

**ORDINANCE NO. 3586**

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 325, SPECIAL EVENTS BY AMENDING THE ENTIRE CHAPTER**

**SUMMARY**

An ordinance amending the Code Chapter 325 – Special Events in its entirety that provides for the licensing of special events. Additions to the ordinance include requirements for the payment of tax and water payments, fines, fees and zoning requirements; notice requirements; hours; closing of premises; sleeping. Changes have made been to notice requirements; application requirements; investigation and revocation or suspension of license.

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Code of the Township of Franklin be and it is hereby amended as follows:

**SECTION I**

**Chapter 325, Special Events**, is hereby amended in its entirety as follows:

**Chapter 325  
SPECIAL EVENTS**

**325-1 License Required; Exception.**

- A. No person or persons or parties whatsoever shall permit any outdoor shows, concerts, circuses, carnivals, festivals, dances, theatrical performances, exhibitions and public gatherings out of doors within the Township of Franklin without having first obtained a license from the Township of Franklin in the manner and upon the conditions hereinafter set forth.
- B. The following shall be exempt from Obtaining an outdoor special event permit:
  - 1. Governmental Units.
  - 2. Bona fide scholastic and interscholastic contest and officially sponsored affairs.

**325-2 Definitions.**

As used in this Chapter, the following term shall have the meaning indicated:

**SPECIAL EVENT** – Includes any kind of outdoor shows, concerts, circuses, carnivals, festivals, dances, theatrical performances, exhibitions and public gatherings out of doors within the Township of Franklin.

**325-3 Payment of Taxes, Water Payments, Fines, Fees due; Zoning Requirements met.**

- A. Any person applying for a special event permit shall show that all taxes and water payments due to date have been paid and all outstanding financial obligations have been met, including but not limited to fines and fees due the Township.
- B. Any person applying for a special event permit shall show that all zoning requirements have been met for the premises on which said special event is to be held and for the property to be used as associated parking facilities.

**325-4 Notices Required.**

- A. Notice to abutting owners.

The Applicant shall send special notice by certified mail to all owners of abutting property within 200 feet of the site of the special event and the parking area of the time and place of said special event ten (10) days prior to scheduled Township Council Meeting where special event permit application is to be approved. The applicant shall bear the cost of the certified mail. The 200 foot list of abutting property owners shall be obtained from the Zoning Department and/or Assessor's Office.

- B. Notice to affected persons/businesses for road closure.

Notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to Township Council Meeting where special event permit application is scheduled to be approved. Affidavit of Service to said affected persons/businesses shall be prepared by the applicant and filed with the Township Clerk prior to the Township Council Meeting where special event permit application is scheduled to be approved.

**325-5 Application Requirements.**

- A. An application for license hereunder shall be signed by the person, persons or parties responsible and shall be filed with the Township Clerk, accompanied by the fee payable hereunder. Such application shall be filed in the Office of the Township Clerk not less than ninety (90) days prior to the date for which the license is desired. The Township Council shall act upon the application thirty (30) days prior to the date for which the license is desired.

The applicant shall set forth in the application for license the following information:

1. The name and address of the person or persons, or, in the cause of a corporation, the names and addresses of the president, director or trustee, responsible for conducting the outdoor special event for purpose sought to be licensed.
2. A statement explaining the activity to be carried out and the admission fee to be charged.

3. The proposed location, dates and hours of such special event.
4. A statement of the expected minimum and maximum number of persons (spectators) intended to use the property(ies) at one (1) time and collectively and the number of persons to be engaged (workers/volunteers) in the outdoor event. (Formerly #5)
5. The number of automobiles, motorcycles and other vehicles intended to use the property(ies) at one (1) time and collectively.
6. A description and plan drawn to scale of the location wherein said outdoor special event is to be carried on or conducted and activities proposed to be conducted at said event.
7. A detailed description of the various amusement devices intended to be conducted or operated during the period for which the license is sought, and any license issued upon such application shall be only for amusement devices so described in said application.
8. A plan drawn to scale showing the layout of any parking area for motor vehicles, including the means of ingress and egress to such parking area and a statement as to the number of acres or square feet of the area to be devoted to this purpose. The number of parking spaces and the number of cars per acre shall be determined by the Chief of Police or his designee.
9. For events involving carnival rides, copy of the ride vendor's New Jersey DCA Permit to operate.
10. A statement specifying whether food or beverages are intended to be prepared, served or distributed; if food or beverages are intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of such food or beverages and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If food or beverages are to be prepared, sold or distributed, a plan drawn to scale must be attached to the application showing the buildings or other structure from which the food and beverages shall be prepared, sold or distributed.

