

6PSF-g 100219

No. 6.F.A. 1st Reading SEP 0 5 2019

Ordinance

Date to Mayor ... OCT 0 3 2019

No. Public Hearing
No. 6PSF-G 2nd Rdg. and Final Passage OCT 0 2 2019

of the

Date Returned ... OCT 0 8 2019

City of Newark, N.J.

Date Resubmitted to Council

Date Advertised 1st Reading ... SEP 1 0 2019

No. Reconsidered
Approved as to Form and Legality on Basis of Facts Set Forth

Final Reading

.....
City Corporation Counsel

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Title

Council member presents the following Ordinance:

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AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING TITLE 5, AMUSEMENTS AND AMUSEMENT BUSINESSES, CHAPTER 10, SPECIAL PERMITS, BY MAKING CERTAIN AMENDMENTS TO IMPROVE THE SPECIAL EVENTS PERMIT PROCESS.

WHEREAS, festivals, road races, and other special events contribute to the unique character and vitality of the City of Newark; and

WHEREAS, special events support the City of Newark's goal of being a destination city; and

WHEREAS, the City of Newark desires to maintain a permitting process for special events that will facilitate the timely and efficient processing of special event applications; and

WHEREAS, a timely and efficient permitting process will allow the City of Newark to effectively manage the competing uses of public spaces and its public safety personnel and the resources required of special events; and

WHEREAS, the permitting process will enable public safety personnel to respond in a proactive and timely manner to issues related to special events affecting the public's well-being; and

WHEREAS, the City of Newark desires to ensure that organizers or sponsors of special events in the City are treated fairly and equitably, and that any support of these events that may be provided at the discretion of the City is done in a fiscally responsible manner; and

WHEREAS, it becomes necessary from time to time to amend the Special Events Ordinance to achieve the aforementioned desires and goals for the special event permitting process.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT TITLE 5, AMUSEMENTS, CHAPTER 10 SPECIAL PERMITS, IS AMENDED AS FOLLOWS:

NOTE: Deletions are indicated by ~~strikethrough~~ and additions are indicated in **bold and underlined**.

SECTION 1: Title V, Amusements and Amusement Businesses, Chapter 10, Special Events of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

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2 **5:10-1. DEFINITIONS.**

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4 **Above-base Sservice** shall mean the cost of providing municipal services **for**
5 **Special Events** such as public safety and sanitation, and regulatory inspections in
6 excess of those services and facilities typically provided by the municipality to all other
7 residents.

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9 **Applicant** shall mean the person or group sponsoring or organizing a Special Event
10 and applying for a Special Event permit as required under Title 5, Amusements,
11 Chapter 10, Special Events.

12 **Banner** shall mean a sign, streamer, **balloons**, or article of like description installed
13 **upon**, across or over the roadway or sidewalk of any street in the City, as
14 promulgated in Title 29, Streets and Sidewalks, Chapter 21 Signs, Notices and
15 Advertisements.

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17 **Block Pparty** shall mean an outdoor public event organized by **block** the residents or
18 neighborhood **residents, place of worship or a non-profit charitable organization**
19 **on and/or a** City block and held upon a residential City right-of-way, including but not
20 limited to a residential City street and/or residential sidewalk, for social and/or
21 entertainment purposes **for the residents of the designated block. A Block Party**
22 **shall not include any event commercial in nature. A block party with a**
23 **commercial nature under this ordinance is considered a "Festival."**

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25 **Business Dday** shall mean normal City of Newark work hours occurring Monday
26 through Friday **8:00 AM to 5:00 PM**, excluding municipal holidays.

27
28 **Carnival** shall mean any enterprise consisting of one (1) or more amusement rides as
29 defined in N.J.S.A. 5:3-32a and N.J.A.C. 12:195-2.1 operated in conjunction with one
30 (1) or more amusements such as, but not limited to, sideshows, shooting galleries or
31 games of chance. Fun houses, haunted houses or similar structures of any type are
32 not permitted as part of a carnival in the City of Newark.

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34 **City** shall mean the City of Newark.

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36 **Cost Rrecovery Ccharges** shall mean above-base service costs for municipal
37 services charged by the City to an applicant in conjunction with a Special Event
38 permitted under Title 5, Amusements, Chapter 10, Special Events.

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40 **Demonstration** shall mean a public assembly, a meeting or gathering, a rally or
41 protest event, a political rally or event, speechmaking, marching, the holding of vigils,
42 and all other like forms of conduct, the primary purposes of which is expressive
43 activity or the communication or expression of views or grievances **toward a person**
44 **or controversial** issue that (1) ~~is engaged in by less than fifty (50) persons or~~ (2) will
45 ~~not occur upon any City property, including a street, sidewalk, park or alley and~~
46 ~~interfere with without compliance with the normal and customary traffic regulations or~~
47 ~~controls governing such places (for example, do not requires street or sidewalk~~
48 ~~closure). or (3) does not require vendor, alcohol, animal, fireworks or carnival ride~~
49 ~~licenses (which event meeting one or more of these characteristics shall be deemed a~~
50 **Special Event).** The term "Demonstration" shall not mean the casual use of City
51 property which does not have an intent or propensity to draw a crowd of onlookers, or
52 a residential block party governed by the block party permitting process provided for in
53 this ordinance.

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55 **Fair** shall mean an exhibition and sale of agricultural, industrial, household and
56 manufactured products, coupled with various amusements, entertainment and
57 educational displays.

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59 **Festival** shall mean a feasting or celebration or religious ceremony or series of
60 performances or merry-making with music and other entertainment. It shall not include
61 block-party, as defined herein.

