

TOWNSHIP OF NEPTUNE

ORDINANCE NO. 24 -08

AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE TO AMEND AND SUPPLEMENT CHAPTER 4 BUSINESS AND LICENSING REGULATIONS BY ADDING SECTION 35 "SPECIAL EVENTS"

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows:

SECTION 1.

§4-35 Special Events

§4-35.1 Definitions

Carnival or Festival shall mean a planned public or social occasion held on a premises not typically used for stated purposes or a one-time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing body.

Parade or Run shall mean a public procession, especially one celebrating a special day or event that may include marching bands and floats. Any event that traverses the municipality.

Public Building shall mean any building or structure owned and maintained by the Township of Neptune.

Public Property shall mean any land, park or parcel that is owned and maintained by the Township of Neptune.

Public Sidewalk shall mean that portion of the public street between the curb lines or lateral lines of the roadway and the adjacent property lines intended for use by pedestrians. Sidewalks shall include boardwalks, and bridges where intended for pedestrian traffic.

Public Street shall mean any public right-of-way, including public street, public highway, public road, public alley, public bridge, public easement or other public way owned or controlled by Neptune Township. The aforesaid includes boardwalks subject to a right-of-way or easement.

Reimbursements shall mean all costs associated with municipal services or use of municipal property.

Special Event shall mean any preplanned occasion to occur in a location, manner or size that is not typically used for the stated purpose, which is:

- a. Located wholly or partially on property owned or maintained by the Township, and is a joint event with the Township; or
- b. Permissibly located on any other property and requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the Township routinely provides; or
- c. Any parade or other event, such as a concert, race, walkathon, bicycle race, fair, carnival, celebration, sporting event, flea market, plunge, bonfire, show, service or wedding, or any other type of large event generating a parking or traffic situation that may interfere with the movement of normal traffic and/or emergency vehicle, taking place in or upon any public street, park, beach or other public place, or private property in the Township of Neptune.

The following shall be illustrative of, but not limited to, the type of event requiring a permit: the closing of a public street, the sale of merchandise, food or beverage on public property utilized in a joint sponsorship with the Township, or on private property where otherwise prohibited by law, the installation of a stage, bandshell, trailer, van, portable building, tent, grandstand or bleachers on public property if a joint event with the Township exists, or private property or on a public street or sidewalk.

Special Events Committee shall mean a committee assembled pursuant to and in accordance with §4-35.9 of this Chapter for the review, processing and preliminary approval of Special Event Applications.

§4-35.2 Intent

The intent of this Section is to enable the Township of Neptune and its governing body to have control over the type and scope of special events as defined herein, to be held within the confines of the Township, while ensuring the protection of the interest of those in the community upon which such special events shall impact.

§4-35.3 Permit Required

It shall be unlawful for any person, business or entity to engage in any operation in the Township as defined in this Section without first obtaining a permit thereof in compliance with the provision of this Section and adhering to the regulations set forth in this Section. A Permit is not necessary for Special Events sponsored by the Township, but a Permit is still required for co-sponsored events with the Township, with the Application completed by the private sponsor.

§4-35.4 Application for Permit

All applicants must complete an Application form as prescribed by the Township Clerk, which may request the following information:

- a. Applicant's and/or Co-applicant's information to include, but not be limited to: Name, address, email and phone number.
- b. Event information to include, but not be limited to: Location, date, time, nature of event and anticipated number of attendees.
- c. Safety information to include, but not be limited to: Incident action plan, weather condition plan, fire safety precautions, law enforcement or security measures, emergency medical services and emergency vehicle access plans.
- d. Health information to include, but not be limited to: Potable water access, bathroom access and review of Application.
- e. Satisfy all conditions under §4-35.10 prior to final approval.