**Please Note:** A Temporary Food License from the Health Department and/or a Type I Permit from the Office of Fire Prevention may be required.

11. A statement specifying whether any private security guard or off-duty police will be engaged and, if so, the number of and duties to be performed by such persons, including the hours to be worked and areas of responsibility. Said number of private security or off-duty police shall be determined by the Chief of Police or his designee.
12. A statement specifying the precautions to be utilized for fire protection, including a plan drawn to scale specifying the location of fire lanes and water supply for fire control.

13. A statement specifying tents and canopies to be utilized for the special event, including:
  - a. A description of what the tent will be used for and the dates and hours when the tent will be occupied;
  - b. A plan drawn to scale showing the tent location, all structures, parking areas and the location of any proposed cooking or hearing applicants (plan must show dimensions of tent and distance to any other structure and property lines);
  - c. A floor plan showing the interior layout of the tent, including all tables or chairs, EXIT locations, EXIT signs, emergency light locations and fire extinguisher locations;
  - d. If any electrical appliances are proposed, they must be shown/listed and the plan must indicate the electrical supply for these appliances;
  - e. A certificate of flame resistant showing the tent conforms to NFPA 701.

**Please Note:** If a tent is proposed and is either more than 900 square feet or any one side is greater than 30 feet, a Construction Permit is required from Construction Code Enforcement. If a canopy (no side) or a tent less than 900 square feet and all sides less than 30 feet does not require a Construction Permit from Construction Code Enforcement. Both tents and canopies may require a Type 16 permit from Fire Prevention.

14. A statement showing that adequate toilet facilities for the capacity of the special event will be provided in compliance with the State Sanitary Code.
- B. One (1) site plan (plan drawn to scale) can be submitted that includes the requirements listed in this section in subsections 6, 7, 8, 10, 12 and 13b. The requirements for subsection 13c must be submitted on its own site plan.
  - C. The application shall be signed by the applicant or applicants and shall be verified under oath.
  - D. A fee of twenty-five dollars (\$25.00) shall be paid upon the filing the application, to be applied by the Township towards its expense in investigating the application, which said fee shall not be refunded whether a license is issued or denied.

### **325-6 Hours.**

Any outdoor special event in the Township of Franklin shall commence no earlier than 9:00 a.m. and shall conclude no later than 11:00 p.m. of the same day.

**325-7 Closing of premises; sleeping**

Both the premises where the special event is held and the parking area shall be closed as expeditiously as possible after the conclusion of any special event, and no sleeping will be permitted on the grounds or in vehicles in either area without proper sanitary sewer and approval by the Health Department.

**325-8 Investigation**

Upon filing of the application, the Clerk shall refer a copy of the application promptly to the Technical Review Committee (TRC), which includes, but is not limited to the following departments: Township Clerk, Township Engineer/DPW; Fire Prevention; Police; Health; Parks/Recreation and Community Development (Code Enforcement & Planning/Zoning) for investigation of the matters in the application. A written report shall be made to the Township Clerk of the result of such investigations by such officer or agent of each department within 30 days from the filing of the application.

**325-9 Issuance of License.**

- A. All licenses special events shall be issued by the Township Clerk in the name of the Township but only when the Township Clerk shall have been first authorized to issue such license by a resolution adopted by the Township Council.
- B. The license shall set forth and describe, with particularity, the location of the event sought to be licensed hereunder shall take place and the period of time during which it may continue.
- C. The license herein authorized shall not be issued or take effect until all fees have been paid to the Township as provided herein.
- D. Any license authorized to be issued hereunder shall be issued subject to all provisions of this chapter.

**325-10 License fees.**

- A. Upon a resolution being adopted by the Township Council, a license shall issue as aforesaid upon the applicant's first paying to the Township Clerk a license fee of one hundred twenty-five dollars (\$125.) for each week or part of a week during which such special event is to be conducted and two hundred dollars (\$200.) in case of circuses for each day or part of a day.
- B. For non-profit organizations, a letter requesting waiver of license fee or notation requesting waiver on application for Council consideration.
- C. Fees for carnivals, circuses and large special events will not be waived because of the amount of staff time required to review and make inspections.

**325-11 Maintenance Escrow.**

The applicant shall deposit with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of three hundred dollars (\$300.) to guarantee the maintenance of the municipally owned premises on which the applied-for activities are to be conducted. If, at the end of such activity, the Health Inspector of the Township decides that the premises have not been returned to the condition they were in as of the time that the applied-for activity commenced, he shall be authorized to return the premises to such condition and to pay for having the same done out of the deposit left with the Township Clerk for such purposes. After the premises have been restored to their original condition, the balance of any moneys remaining shall be returned by the Township Clerk to the applicant.