62
63 **First Amendment Aactivity** shall mean expressive and associative activity that is
64 protected by the United States Constitution and/or the New Jersey Constitution,
65 including, but not limited to speech, press, assembly, and/or the right to petition, for
66 example, but not by way of limitation, a march, an assembly in support of or
67 opposition to a political or social issue, or a vigil, excluding commercial activities.

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69 **Parade or procession** shall mean a merry-making or ceremonial **or ceremonial**
70 succession, including an organized movement ~~and/or motercade~~ consisting of
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persons, vehicles, floats, bands, things, or a combination thereof, which may include music and/or entertainment, from one location to another that:

- a. Is held with the intent to attract attention;
- b. Takes place upon streets and/or sidewalks within the City or on streets within a City-owned park;
- c. Interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic, or does not comply with normal and usual traffic, regulations, or controls.

Parades (other than those that take place on Federal holidays as defined by the United States Office of Personnel Management) are not permitted before noon (12:00PM) on Sundays.

Procession shall mean a body of moving persons, vehicles and or objects proceeding in orderly succession or in a formal, ceremonious, or religious manner, for a formal occasion. Processions do not include caravans, which are not permitted by the City.

Race shall mean a competition of speed in which participants utilize various transportation mechanisms to get from one location to another in the shortest period of time, occurring on a City street and/or sidewalk; these transportation mechanisms may include, but are not limited to, bicycles, automobiles, and/or running. **but not automobiles.**

Run/W/walk shall mean a noncompetitive race in which participants run and/or walk from one location to another on a City street and/or sidewalk.

Special event (or "event") shall mean these events including but not limited to a block party, carnival, fair, festival, parade, procession, race, or run/walk to be held:

- a. ~~Wholly or partially on property owned or maintained by the City of Newark;~~
 - b. ~~On a street or sidewalk located within the City of Newark;~~
 - c. ~~On any other property, but requires for its successful execution the provision and coordination of the City of Newark services.~~
- ~~Special event is not intended to include:~~
- 1. ~~Programmed activities provided or managed by the City;~~
 - 2. ~~Permitting of sports fields, sports facilities, or recreation centers owned and operated by the City;~~
 - 3. ~~Special events as defined in Title 10, Finance and Taxation, Chapter 22, Motor Vehicles Parking Tax of the Revised General Ordinances of the City of Newark.~~
 - 4. ~~Demonstrations as defined in this chapter.~~

Special Event means a preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, political or sporting nature or any other nature expected to draw people at an assembly as participants and spectators, and sponsored by an individual or entity, which is proposed to be held on a public property (wholly or partially owned by the City), public rights-of-way or public facility. Such events may include a block party,

The following events shall not be considered Special Events:

- 1. Programmed activities organized or managed by the City;
- 2. Events or activities that will take place on or in sports fields, sports facilities, or recreation centers owned and operated by the City. These facilities are permitted by the Department of Recreation, Cultural Affairs and Senior Services.
- 3. Any event at or on the exclusive property of any local church or religious institution, university, college, public school facility by the owners of these facilities provided that it does not interfere with the

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normal and customary traffic regulations or controls governing such places (for example, does not require a street or sidewalk closure or does not require vendor, alcohol, animal, fireworks or carnival ride licenses).

Vigil shall be defined as a stationary, peaceful demonstration in support of a particular cause, typically without speeches. A devotional watching, or keeping awake, a nocturnal devotional exercise or service, especially on the eve before a religious or ceremonial festival or fast.

5:10-2. PROHIBITION; EXEMPTION.

It shall be unlawful for any person, corporation, institution, organization or association regardless of religious, charitable or nonprofit status to set up, keep, maintain or operate, or permit to be set up, kept, maintained or operated any Special Event in or upon any street, lot, parcel or tract of land within the City of Newark without obtaining a permit in compliance with this chapter.

5:10-3. PERMIT REQUIRED; FEE.

a. *Permit and Notification Required.* A permit must be obtained for every Special Event as defined by this chapter and must be applied for at least ~~forty (40)~~ **sixty (60)** business days prior to setting up, keeping, maintaining or operating any special event (hereafter referred to as "event") in or upon any street, lot, parcel or tract of land owned or maintained by the City of Newark or if on private land, requires the provision of municipal services for the successful execution of the event. Special event permits shall be obtained from the Business Administrator, his or her designee, or the Manager of the Division of Tax Abatements/Special Taxes (hereafter referred to as "Manager"). The applicant or a person hosting an event on private property for which a special event permit may not be required, still has an obligation to identify and obtain any other necessary permits as required by State or local ordinance. For First Amendment activity deemed a special event pursuant to this chapter, an application shall be submitted no later than five (5) business days prior to the event. No application or notice is required for a spontaneous First Amendment activity.

b. *Processing Fee.* There shall be a nonrefundable fifty (\$50.00) dollar permit application processing fee for all permit applications, payable to the City of Newark in the form of a money order, certified check, or cashier's check. This fee must be paid upon submission of the permit application; ~~it shall be applied to the total permit fees due the City prior to issuance of the special event permit.~~ There shall be no processing fee for any demonstration as defined herein, which does not require a vendor (which makes the event a street fair), fireworks, alcohol or use of animals or carnival ride license.

The permit processing fee shall be waived for First Amendment activities, as defined herein.

c. *Permit Fee.* The nonrefundable permit fees shall be waived for First Amendment activities, as defined herein, which are not associated with other activities defined as special events.

