



Legislation Text

File #: 16-0559, Version: 1

ORDINANCE AMENDING TITLE 20, OFFENSES, MISCELLANEOUS, CHAPTER 3, NOISE CONTROL; AND AMENDING TITLE 5, AMUSEMENTS AND AMUSEMENT BUSINESSES, CHAPTER 10, SPECIAL EVENTS, SECTION 5, PERMIT APPLICATION REQUIREMENTS, TO CENTRALIZE THE APPLICATION PROCESS RELATING TO ALL SOUND PERMITS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED.

WHEREAS, the City of Newark authorizes the issuance of sound permits for amplified sound devices used during Special Events, regulated by Title 5, Amusements and Amusement Business, Chapter 10, Special Events, Section 5, Permit Application Requirements of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented; and, for all other outdoor and street assemblage purposes, in accordance with Title 20, Offenses, Miscellaneous, Chapter 3, Noise Control; and

WHEREAS, for a period of time prior to 2004, Sound Permits were issued by the Office of the City Clerk for only "Outdoor Religious Purposes," and in 2004, at the recommendation of the Corporation Counsel, Title 20, Offenses, Miscellaneous, Chapter 3, Noise Control was amended to delete the reference to religious purposes and replaced with "outdoor and street assemblage purposes;" and

WHEREAS, Title 5, Amusements and Amusement Businesses, Chapter 10, Special Events, Section 5, Permit Application Requirements, requires that for sound permits associated with a Special Event, the applicant must file an application with the Office of the City Clerk, despite the fact that applications for Special Event Permits are distributed and issued by the Department of Finance, Division of Special Taxes and Abatements, which in turn creates confusion and often results in the failure of the applicant for a Special Event to obtain the sound permit at all and litigation concerning the foregoing; and

WHEREAS, the Unit of the Office of the City Clerk that must process sound applications is the License Office which also issues marriage license. Involvement in the issuance of sound permits has become a burden to an already busy office, especially during the summer months and from the increased use of sound permits for commercial purposes. The issuance of the sound permits is transferable to the Department of Finance, Division of Special Taxes and Abatements given the involvement of other City Departments in the administration of Special Events and other assemblages and use of the city streets and parks; and

WHEREAS, amending the ordinance to require the filing of all applications for a sound permit, whether associated with a Special Event or not, to the Department of Finance, Division of Special Taxes and Abatements, which processes Special Event permits, would eliminate confusion that

currently exists amongst the regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are reflected as **bold, underlined** and deletions as ~~strikethroughs~~.

SECTION 1. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Title 20, Offenses, Miscellaneous, Chapter 3, Noise Control, is hereby amended as follows:

20:3-14. EXCEPTIONS AND VARIANCES.

c. Sound Permits for Outdoor and Street Assemblage Purposes.

All requests for permits to utilize outdoor sound devices, i.e. loudspeaker, public address system or bullhorn **for outdoor and street assemblage purposes** shall be **obtained and** filed in the **Department of Finance, Division of Special Taxes and Tax Abatements**, of the City Clerk on an application and form issued by the **City of Newark**. Office of the City Clerk. All applications must be submitted fifteen (15) calendar days prior to the assemblage and shall be reviewed as to the date(s), time and location(s) of the proposed assemblage, which shall not be located within five hundred (500) feet of any public facility, school, hospital or entertainment venue, nor shall it impede the passage of persons or vehicles within the public right-of-way. Failure to submit an application fifteen (15) days prior to the assemblage shall result in a rejection of same and a new application must be filed complying with the fifteen (15) day requirement. **Sound permits issued in connection with an application for a permit for a Special Event, shall be applied for and issued in accordance with Title 5, Chapter 10, Section 5 (Permit Application Requirements).**

No outdoor sound device shall exceed the maximum sound level as prescribed in Section 20:3-7.

Using or operating any outdoor sound device as described herein for the purpose of outdoor and street assemblage shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. the following day.

The provision of this Section shall be administered by the Office of the City Clerk **Department of Finance, Division of Special Taxes and Tax Abatements** and said application shall be reviewed with recommendation by appropriate municipal department directors or his/her designee, including but not limited to **Department of Public Safety, Division of Police, Health and Community Wellness** Child and Family Well-Being, Neighborhood and Recreational Services and Engineering for enforcement of appropriate municipal laws.

SECTION 2. The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Title 5, Amusements and Amusement Businesses, Chapter 10, Subsection 5, Permit Application Requirements, shall be amended as follows:

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.

d. 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 20, Offenses, Miscellaneous, Chapter 3, Noise Control of the Revised General Ordinances of the Revised 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.**

(Ord. No. 6 PSF-C, 12-16-09 § 2)

SECTION 3. Severability.

If any provision of these ordinance amendments shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect, unless the ruling materially alters the intent of the enactment.

SECTION 4. Effective Date.

This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance hereby amends Title 20, Offenses, Miscellaneous, Chapter 3, Noise Control; and amends Title 5, 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, to centralize the application process relating to all sound permits to the Department of Finance, Division of Special Taxes and Tax Abatements.