

Borough of Matawan
201 Broad Street
Matawan New Jersey 07747
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www.matawanborough.com



Public Notice of Pending Ordinance 24-24

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on September 17, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on October 1, 2024 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 24-24

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN

CHAPTER 2 – ADMINISTRATION CHAPTER 3 – POLICE REGULATIONS

WHEREAS, the Borough of Matawan (the "Borough") seeks to promote public and special events upon public properties and thoroughfares that enhance Matawan's spirit, citizenry, and community, for the enjoyment of residents, and to attract business, commerce, and visitors to the Borough's Main Street, Lake Lefferts, parks, and other communal gathering places; and

WHEREAS, the Borough recognizes that the proper regulation of public and special events is critical to the success of community events, the continued functioning of the Borough's essential services, and the health and safety of participants, attendees, and residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, as follows:

SECTION 1: Section 2-39: "Special Events Committee" of Chapter 2: "Administration" of the Borough's Revised General Ordinances is hereby replaced in its entirety as follows:

CHAPTER 2 – ADMINISTRATION

2-39 SPECIAL EVENTS REVIEW COMMITTEE.

2-39.1 Establishment and Membership.

The Borough hereby establishes a Special Events Review Committee, which shall consist of the Borough Administrator, Director of Recreation, Borough Clerk or their designee, Police Chief or their designee, and the Director of Public Works or their designee.

2-39.2 Powers and Duties.

- a. The Special Events Review Committee shall review all Special Event Permit Applications filed with the Borough Clerk pursuant to Borough Code Section 3-12.
- b. In connection with Special Event Permit Applications, the Special Events Review Committee shall review same for any issues concerning the feasibility of the request and for conditions that may be attached to any approval that concern health, safety and well-being of the residents of the Borough.
- c. In accordance with Borough Code Section 3-12, the Special Events Review Committee may consider the costs to the Borough of the undertaking of the event by any police, fire, first aid, public works, or administrative cost to the Borough, and may approve an event subject to any reasonable conditions to be met by the applicant, together with the payment of the public costs incurred for the orderly undertaking of said event.

2-39.3 Appeals.

Any decision of the Special Events Review Committee or any conditions attached to the approval of an event may be appealed to the Mayor and Council, who reserve the right to reject, by majority vote of the members present, any approval granted by the Special Events Review Committee when it is determined that it is not in the best interests of the residents of the Borough.

SECTION 3: Chapter 3: “Police Regulations” of the Borough’s Revised General Ordinances is hereby supplemented with *new* Section 3-12: “Special Event Permits” as follows:

CHAPTER 3 – POLICE REGULATIONS

3-12 SPECIAL EVENT PERMITS.

3-12.1 Special Event Permits.

Any person or organization desiring to hold any concert, race, walkathon, fair, carnival, festival, celebration, show, party, or other similar event in or upon any public grounds, park, street or roadway of the Borough must first apply for and obtain a permit from the Borough Clerk in accordance with the requirements of Section 3-12.2 hereof. A “Special Event” is defined as any concert, race, walkathon, fair, carnival, festival, celebration, show, party or any other similar event, which is likely to require any of the following accommodations:

- a. The expenditure of Borough resources in the form of Police Department and/or Department of Public Works salaries, wages or other expenses.
- b. Closing of a public street.
- c. The blocking or restriction of public property;
- d. The sale of merchandise, food, or beverages on public property.
- e. The installation of a stage, bandshell, trailer, van, portable building, grandstand or bleachers on public property.
- f. Utilization of portable toilets.
- g. Placement of temporary no parking signs on a public right-of-way.

3-12.2 Applications.