The nonrefundable permit fees for such Special Events permits are as follows:

Special Event Type	Fee
Block Party (including Street or Sidewalk Closing Permit)	\$50.00 per day/per block
Carnival, Fair, Festival	\$500.00, plus \$250 for each additional day
Parade	\$500.00 per event
Procession	\$75.00, plus \$25.00 per 1/3 hour or twenty (20) minutes after the first hour.
Race, Run, Walk	\$500.00 per event

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<u>Wenger Wagon Rental</u>	<u>\$750.00 per day, plus a \$500 refundable security deposit due at time of application. Refund shall be due 30 days after the event providing there is no damage to wagon. If damage occurs part or all of the of all of the security may be retained by the City and additional charges may be assessed in order to repair the wagon.</u>
<u>Park Rental (Lincoln Park, Washington Park or Peter Francisco Park)</u>	<u>\$500 per day, plus \$250 for each additional day and a \$250 refundable security deposit providing the is no damage to the park. If damage occurs part or all of the of all of the security may be retained by the City and additional charges may be assessed in order to restore the park.</u>

Park Permit (for use of City-owned Park)	\$250.00
Block Party (including Street Closing Permit)	\$ 50.00
Carnival, Fair, Festival	\$250.00 for one day up to \$150.00 per day
Parade	\$250.00
Procession	\$ 50.00
Race, Run, Walk	\$150.00

A permit shall be issued for a maximum of four (4) specified, or four (4) consecutive calendar days within a given month. An additional fee of one hundred fifty (\$150.00) dollars per day shall be assessed for events transpiring five (5) or more specified, consecutive days or five (5) or more specified, calendar days within a given month. These fees, which may be collected by the Manager of Finance, are in addition to any other fees provided for elsewhere in City ordinances.

d. **Rental Fee.** The rental fee for use of the City Wenger Wagon shall be five hundred ~~(\$500.00)~~ **seven hundred fifty (\$750.00)** dollars **per day**. There shall be an additional five hundred (\$500.00) dollar security deposit required, which will be refunded within thirty (30) days of the conclusion of the event provided there is no damage to wagon. If damage to the wagon occurs, part or all of the security deposit may be retained by the City, and additional charges may be applied in order to repair the wagon.

e. **Special Event Application Late Fee Schedule Late Fees.**

1. ~~New Events and Events Occurring on One (1) Day and One (1) City Block. Beginning in the calendar year 2010, the following late fees shall apply to new events, as defined herein and to events which take place on one (1) day and on one (1) City block for which the permit applications are not submitted to the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 at least sixty (60) days prior to the date and time at which the event proposed to occur.~~

Late fees shall not apply to block parties **organized by residents of a block or neighborhood or associations**, which are required to submit permit applications at least twenty-one (21) days prior to the date and time at which the event is proposed to occur.

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<u>Number of Days Prior to 60 Business Days Deadline</u>	<u>Late Fee</u>
<u>50-59 Business Days</u>	<u>10% of Special Event Fee, including Rental Fees</u>
<u>40-49 Business Days</u>	<u>20% of Special Event Fee, including Rental Fees</u>
<u>30-39 Business Days</u>	<u>30% of Special Event Fee, including Rental Fees</u>
<u>20-29 Business Days</u>	<u>40% of Special Event Fee, including Rental Fees</u>
<u>10-19 Business Days</u>	<u>50% of Special Event Fee, including Rental Fees</u>
<u>01-09 Business Days</u>	<u>60% of Special Event Fee, including Rental Fees</u>

Late Fee (if between 50-59 days from event)	\$100.00
Late Fee (if between 40-49 days from event)	\$250.00
Late Fee (if between 30-39 days from event)	\$400.00
Late Fee (if between 20-29 days from event)	\$550.00
Late Fee (if between 10-19 days from event)	\$750.00
Late Fee (if between 1-9 days from event)	\$1000.00

2. Existing Events and Events Occurring on Multiple Days and/or Multiple City Blocks. The following late fees shall apply to existing events, which is defined herein as an event that occurs over multiple days and/or multiple city blocks, held in the current year or any year in the past five (5) years, which is intended by the applicant to recur the following year. The late fees shall apply when the applicant does not submit the complete permit application to the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 by December 1 of the year prior to the proposed commencement of the special event.

Late Fee (per day for the first 30 days beyond the deadline)	\$5.00
Late Fee (per day for days 31-60 beyond the deadline)	\$10.00
Late Fee (per day for 61 or more days beyond the deadline)	\$25.00

23. No late fee shall be assessed when the City proposes a new date for the special event. Late fees shall be assessed for each permit. Events requiring multiple permits shall pay late fees for each permit needed. For multi-day events, late fees shall be assessed based upon the first day of the event.

34. No late fees shall be assessed against persons or organizations for First Amendment activities as defined in this chapter, unless there is an associated activity not defined as a First Amendment activity, including but not limited to fireworks, amusement rides, use of animals or where alcoholic beverages are distributed or made available.