**325-12 Liability Insurance.**

The applicant shall furnish evidence of a public liability insurance policy, in an amount not less than five hundred thousand dollars (\$500,000.) for one (1) person and one million dollars (\$1,000,000.) for any one accident, which shall be in force and effect at the time such structure is to be occupied or during which the carnival, circus, traveling show or special event will be operating.

**325-13 Off-Duty Police Escrow.**

Submission of off-duty Police escrow in an amount to be determined by the Franklin Township Police Department:

1. Payment to off-duty police officers for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
2. Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit approval of the Chief of Police.

**325-14 Inspection of premises.**

An inspection of the premises to be used is to be made by the Chief of Police or other Township official to ensure that adequate off-street parking is available and to check on other public safety factors.

**325-15 Insurance Certificate**

1. If the application involves the closing of a public road, provide an Insurance Certificate to cover the event and the closing of the aforesaid public roadway in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additional insured and a certification of same shall be filed with the Township Clerk at least seven (7) days prior to the event.

2. If the application involves a carnival, circus, traveling show or special event, provide an Insurance Certificate in conjunction therewith in the amount of \$500,000 for any one person/\$1,000,000 for any one accident. Said policy shall name the Township of Franklin as additional insured and a certification of same shall be filed with the Township Clerk at least seven (7) days prior to the event.

**325-16 Responsibilities of Licensee.**

- A. No person or party licensed hereunder shall allow, suffer or permit any exhibition, performance or gathering of persons for any unlawful purpose or to be conducted in any unlawful disorderly, obscene or lewd manner.
- B. The licensee shall maintain at its own expense one or more persons or agents responsible for the proper conduct of the event licensed, who shall remain upon the premises licensed at all times during the period in which the license shall be in effect.

**325-17 Revocation or suspension of License.**

- A. In the event that any of the provisions of this chapter shall be violated, the Township Council, through its authorized officers or agents, may terminate or suspend any license issued hereunder. Such suspension or revocation shall be determined as follows:
  1. An authorized officer of agent authorized by the Township Council shall cause a written notice of the alleged violation of this chapter or of any other laws involved to be served upon the license or any of the agents of the licensee upon the premises, together with a notice of the time and place of hearing, to be held not less than 24 hours after service, directing the licensee to show cause before the Township Manager or his designee why the license should not be suspended or revoked.
  2. At the hearing, the Township Manager or his designee shall hear all of the evidence offered by the Township and the licensee which is material to the issue and shall make a prompt determination of its findings. If the findings be in favor of the licensee, the charges will be dismissed; but if the findings be against the licensee, the license issued may be revoked entirely or suspended upon such conditions as the Township Manager or his designee may direct. In the event of full revocation, the event licensed be terminated immediately and no further outdoor carnival, circus, traveling show or special event shall be held under the license granted therefore and any persons remaining upon the licensed premises may be dispersed immediately by any peace officer of the Township and by such other persons or agents as may be properly authorized by the Township.
- B. In the event that it shall reasonably appear to the Township Clerk of the Township or any other official designated by the Township Council for such purpose that the number of persons gathered or gathering upon or for entry upon the licensed premises for any outdoor carnival, circus, traveling show or special event licensed hereunder shall exceed the allowable number of persons allowed on the licensed premises, the Township Clerk or other authorized official may give notice to the licensee immediately to withhold proceeding with the event licensed and shall then inform the Township Council promptly

of said action. The licensee may thereupon request a hearing before the Township Council forthwith and said hearing shall be held as promptly as possible.

- C. No licensee fee or portion thereof shall be refunded following revocation or suspension of any license issued.

**325-18 Concurrent Remedies.**

Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Township of Franklin or other law enforcement authority to avoid or prevent any violation or attempted violation of this chapter, such as but not limited to an injunction or restraining order.

**325-19 Applicability of Other Laws.**

This chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

**325-20 Right of Waiver.**

Notwithstanding any other provisions of this chapter, the Township of Franklin hereby reserves the right to waive any or all sections of this chapter when it appears that the best interest of the Township of Franklin shall be served by the waiving of said provisions. Any waiving of said provisions shall not be considered a precedent which would affect subsequent enforcement or non-enforcement of the provisions of this chapter. In the event the Township of Franklin does waive any provision, it shall be done by resolution at a regular or special meeting of the Township Council.

**SECTION II**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

**SECTION III**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION IV**

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3586

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced:	January 10, 2006
Public Hearing:	February 14, 2006
Adoption:	February 14, 2006
Notice of Adoption:	February 20, 2006
Effective Date:	March 6, 2006

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Ann Marie McCarthy, Township Clerk