§4-35.5 Fees and Reimbursements

All applicants for Special Event Permits shall be required to pay a non-refundable Application Fee as well as all other fees that are determined to be necessary by this Ordinance; depending upon the nature and extent of the proposed activity, along with the Application to the Township Clerk. The Application Fee shall be due at the time that an Application is submitted. Other fees or reimbursements that may be required include, but are not necessarily limited to: costs associated with provisions of police and/or fire supervision; emergency services; staffing; use of municipal owned property and/or use of municipal owned vehicles or equipment and the creation and/or use of temporary parking areas. Applicants shall be provided with an estimate of the required fees by the Township Administrator or their designee after the Special Events Committee has reviewed the contents of the Application, pursuant to this Section. Final confirmation of the total fee shall be made by the Special Events Committee with recommendations to the Township Committee as part of a final approval by Resolution. The Special Events Committee may require in its discretion that the estimated cost be paid by the Applicant in advance as a deposit pending final cost determination. All required costs and reimbursements determined by the Special Events Committee prior to the event shall be due and payable at least ten (10) days prior to the event. In addition to the fees and reimbursements payable prior to each event, the Applicant shall be required to pay for any and all additional or anticipated expenses which are occasion, oriented or became necessary during or after the event, as a direct result of the event.

As for Application Fees; Maintenance Personnel and Equipment Fees and Reimbursements Street Blocking Fees; Off-duty Police Officer Fees; EMT/Fire Fees; Utility Fees and Returned Check Fees, there is hereby established and incorporated in this Section by way of reference a table of Fees and

Reimbursements established by Resolution at the time of adoption of this Ordinance and amended by Resolutions each year during the Reorganization Meeting or thereafter.

It shall also be understood that all fees involving Fire Districts shall also be subject to approval by said Fire District.

Co-sponsored events shall not be subject to non-refundable application fee or reimbursement costs.

§4-35.6 Use of Public Building or Public Land

Use or rental of Public Buildings or Public Land to individuals, organizations or companies not associated with the Neptune Township Municipal Government or Co-sponsored with the Township is prohibited for events, activities or meetings that are outside of the intended purpose.

§4-35.7 Revocation of Permit

The Permit may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuance of or contained in the Permit are not complied with or if any condition previously met ceases to be complied with.

§4-35.8 Penalty

Any person, firm, corporation, or entity violating or failing to comply with any of the provision of this Section shall, upon conviction, be liable to a penalty of \$500.00 for the first offense, \$1,000.00 for a second offense, with suspension for obtaining any Special Event License for five years and for a third or subsequent offense, a fine of \$2,000.00 and/or ninety days in jail and/or ninety days of community service or any combination thereof and loss of ability to obtain any Special Event Permit in the future.

§4-35.9 Special Events Committee and Township Committee

A Special Events Committee is hereby created to review and assist in processing and preliminary approval of Applications in accordance with this Section; subject to final approval by the Township Committee. The Special Event Committee may require the Applicant to supplement its Application with any pertinent documentation that may be of assistance to the Special Events Committee and to the Township Committee in their review of the Application. The Special Events Committee shall consist of the Administrator, Municipal Clerk, the Mayor or Mayor's Designee, the Police Chief, Fire Official, Emergency Management Coordinator, EMS Manager, CFO, Public Works Director and Mercantile Officer and any other relevant Municipal Officials deemed necessary. The Township Committee may in lieu of any of the aforesaid officials designate an alternative in its discretion.

.All completed Applications must be submitted to the Municipal Clerk or their designee at least sixty (60) days prior to the event, or within a reasonable amount of time for review by the Special Events Committee and Township Committee. There will be a late fee of \$20.00 per day for Applications submitted less than sixty (60) days prior to event. Events permitted in parks are subject to review and approval and regulations for Park Use under Chapter 23 of the Municipal Code of the Township Ordinances and also reviewed by the Director of Recreation. The Township reserves the right to reject any Application if a prior year's fees have not been paid in full, or if the Applicant is delinquent in payment of any municipal taxes, fines, or other fees, or fails to satisfy any condition or standard in this Chapter.