45. Late fees may be waived by a resolution of the Municipal Council, which may be retroactive.

f. Additional permits and or fee(s). The City shall notify the applicant of the necessary permit(s) for the proposed event, but the applicant is ultimately responsible for determining and obtaining the necessary approvals, permits, or licenses. All permit

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2 ~~fees, and if applicable, late fees must be paid prior to conveyance of the permit(s) to~~
3 ~~the applicant. Permit fees, and if applicable, late fees shall be payable to the City of~~
4 ~~Newark in the form of money order, certified check, cashier's check, or~~
5 ~~personal/organization check. If paying with a personal/organization check, the check~~
6 ~~must clear the City's bank account prior to the conveyance of the permit; hence, the~~
7 ~~City shall not accept any personal/organization check less than ten (10) days prior to~~
8 ~~the proposed special event date.~~
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10 g. **Payment(s).** All permit fees, and if applicable, late fees must be paid prior to
11 conveyance of the permit(s) to the applicant. Permit fees, and if applicable, late
12 fees shall be payable to the City of Newark in the form of money order, certified
13 check, cashier's check, or personal/organization check. If paying with a
14 personal/organization check, the check must clear the City's bank account prior
15 to the conveyance of the permit; hence, the City shall not accept any
16 personal/organization check less than ten (10) days prior to the proposed
17 special event date.
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22 **5:10-4. CONDITIONS FOR ISSUANCE OF PERMITS; REVOCATION.**

23 a. A permit may be granted pursuant to this chapter (1) upon approval of the
24 completed application, in accordance with the requirements set forth in this chapter,
25 by the Division of Fire, Department of Recreation, Cultural Affairs and Senior
26 Services, Division of Police, Engineering Department, Department of Health and
27 Community Wellness, and Law Department; (2) upon payment of all applicable permit
28 fees, late fees, and cost recovery charges; and (3) upon final approval by the
29 Business Administrator or his designee.
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32 The event shall be lawful only under the terms and conditions approved by the
33 permit and such permit shall not be transferable. Failure to comply with the terms and
34 conditions of the permit shall result in the immediate revocation of same the permit.
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36 In addition, a permit issued pursuant to this chapter may be revoked by the
37 Business Administrator or his designee the Manager upon just cause and
38 documentation following an inspection by the following: Food and Drug Bureau, the
39 Division of Public Buildings in the Department of Public Works, Office of Inspections
40 and Enforcement, Division of Police, Division of Fire, and/or any other appropriate
41 Department, Division, or Agency within the City of Newark.
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43 The City may issue a permit as provided for herein when, after consideration of the
44 application and all other information, it finds that:

- 45 1. The proposed event is appropriate for the size and use for which the
46 requested location has been established or designated;
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48 2. The proposed event will not interfere with a previously permitted event or a
49 previously approved construction or maintenance project;
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51 3. The proposed event will not substantially or unnecessarily interfere with
52 traffic in the area contiguous to the event, or that, if the activity will substantially
53 interfere with traffic, there will be sufficient City resources available at the time to
54 mitigate the disruption.
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56 4. Sufficient City resources, including but not limited to police services, fire
57 services, and inspection services, are available to meet the needs of the proposed
58 event and the applicant agrees to defray the cost of above base services as defined
59 herein.
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61 5. Parades (other than those that take place on Federal holidays, as defined
62 by the United States Office of Personnel Management) are not permitted before noon
63 (12:00 p.m.) on Sundays.
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65 6. The applicant has obtained all necessary approvals, permits, or licenses
66 from other governmental agencies or otherwise required documentation pursuant to
67 this Code, State laws, or other applicable laws. The City will endeavor to notify the
68 applicant of permits or licenses required, but the applicant is ultimately responsible for
69 determining and obtaining the necessary approvals, permits, or licenses;
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71 7. The application is complete and does not contain misrepresentations of fact;
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8. The applicant has complied with the application requirements including, but not limited to, **Special Event** permit fees, **obtaining other required permits** and insurance and indemnification requirements, where applicable;

9. The individual person completing the application is an authorized representative of and is authorized to sign on behalf of the applicant institution, organization, or association;

10. The City has determined that the concentration of persons, animals, and vehicles at public assembly points of the event or during a continuous procession will not unduly interfere with property, fire and police protection of, or ambulance service to, areas contiguous to such public assembly or processional areas; and

11. Other factors, considerations, and criteria deemed to be in the best interest of the City of Newark by the Business Administrator and/or Corporation Counsel.

b. All denials of permits shall be in writing and may state the reason(s) for such denial.

In the event that the permit is denied due to another event occurring at the same time and location, the City may authorize the conduct of the denied event at a date, time, location, or route different from that named by the applicant. If the applicant wishes to accept the alternate permit, the applicant shall notify the City of its acceptance within three (3) business days after notice of the denial.

In the event that the permit is denied, the applicant can appeal in writing to the Business Administrator, with a copy to Corporation Counsel. The appeal must be presented as soon as practicable but in no event less than ~~one (1)~~ **five (5)** business days before the event and shall contain the applicant's argument as to why the permit should have been granted. The Business Administrator shall render a decision on the appeal as soon as practicable, which decision shall be final. The ~~one (1)~~ **five (5)** business day appeal requirement may be waived in the interests of the free expression of opinion.

5:10-5. PERMIT APPLICATION REQUIREMENTS.

~~An application for a special event permit may be obtained by visiting the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 during normal business hours.~~

a. An application for a special event permit may be obtained by visiting the Division of Special Taxes and Tax Abatements, City Hall Room B-26 during normal business hours. Special Event permit applications must be submitted to the Division of Special Taxes and Tax Abatements, City Hall Room B-26 at least sixty (60) days prior to the date and time at which the event is proposed to occur. The late fees for new events shall apply to those permit applications received less than sixty (60) days prior to the date and time of the proposed event. Upon receipt of a completed application package, the City of Newark will review the application and provide a response to the applicant within fifteen (15) business days. This deadline shall not apply to those events which are determined to be First Amendment activities or residential block parties.

