any sure necessary and proper ordinances for the benefit of the populace of the community,

WHEREAS, it is necessary to update and amend the Municipal Code to allow for the presence of various types of carnivals and shows within the Borough as same are currently disallowed; and

WHEREAS, the Municipal Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Borough of Haledon, that Chapter 131, Carnival and Shows, of the Code of the Borough of Haledon, is hereby deleted in its entirety and replaced as follows:

§131-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BAZAAR

Includes a fair or function conducted for the sale of fancy or specialty wares, handicrafts, toys, food or food products and other miscellaneous goods and merchandise or other things contributed for some charitable object; provided, however, that said term "bazaar" as defined herein shall be deemed expressly to exclude making or permitting to be made available for public use or participation, either gratuitously or for a fee or admission charge, amusements of all kinds, including concession and amusement stands, rides or amusement devices, or games of chance or skill, or partly of chance and partly of skill, as a part of or incidental to the conduct or operation of any such bazaar.

CARNIVAL, EXHIBITION or TRAVELING SHOW

Includes a transient outdoor show or exhibition conducted in a temporary structure, composed wholly or partly of canvas or similar material, as a place of amusement or recreation or for any other similar public assemblage in which is conducted, operated or permitted games of chance, skill or partly chance or skill; or wherein goods are given or awarded to persons paying a consideration for a chance or opportunity to win or secure the same as a prize or award; or where concession stands or amusement stands are operated, conducted or maintained.

CIRCUS

Includes a transient outdoor show or exhibition conducted in a temporary structure, composed wholly or partly of canvas or similar material, in which are displayed or exhibited for the amusement or recreation of the general public feats of horsemanship, tumbling, acrobatics and feats of human skill and daring, together with feats of highly trained or unusually skilled animals, either alone or in concert with their tamers, trainers or keepers, and the performances of those persons garbed or dressed and made up in the costumes and makeup commonly or generally associated with circus clowns.

FESTIVAL

Includes a sidewalk, street sale or other outdoor function conducted for the sale of food or food products and other miscellaneous goods, wares and merchandise.

§131-2 Certain performances and events prohibited; exceptions; permit requirements.

A.

No person as owner, lessee, manager, sponsor, officer or agent shall establish, operate or conduct or suffer or permit the establishment, operation or conduct of any carnival, festival, exhibition, traveling or other show, or have a street parade in connection therewith, within the boundaries of the Borough.

B.

A bazaar, carnival or circus, however, may be conducted or operated by any church, church society, benevolent association, charitable or veterans organization which must be either located within the Borough or otherwise associated therewith, provided that such bazaar, carnival or circus is conducted solely for the applicant's financial benefit and welfare, and provided further that a permit has first been applied for, its issuance consented to and approved by the Borough Council and such permit obtained from the Borough Clerk as hereinafter provided in this section. The permit to be granted for a bazaar, carnival or circus under this section may include permission to operate or conduct a specifically allowed number of games of chance or skill, amusement devices or rides and merchandise booths, upon a finding by the Borough Council that such inclusions will not adversely affect the health, safety and welfare of the public.

(1)

All applications for a permit under this section shall be made and delivered to the Borough Clerk in triplicate on forms to be supplied for that purpose.

(2)

The application for the permit shall contain the following:

(a)

The name and address of the applicant.

(b)

The location of the proposed bazaar, carnival or circus, including the size of such location and a proposed layout of the facilities, stands and rides and the like, to be conducted as a part of such bazaar, carnival or circus.

(c)

The days and hours upon and during which the bazaar, carnival or circus is proposed to be conducted.

(3)

Before any application is presented to the Borough Council for consideration, the Borough Clerk shall append thereto the results of investigations conducted by the Police Department, Board of Health and Building Department with reference to the effect of the conducting of the proposed bazaar, carnival or circus upon the health, safety and welfare of the public.

(4)

The permit which may be granted hereunder shall not exceed one such permit to any organization or affiliate in any one calendar year. The bazaar, carnival or circus authorized under any such permit shall not be conducted for more than five consecutive days.

(5)

No more than two bazaars, carnivals or circuses that conduct, as a part thereof, games of chance or skill shall be authorized hereunder on any Sunday.

(6)

All tents, rides, exhibits, food concessions and/or other amusements operated at the bazaar, circus or carnival must successfully pass all requisite health, safety and fire inspections, which inspections shall be conducted by the Borough at least 48 hours prior to the opening of the bazaar, carnival or circus in question.

(7)

The applicant shall file with the Borough Clerk a surety bond from a surety company licensed to conduct business in the State of New Jersey and approved as to form and surety by the Borough Council of the Borough of Haledon, in an amount equal to \$1,000 multiplied by every 100 persons or part thereof estimated to be in attendance daily at the program or activity for which the permit is sought. The bond shall be for the purpose of protecting and preserving the property of the Borough of Haledon and shall be conditioned upon the applicant repairing or replacing any and all damage caused to Borough property or equipment from the conducting of such program or activity.

(8)

The applicant shall also file with the Borough Clerk an additional surety bond from a surety company licensed to conduct business in the State of New Jersey and approved as to form and surety by the Borough Council of the Borough of Haledon, in the amount of \$2,500. The bond shall be posted to ensure that the costs of police protection and cleanup relating to the events are covered.

(9)

In lieu of the surety bonds mentioned in Subsection **B(7)** and **(8)** above, the applicant may place \$2,500 in escrow with the Borough of Haledon in the form of a bank or certified check.

A festival, sidewalk sale or street sale, however, may be conducted or operated by any merchant, merchants' association or neighborhood association of the Borough, provided that a permit has been applied for, its issuance consented to and approved by the Borough Council and such permit obtained from the Borough Clerk as hereinafter provided in this section.

(1)

All applications for a permit under this section shall be made and delivered to the Borough Clerk in triplicate on forms to be supplied for the purpose.

(2)

The application for the permit shall contain the following:

(a)

The name and address of the applicant.

(b)

The location of the proposed festival, sidewalk sale or street sale.

(c)

The days and hours upon and during which the festival, sidewalk sale or street sale is proposed to be conducted.

(3)

Before any application is presented to the Borough Council for consideration, the Borough Clerk shall append thereto the results of investigations conducted by the Police Department, Fire Department, Board of Health and Building Department with reference to the effect of the conducting of the proposed festival, sidewalk sale or street sale upon the health, safety and welfare of the public.

§131-3 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:


1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Borough of Haledon shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

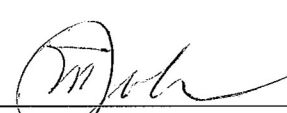
INTRODUCED 4-13-23

PASSED 5-11-23

ATTEST:

APPROVE:


Municipal Clerk


Mayor