A person or organization seeking issuance of a permit hereunder shall file the application with the Borough Clerk on form(s) to be provided by the Clerk for that purpose, on which form the applicant shall furnish the following information:

- a. The name, address and telephone number of the applicant.
- b. The name, address and telephone number of the person, persons, corporation or association sponsoring the activity.
- c. A detailed description of the proposed event and a sketch that would show the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a footprint.
- d. The date(s) and hour(s) for which the permit is desired.
- e. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security and traffic control.
- f. The number of contestants, participants, spectators and/or other people that could reasonably be anticipated to attend the event.
- g. A detailed description of the Borough resources or services that will be required to be provided in connection with the event.
- h. Any other information which the Borough shall find reasonably necessary to a determination as to whether a permit should be issued hereunder.

A person or organization seeking issuance of a permit hereunder for Special Events that are expected to last less than three (3) hours in duration may file an abbreviated application with the Borough Clerk on form(s) to be provided by the Clerk for that purpose.

3-12.3 Review of Applications.

The Borough Clerk shall forward all applications for Special Event Permits to the Borough Administrator for further review by the Special Events Review Committee, whose responsibility it shall be to review such applications with the appropriate Borough officials and departments, as applicable. Upon the completion of the Special Events Review Committee's review, the Committee shall either:

- a. Approve the permit without conditions;
- b. Approve the permit with conditions; or
- c. Deny the permit.

The Special Events Review Committee shall immediately advise the applicant of the Committee's decision, in writing, including any conditions and restrictions imposed.

The Borough Administrator and/or Borough Clerk shall also publicly advise the Borough's governing body of any recent decision(s) of the Committee during the public session of the next regularly scheduled meeting of the Borough's governing body.

3-12.4 Standards for Issuance of Permit.

The standards for the issuance of a permit pursuant to this Section shall include the following findings:

- a. That the proposed event will not unreasonably interfere with or detract from the general public enjoyment of the public park, beach or roadway to be utilized.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- c. That the proposed activity or uses that are reasonably anticipated will not be likely to include violence, crime or disorderly conduct.
- d. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- e. A deposit of at least fifty (50%) percent of the estimated costs shall be paid not less than five (5) days before the event. All or part of the required fees may be waived by the Borough's governing body.
- f. That a block party, or any similar event by whatever name employed, is only open to the residents of a block or neighborhood and their invited guests, and where the purpose of the event is to promote a sense of community among the residents of a block or neighborhood. As part of the application for a block party, the organizers shall: provide a signature list with names and addresses of at least fifty (50%) percent of the properties in the block/neighborhood affected by the event supporting the application; and provide a means of alternate ingress and egress for neighbors not participating in the block party; and if approved a plan to provide sufficient advanced notice to neighboring blocks, and where all other requirements of this section have been met subject to the review and approval of the Special Events Review Committee.

3-12.5 Appeals.

Any decision of the Special Events Review Committee or any conditions attached to the approval of an event may be appealed to the Borough's governing body, who may reject, by majority vote of the members present, any approval granted by the Special Events Review Committee when it is determined that it is not in the best interests of the Borough.

3-12.6 Liability and Revocation.

- a. A permittee shall be bound by all applicable Borough ordinances, rules and regulations. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- b. The permittee shall submit to the Borough Clerk prior to the event evidence of liability insurance in an amount required by the Borough Attorney, naming the Borough as an additional insured. The permittee shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to, manpower and/or equipment.
- c. The Borough Administrator and/or Chief of Police shall have the authority to revoke any permit upon a finding of violation of any rule or ordinance or upon good cause shown.

3-12.7 Exemption/Waiver.

- a. The Borough's governing body may, by simple majority vote of the members present, waive some, any, or all of the requirements contained in this Section in the best interests of the Borough.
- b. All Borough-sponsored events shall be exempt from this Section.

3-12.8 Violations and Penalties.

- a. A person commits an offense if he or she:
 1. Commences or conducts an event without a permit; or
 2. Fails to comply with any requirement or provision of an event permit of this chapter.
- b. A person who violates a provision of this Section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued.
- c. Each offense shall be punishable by a fine not to exceed five-hundred dollars (\$500.00).

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.