~~a. Existing Event(s).~~

~~1. For any event commencing on or after January 1, 2010, special event permit applications for any existing event and which event occurs over multiple days and/or multiple City blocks must be submitted to the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 no later than December 1 of the year prior to the proposed commencement of the special event. Upon receipt of a completed application package, the City of Newark will review the application and provide a response no later than April 1 of the following year. This deadline shall apply to any event(s) held in the current year or any year in the past five (5) years, which will recur the following year, which is referred to as an existing event. The late fee schedule for existing events shall apply to permit applications received after December 1 of the year prior to the proposed commencement of the special event.~~

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~~2. This deadline shall not apply to, demonstrations or First Amendment activities as defined in this chapter, events occurring on one (1) day, events occurring on one (1) City block, and/or new events, defined herein as those which have not been held in the City prior to January 1, 2010.~~

~~b. New Event(s).~~

~~1. Special event permit applications for new events must be submitted to the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 at least sixty (60) days prior to the date and time at which the event is proposed to occur. The late fees for new events shall apply to those permit applications received less than sixty (60) days prior to the date and time of the proposed event. Upon receipt of a completed application package, the City of Newark will review the application and provide a response within twenty (20) business days to the applicant. This deadline shall not apply to those events which are determined to be demonstrations or First Amendment activities as defined in this chapter.~~

~~c. Event(s) Occurring on One (1) Day and on One (1) City Block.~~

~~1. Special event permit applications for events occurring on one (1) City block and on one (1) day must be submitted to the Division of Special Taxes and Tax Abatements, Central License & Permit Office in City Hall Room B-17 at least sixty (60) days prior to the date and time at which the event is proposed to occur. The late fees for new events shall apply to those permit applications received less than sixty (60) days prior to the date and time of the proposed event. Upon receipt of a completed application package, the City of Newark will review the application and provide a response within twenty (20) business days to the applicant. This deadline shall not apply to those events which are determined to be demonstrations or First Amendment activities as defined in this chapter.~~

bd. Demonstrations and/or First Amendment Activities. Permit applications for a First Amendment activity not encompassed within the definition of a demonstration in this chapter shall be processed by the City no later than five (5) business days prior to the date and time the event is proposed to occur. The City still requires the receipt of a completed permit application. If any agency within the City does not have the opportunity to complete its review prior to the issuance of a permit under these expedited circumstances, the City reserves the right to modify the authorized duration, route and/or location of the event based on content-neutral public safety concerns including but not limited to accommodations for pedestrians, vehicular traffic, staffing availability, and emergency vehicle access. Notwithstanding anything to the contrary herein, the Manager of Special Taxes or the Business Administration shall have the discretion to waive these time periods, in the interest of accommodating the free expression of opinion. Such waiver shall not be unreasonably withheld but can be denied upon a finding that the City would be unable to provide for legitimate safety and traffic concerns. If a waiver is denied, all efforts shall be made to find alternative avenues for the applicant to reach his or her intended audience.

No application is required for a spontaneous First Amendment activity. For spontaneous First Amendment activity, the organizer should provide written notice to the Special Event Coordinator and the Newark Police Director 24 hours prior to the start of the event.

c. All information requested on the Special Event application form must be supplied and the following, if applicable, must also be attached thereto in order for the application to be deemed complete:

1. Permit application processing fee of fifty (\$50.00) dollars payable to the City of Newark in the form of a money order, certified check, or cashier's check. (This fee does not apply to demonstrations or First Amendment activities not associated with other activities defined as special events.);
2. Completed ~~S~~pecial ~~E~~vent permit application form, including required attachments as specified in the application form;
3. Projected budget for the event;
4. Site plan for the event with streets outlined, including but not limited to the number of and location of structures, vendors, electrical connections, sanitary facilities, accommodations and apparatus, etc. Depending on the size of the

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2 structure(s), facilities, accommodations and apparatus and type of the electrical
3 connections, an applicant may need to obtain a permit from the City of Newark
4 Department of Engineering (Uniform Construction Code);

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6 (a) If applicable, proof of purchase, lease or rental of portable sanitary
7 facilities;

8 (b) If applicable, an affidavit from the owner of the property authorizing the
9 use of his premises for the carnival, street fair or street festival;

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11 5. A certified true copy of the policy of insurance issued to the institution,
12 organization, or association sponsoring the special event in an amount not less than
13 one million (\$1,000,000.00) dollars meeting the insurance and indemnification
14 requirements set forth herein. A smaller or larger amount of insurance coverage may
15 be required due to the nature and size of the event and the risks posed. Such amount
16 shall be determined by the Business Administrator and/or Risk Manager of the City of
17 Newark; and an executed hold harmless agreement, meeting the indemnification
18 requirements set forth herein, written on the institution, organization, or association's
19 letterhead and signed by an authorized representative of said institution, organization,
20 or association (This requirement does not apply to demonstrations or to First
21 Amendment activities not defined as or involving activities defined as special events in
22 this chapter);

23
24 6. If the event will require the closing of streets, the event and applicant are
25 subject to the rules and regulations set forth in Title 23, Traffic, Chapter 4A,
26 Temporary Closing of Streets, of the Revised General Ordinances of the City of
27 Newark. For street closings, the applicant shall submit a copy of the statement of
28 concurrence with the proposed street closing signed by the heads of not less than
29 fifty-one (51%) percent of the households on the block or blocks to be closed;

