

# **ARTICLE IV Permit Required for Special Events**

[Adopted 12-18-13 by Ord. No. 2013-36]

## **§ 73-29. Purpose.**

The purpose of this Article is to review and assess requests for special events which may take place on or near public property within the Town of Secaucus and which may create liability and/or require the service of town personnel, equipment, facilities, lands, roads, and/or finances to a degree significantly over and above that in which the town routinely provides under ordinary circumstances. The purpose is to manage special events through the issuance of permits that adequately address fire, life, safety and health concerns for attendees, participants, guests and spectators of the event, as well as, for residents and the general public in the Town of Secaucus.

## **§ 73-30. Definitions.**

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**SPECIAL EVENT** – A temporary event or gathering, using either private or public property, that draws an estimated number of attendees, participants, guests and spectators exceeding three hundred fifty (350) people present on any day of the event, and that is or may be dependent on the use of municipal services, personnel, equipment, facilities, lands, roads, and/or finances. This may involve one or more of the following activities:

- (1) Blocking or restricting streets, sidewalks, or other public places, in whole or in part;
- (2) Erection or placement of a stage, band shell, trailer, van, portable building, grandstand, bleachers, tent, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance;
- (3) Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public places or public property, or on private property where otherwise prohibited by ordinance;

- (4) Activity that requires for its successful and safe execution the provision and coordination of municipal services to a degree over and above that which the town routinely provides under ordinary circumstances.

**§ 73-31. Permit requirements, application requirements, application fee.**

A. No person or entity shall hold a special event without first obtaining a permit, except that no such permit will be required for municipal sponsored or co-sponsored events.

B. To obtain a permit, an application for a special event shall be fully completed and filed at least twenty (20) days prior to the start date of the event with the Bureau of Fire Prevention. There shall be no fee for the filing of an application under this Article.

C. Applications for special event permits shall include, but are not limited to, the following information:

- (1) Date(s) of the special event;
- (2) Location of the special event;
- (3) Approximate number of persons attending the special event, including but not limited to participants, guests, spectators, vendors and attendees;
- (4) Proposed traffic management plan, including but not limited to, any proposed street closures or anticipated heavy use of particular streets or roadways;
- (5) Location, if applicable, of provision or consumption of alcoholic beverages;
- (6) Location, size, and description of any temporary structures;
- (7) Location, type and duration of any entertainment that will be provided or present;
- (8) Proposed safety and emergency plans, including but not limited to, a proposed security plan, fire protection plan, and/or medical personnel that will be present or contracted for;
- (9) Proposed sanitation plan, including but not limited, plan to recycle or remove waste, trash, and litter, and/or anticipated use of the town's Department of Public Works;
- (10) Proposed site, layout and/or seating plan, if applicable;
- (11) Name, address, and additional contact information or any person(s) or entity(s) designated as the responsible party for the event;

(12) Any other information requested by the Bureau of Fire Prevention deemed relevant to fire, life, safety and health.

**§ 73-32. Review, additional requirements, inspections.**

A. The Bureau of Fire Prevention shall review the application submitted and provide a response to the applicant, either via telephone or in writing, within five (5) days.

B. The Bureau of Fire Prevention shall consult with any departments deemed appropriate to ensure that fire, life, safety and health concerns are adequately addressed for the event itself, and that the special event will not require the diversion of police, fire or medical resources regularly in place in the town so as to interfere with the welfare and safety of other persons in the town. Departments consulted may include, but are not limited to, the Police Department, Fire Department, Office of Emergency Management, Board of Health, Emergency Medical Services, Office of Inspections and Department of Public Works.

C. The Bureau of Fire Prevention shall have the authority to:

(1) Approve or deny all applications for special events.

(2) Issue and revoke permits to hold special events.

(3) Set deadlines for compliance and request submission of information before issuing a permit.

(4) Determine and require the person or entity responsible for the event to provide essential fire and safety services on site, including, but not limited to, security, fire protection and emergency medical services (EMS).

(5) Appropriate any necessary municipal support services, such as fire, police, EMS, OEM or public works which promote fire, life, safety and health concerns for the public.

(6) Conduct inspections of the site in conjunction with the application review and for compliance with permit requirements prior to and during the special event.

D. The person or entity responsible for the event shall provide a Certificate of Insurance showing sufficient coverage, as determined by the Bureau of Fire Prevention, and naming the Town of Secaucus and its agents as an additional insured party.

E. The person or entity responsible for the event will also provide a hold harmless and indemnity agreement to the Town of Secaucus in regard to any liability for injury to persons or property.

F. The person or entity responsible for the event may be required to deposit an amount of money, to be determined by the Bureau of Fire Prevention, with the Town of Secaucus to be held in escrow for the town's use to pay for the cost of any town services, personnel, equipment, or associated items for the special event. Any amount due and owing above the amount held in escrow shall be the responsibility of the person or entity responsible for the event.

G. If an inspection(s) of the site is deemed necessary by the Bureau of Fire Prevention before the issuance of a permit, the inspection(s) shall take place prior to the commencement of the special event at an arranged time. Notification of an inspection(s) for compliance with the terms of a permit during a special event is not required.

H. A permit may be suspended or revoked by the Bureau of Fire Prevention for violations of the permit or for failure to comply with any provisions set forth in this Article. If a permit is suspended, the event shall also be suspended until the violations are rectified.

### **§ 73-33. Violations and penalties.**

Any person or entity found guilty of violating or failing to comply with the Article by the municipal court shall be subject to a fine of not more than one thousand dollars (\$1,000.). Further, any event found to be in violation of this Article shall be subject to closure, or suspension until compliance occurs.

### **§ 73-34. Enforcing agency.**

The Bureau of Fire Prevention is designated as that officer/employee responsible for enforcement of the conditions of this Article.

### **§ 73-35. When effective.**

This Article shall take effect upon final adoption and publication as required by law. (Article IV was adopted December 18, 2013 by Ord. No. 2013-36)

**§ 73-36. Severability.**

If any provision or portion of a provision of this Article is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Article shall not be invalidated.

## **ARTICLE V Fees for Special Event Services**

**§ 73-37. Fees.**

The fees for services extended by the Bureau of Fire Prevention, Police Department, Emergency Management Services and other municipal departments under this Article for special events shall be maintained and available at the Town Clerk's Office.

**§ 73-38. When effective.**

This Article shall take effect upon final adoption and publication as required by law. (Article V was adopted December 18, 2013 by Ord. No. 2013-36)

**§ 73-39. Severability.**

If any provision or portion of a provision of this Article is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.