Following receipt of a written report from the Special Events Committee indicating the appropriate fee and reimbursements to be charged, the Township Committee shall make the final determination as to whether to issue a Special Events Permit by Resolution, by affirmative vote by a majority of the Township Committee. Issuance of a permit may be subject to such conditions and restrictions as may be determined necessary by the Township Committee and the Special Events Committee. The Applicant shall be required to abide by all conditions and restrictions imposed by the Township Committee.

The Special Events Committee will determine whether any application represents a genuine Co-sponsored or joint event with the Township, with final approval made by Resolution of the Township Committee. All Co-sponsored or joint events must identify a Township Representative or Committee and said Representative or Committee must participate in the coordination and organization of the event, as if it were solely a Township event.

§4-35.10 Conditions for Approval of Permit

- a. Execution of a Hold Harmless Agreement and indemnification prepared by the Township with regard to the Township and in favor of the Township.
- b. Proof of Liability Insurance naming the Township as an “Additional Insured” in an amount to be determined by the Special Events Committee after review of the Application.
- c. A plan for potable water meeting all Federal and State requirements for purity sufficient to provide drinking water for the maximum number of people assembled at a rate of one gallon per person, per day.
- d. A plan to include toilets for meeting all State and Local Specifications, conveniently located for the Special Event in anticipation of a duration of 8 or less hours, with the anticipated attendance of each person participating in the Event during 8 or less hours with two toilets for every 125 persons in attendance. In the event the duration of the Special Event is anticipated to be more than 8 hours, then four toilets for every 125 people in attendance.
- e. A plan for sanitary method of disposing of solid waste in compliance with local laws.
- f. A plan for basic life support “BLS” (Ambulance and two EMT’s) and advance Life Support “ALS” availability.
- g. A plan for illumination of sufficient light for the entire Special Event area, if Special Event continues after hours of darkness.
- h. A plan for parking in the area of the Special Event site sufficient to provide parking for the maximum number of people to be assembled.
- i. A plan for security sufficient for the number of anticipated participants in the Special Event.
- j. A Fire Protection Plan approved by a local Fire District.
- k. Inclement Weather Plan.
- l. Reasonable precautions to ensure that the sound volume of the Special Event does not violate Local, State or Federal Law.
- m. No use of existing Township Concession Stands or permanent bathrooms or facilities, if any, without the consent of the Special Events Committee and a submitted, accepted plan for cleaning and maintenance of said facilities.
- n. All of the aforesaid conditions may be modified or eliminated by the Special Events Committee.

§4-35.11 Permit is Not Transferrable

A permit is not transferrable in any manner whatsoever.

§4-35.12 Enforcement

This Section shall be enforced in the Municipal Court upon a Complaint signed by the Police, Code Enforcement, the Zoning Officer and/or Officer of the Township, or by a citizen.

SECTION 2.

The remainder of all other Sections and Subsections of the aforementioned Ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3.

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4.

If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5.

This Ordinance shall take effect upon its passage and publication according to law.

Motion/ Second	Roll Call To Adopt On First Reading					Adopted on First Reading Dated: February 12, 2024
		YAY	NAY	ABSTAIN	ABSENT	
Motion	Keith Cafferty	X				<hr/> Gabriella Siboni, RMC Township Clerk
Second	Robert Lane, Jr	X				
	Kevin McMillan	X				
	Derel Stroud			X		
	Tassie D. York	X				

Motion/ Second	Roll Call To Adopt On Second and Final Reading					Adopted on Second Reading Dated: February 26, 2024
		YAY	NAY	ABSTAIN	ABSENT	
Motion	Keith Cafferty	X				<hr/> Gabriella Siboni, RMC Township Clerk
Second	Robert Lane, Jr	X				
	Kevin McMillan	X				
	Derel Stroud	X				
	Tassie D. York	X				

Gabriella Siboni
Township Clerk

Tassie D. York
Mayor