30
31 7. If the event will have a fireworks display, the event and the applicant are
32 subject to the rules and regulations set forth in Title 11, Fire Prevention Code, Chapter
33 1, New Jersey Uniform Fire Safety Code Enforcing Agency, Amendments to Code, of
34 the Revised General Ordinances of the City of Newark. The applicant shall submit a
35 copy of the fireworks vendor's 1) Permit to Manufacture Explosives and 2) Permit to
36 Use Explosives, both issued by the New Jersey Department of Labor, Office of Safety
37 Compliance. The applicant shall obtain and complete a "Permit Application for
38 Storage/Use of Explosives" issued by the City of Newark Division of Fire, Bureau of
39 Fire Prevention and Fire Safety Inspection;

40
41 8. If the event will have banners displayed, the event and applicant are subject
42 to the rules and regulations set forth in Title 29, Streets and Sidewalks, Chapter 21,
43 Signs, Notices, and Advertisements, of the Revised General Ordinances of the City of
44 Newark. Banners shall not be secured to any trees, utility poles, and/or street/traffic
45 lights. The minimum vertical clearance for banners across any roadway shall be
46 fourteen (14) feet or 4.3 meters in height. The applicant shall provide proof of
47 permission from the property owner (if not City-owned property) to attach banner to
48 any structure on the property;

49
50 9. If the event will require use of a City-owned park, the event and applicant
51 are subject to the rules and regulations set forth in Title 20, Offenses, Miscellaneous,
52 Chapter 20, Rules and Regulations for Parks and Recreational Facilities, of the
53 Revised General Ordinances of the City of Newark;

54
55 10. If alcohol is to be served, event organizers must acquire a Special Permit for
56 Social Affairs from the State of New Jersey Department of Law and Public Safety,
57 Division of Alcoholic Beverage Control. Permit applications are available through the
58 City of Newark Alcoholic Beverage Control Board. Liquor liability insurance shall be
59 required, in such form and amount as set forth in this ordinance. Applicant Permittee
60 must comply with any applicable State or local laws;

61
62 11. If food is to be served, the event and applicant are subject to the rules and
63 regulations set forth in N.J.A.C. 8:24, Title 13, Food, Drugs, and Cosmetics, of the
64 Revised Ordinances of the City of Newark, and Title 11, Fire Prevention Code,
65 Chapter 1, New Jersey Uniform Fire Safety Code Enforcing Agency, Amendments to
66 Code, of the Revised General Ordinances of the City of Newark;

67
68 12. If merchandise and/or food is to be sold, the event and applicant are subject
69 to the rules and regulations set forth in Title 8, Businesses and Occupations, Chapter
70 7, Hawking and Peddling; Canvassing and. Soliciting, of the Revised General
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Ordinances of the City of Newark. Permit applications are available through the City of Newark Central License and Permit Office;

13. If applicable, the applicant must provide proof that the amusement ride's owner/operator has acquired the necessary permits from the New Jersey Department of Community Affairs, Bureau of Code Services and the insurance required in this chapter at Section 5:10-6; and

14. If applicable, the applicant must provide proof that the owner/operator/distributor of any game of chance has registered with the New Jersey Legalized Games of Chance Control Commission. For coin-operated amusement devices, the Applicant must provide a copy of the owner/operator/distributor license issued by the City of Newark, pursuant to the rules and regulations set forth in Title 5, Amusements and Amusement Businesses, Chapter 2, Coin-Operated Amusement Devices, Articles 2, Licensing and Regulating Distributors of Devices of the Revised General Ordinances of the City of Newark;

15. If the event or applicant plans to utilize an amplified sound device, i.e. loudspeaker, public address system, bullhorn, etc., the event and applicant are subject to the rules and regulations set forth in Title XX, Offenses, Miscellaneous, Chapter 3, Noise Control of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, the application shall be obtained from and submitted to the Department of Finance, Division of Special Taxes and Tax Abatements.

16. If the event is to include animals, the applicant or coordinator shall provide to the City, at least one (1) week prior to the date of the event, a health certificate for each animal to participate, as well as the name of a veterinarian who shall provide care for any injured or sick animal, a copy of the handler's licenses required under Federal and/or State law, and verification of access to animal transport;

17. If members of the public will have contact with farm animals at the event, the City strongly encourages the applicant to comply with the recommendations made by the Infections and Zoonotic Disease Program of the New Jersey Department of Health and Senior Services for reducing the risk for transmission of disease-causing microorganisms at petting zoos and other venues where the public has contact with farm animals;

18. ~~That it~~ The applicant accepts, total responsibility for providing and maintaining proper garbage removal, to include the source separation of recyclable materials such as glass bottles and jars, aluminum and bi-metal cans, and corrugated cardboard from any garbage generated during the special event. All recyclable materials collected, shall either be recycled by a private hauler or dropped off at the City of Newark Recycling Depot, located at 80 Miller Street, Newark, New Jersey, from Monday thru Friday 8:30 a.m. to 4:30 p.m., as outlined in the City of Newark's Mandatory Recycling Ordinance. It shall be the responsibility of the applicant to ensure that a recycling tonnage report form, which is included with the permit application, is completed and forwarded to the City of Newark Office of Recycling, located at 62 Frelinghuysen Avenue, Newark, New Jersey, within thirty (30) days after the event only if a private hauler and another recycling market, other than the Newark Recycling Depot is used;

Failure of the applicant to submit a **complete** application as defined above and to comply with the applicable State laws and regulations shall be grounds for denial of the permit application.

Except as otherwise provided herein, applicants for events defined herein as First Amendment activities are not required to comply with paragraphs d,4, 6 and 7 above.

5:10-6. INSURANCE AND INDEMNIFICATION REQUIREMENTS.

Due to the risk of personal injury and property damage, the individual, institution, organization, or association sponsoring the special event is required to provide a certified true copy of a general liability insurance policy for all special events, including events defined herein to be a First Amendment activity that include the use of animals, fireworks, amusement rides or where alcohol will be served or made available and those associated with other activities defined as special events, but excluding events defined herein to be a First Amendment activities that does not include the use of animals, fireworks, or amusement rides and where alcohol will not be served. Each

1
2 policy must name the City and its officers and employees as additional insured. The
3 coverage provisions of each policy must provide coverage for any loss or damage that
4 may arise to any person or property by reason of the conduct of the special event by
5 the applicant.
6

7 a. Insurance is required in the following types and amounts:

8
9 1. Commercial general liability insurance must be provided with combined
10 single limits of liability for bodily injury and property damage of not less than one
11 million (\$1,000,000.00) dollars for each occurrence. If a special event includes
12 vehicles, aircraft or other equipment, devices or activities that are excluded from
13 coverage in the commercial general liability insurance policy, then separate additional
14 liability insurance coverage for the applicable exclusion must be provided with
15 combined single limits of liability for bodily injury and property damage of not less than
16 one million (\$1,000,000.00) dollars for each occurrence.
17

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19
20 2. Additionally Insured Status: The City of Newark is to be named as
21 additional insured for liability arising out of activities performed by or on behalf
22 of the Special Event/ Special Event Applicant. Applicant must ensure the
23 following:

24 a. The following language on the face of the insurance certificate:

25 "The City of Newark is included as additional insured."

26
27 b. Provide the City with a copy of the Additional Insured Broad
28 Endorsement Form (form CG 2026, CG 2012 or their equivalent).
29

30
31 3. Certificate of Insurance/Endorsements: A certificate of insurance
32 from an insurer with a Best's rating of no less than A- indicating compliance
33 with the required coverage must be supplied to the City of Newark. The Special
34 Event applicant must notify the City of Newark immediately, of any material
35 change in insurance coverage, such as changes in limits, coverage's, change in
36 status of policy, etc. The applicant shall maintain for the duration of the event
37 at its cost and expense, insurance against claims for injuries to persons or
38 damages to property, including contractual liability, which may arise from or in
39 connection with the issuance of the Special Event permit, its agents,
40 employees, representatives, assigns or subcontractors. Generally, this
41 insurance shall cover such claims as may be caused by any negligent act or
42 omission and shall be up to the amounts of \$1,000,000 per occurrence and
43 \$2,000,000 aggregate. The City of Newark reserves the right to require complete
44 copies of insurance policies at all times.
45
46

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48 42. If any alcoholic beverage is sold, served or otherwise made available at the
49 special event, then separate additional liquor liability insurance must be provided by
50 the alcoholic beverage license holder in an amount of not less than one million
51 (\$1,000,000.00) dollars for each claim.
52

53 53. If any fireworks or other special effects are displayed at the special event,
54 then separate additional general liability insurance must be provided by the
55 pyrotechnics company in an amount of not less than two million (\$2,000,000.00)
56 dollars for each claim.
57

58 64. If security guards (other than City staff) are used at the special event, then
59 separate additional security guard liability insurance must be provided by the security
60 guard company in an amount of not less than one million (\$1,000,000.00) dollars for
61 each claim.
62

63 75. If emergency response or first aid stations are provided at the special
64 event, then separate additional medical liability insurance must be provided by the
65 applicant in an amount of not less than one million (\$1,000,000.00) dollars for each
66 claim.
67

68 86. If amusement rides are provided at the special event, proof of separate
69 additional general liability insurance from the operator, naming the City as an
70 additional insured, must be provided along with a current certificate of inspection.
71

72 97. If the special event is conducted at a City-owned facility that is not covered
73 by insurance requirements established by a City lease and use agreement, then

1
2 separate additional general liability insurance must be provided by the applicant in an
3 amount of not less than one million (\$1,000,000.00) dollars for each claim.
4

5 In addition to the above insurance requirements, the City's Business Administrator
6 and/or the Risk Manager may require additional insurance for a special event if such
7 additional insurance is necessary for the protection of the City or the public health,
8 safety and welfare.
9

10 An original certificate of insurance completed by an authorized agent of the
11 insurance company naming the City as an additional insured and evidencing each
12 insurance coverage required under this section must be delivered to the City at least
13 thirty (30) days before the special event begins.
14

15 **b. Indemnification.** All applicants, except those engaging in First Amendment
16 activities not defined as or involving activities defined as special events, shall be
17 required to execute a hold harmless agreement written on the institution, organization,
18 or association's letterhead, notarized, and signed by an authorized representative of
19 said institution, organization, or association that contains the following language:
20

21 "The "Name of Applicant" shall defend, indemnify, and hold harmless the City of
22 Newark, its agents, servants, and administrators from and against any and all
23 claims, or actions at law, whether for personal injury, property damage, or liability
24 including any cost of defense incurred by the City of Newark which arise from any
25 acts, omissions of the insured, its agents, or employees arising out of or related to
26 the permit(s) and use of the City of Newark's parks, streets, properties, and/or
27 facilities for "Name of the Event" on "Date and Time of the Event."
28

29 If an applicant is unable to provide the executed, notarized copy of the hold
30 harmless agreement written on the institution, organization, or association's letterhead
31 and signed by an authorized representative, a standard City of Newark hold harmless
32 may be executed in lieu of the aforementioned written agreement. The City of Newark
33 hold harmless agreement may be obtained from the Central License and Permit Office
34 and requires the signature of an authorized representative of said institution,
35 organization, or association.
36
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39 **5:10-7. COST RECOVERY CHARGES.**

40 a. Upon receipt of a completed permit application package, the City will review the
41 application and shall notify the applicant of the projected estimated costs for City
42 above-base services (hereinafter referred to as total costs) for their proposed event,
43 including but not limited to the cost for police officers, sanitation services,
44 inspectors, and electricians. ~~(1) by April 1 of the following year for events that occur~~
45 ~~over multiple days and/or multiple City blocks or (2) within forty five (45) calendar days~~
46 ~~for new events, events occurring on one (1) day, and/or events occurring on one (1)~~
47 ~~City block.~~
48
49

50 b. The applicant shall be responsible for eighty (80%) percent of the above-
51 base service costs for the Special Event. These charges to the applicant shall
52 be referred to as "cost recovery charges". The City shall absorb twenty percent
53 (20%) not to exceed Twenty Thousand (\$20,000.00) dollars for the above base
54 service costs. Only 501(c)(3) nonprofit organizations that are based in the City
55 of Newark and operated by residents of the City of Newark shall qualify for the
56 twenty percent (20%) cost absorption by the City.
57
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59

60 ~~The applicant shall be responsible for a minimum of twenty (20%) percent of the~~
61 ~~projected cost for the special event(s), increasing each year for a period of five (5)~~
62 ~~years by increments of ten (10%) percent, herein referred to as "cost recovery~~
63 ~~charges".~~
64
65

66 ~~—The City shall absorb a percentage of the projected cost (which mean the sum of all~~
67 ~~costs incurred by the City for above-base services), including but not limited to cost for~~
68 ~~police officers, sanitation services, inspectors, and/or electricians, for nonprofit~~
69 ~~applicants. The percentage absorbed shall be based upon the formula (see above),~~
70 ~~which outlines the financial obligation for non-profit applicants (an applicant which is~~
71 ~~organized for nonprofit-making activities or purposes and is recognized by the Internal~~
72 ~~Revenue Service as a 501(c) entity).~~
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The applicant must pay their total cost recovery charges prior to the City's conveyance of the applicable permit(s). This payment for cost recovery charges shall be payable to the City of Newark in the form of money order, certified check, or cashier's check.

The City will absorb the cost of all base-line services for demonstrations or First Amendment activities not defined as or involving activities defined as special events in this chapter. If the organizer of such demonstrations or First Amendment activities request above-base-line services, reimbursement of such expenses shall be calculated and collected in accordance with this section. However, the City shall not be obligated to provide any such above-base-line services in this or any other circumstance.

The ward representative (Council Member) shall be notified of the event at the time the application is submitted.

5:10-8. POST-EVENT REPORTING.

In all instances where cost recovery charges are imposed, each person or entity issued a ~~Special Event~~ permit shall within sixty (60) days of the conclusion of the event file a CPA certified Income and Expense report detailing the financial activity of the event., ~~certified by a person authorized to act on behalf of the applicant/organization, which report shall contain the following:~~ The report shall contain the following: revenues generated by source, expenses incurred by type, and total contributions received delineated by individual donor/sponsor. The expenses, revenues, and contributions shall be supported by appropriate documentation. Failure to file the report with the aforementioned documentation shall constitute a violation of this chapter and grounds for denial for any subsequent special event.

5:10-9. POLICIES AND PROCEDURES.

The Business Administrator shall promulgate such policies and procedures pertaining to ~~Special Events~~ as he or she deems necessary to protect the health, safety, and welfare of the general public, including but not limited to notices and inspections. A copy of the policies and procedures shall be placed on file with the City Clerk by the Business Administrator.

5:10-10. PENALTIES.

Any person violating any of the provisions of this chapter shall be subject to a fine not to exceed one thousand (\$1,000.00) dollars per day or a period of community service not exceeding ninety (90) days or both.

5:10-11. MISCELLANEOUS.

No special event shall open, operate, or utilize any fire hydrant in the City of Newark. All events are subject to the rules and regulations set forth in Title 33, Water, Chapter 2, Water Conservation, Section 5, Prohibited Fire Hydrant Uses of the Revised General Ordinances of the City of Newark.

~~**5:10-12. SUNSET PROVISION FOR COST RECOVERY CHARGES.**~~

~~The requirement to assess and collect cost recovery charges contained in Section 5:10-7, shall sunset on September 1, 2013, unless readopted by the Municipal Council, upon the recommendation of the Business Administrator or his or her designee.~~

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

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SECTION 3: The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance Amends Title 5, Entitled Amusements and Amusement Businesses, Chapter 10, Entitled Special Events, by amending certain sections to improve the Special Events permit process.

**CERTIFIED TO BY ME THIS
 OCT 0 8 2019**

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador <i>m</i>	<input checked="" type="checkbox"/>				Osborne	<input checked="" type="checkbox"/>				Amador				
Gonzalez <i>S</i>	<input checked="" type="checkbox"/>				Quintana <small>Vice President</small>	<input checked="" type="checkbox"/>				Gonzalez				
James	<input checked="" type="checkbox"/>				Ramos, Jr.	<input checked="" type="checkbox"/>				James				
McCallum, Jr.	<input checked="" type="checkbox"/>				Crump President	<input checked="" type="checkbox"/>				McCallum, Jr.				
Mclver	<input checked="" type="checkbox"/>									Mclver				
<input checked="" type="checkbox"/> - Indicates Vote					AB - Absent					NV - Not Voting				

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on **SEP 0 5 2019**
 Adopted on second and final reading after hearing on **OCT 0 2 2019**

Approved
 Rejected By *Michael C. Crump* Mayor *Kenneth*
 Council President City Clerk