

Chapter 36

AMUSEMENTS

ARTICLE I

Outdoor Entertainments

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[HISTORY: Adopted by the Township Committee of the Township of Sandyston as indicated in article histories. Other amendments noted where applicable.]

ARTICLE I

Outdoor Entertainments

[Adopted 9-3-1970; amended in its entirety 5-13-2008 by
Ord. No. 2008-08]

§ 36-1. Purpose and intent.

It is the purpose and intent of this article to protect the public's health, safety, and welfare through the issuance of permits for outdoor entertainment activities conducted within the Township of Sandyston.

§ 36-2. Definitions.

As used in this article, the following words and terms shall have the meaning ascribed to them in this section.

AMPLIFIED EVENT — Any event that includes electronically amplified music and/or voices.

APPLICANT — Any person or organization who seeks an outdoor entertainment permit to conduct or sponsor an outdoor entertainment event within the Township.

NONAMPLIFIED EVENT — Any event that does not include electronically amplified music and/or voices.

NONPROFIT/FUND RAISING EVENT — Any event conducted by a commercial, residential/agricultural or nonprofit entity for the purpose of raising funds to be and which are subsequently donated to an organization described in Section 501(c) or (d) of the Internal Revenue Code of 1986, as amended.

OUTDOOR ENTERTAINMENT — A specific event or activity held in the open and not within an enclosed structure. Enclosed structures do not include tents, sound stages, pavilions or amphitheaters.

OUTDOOR ENTERTAINMENT, COMMERCIAL — A specific outdoor entertainment event or activity conducted or sponsored

by a commercial entity for profit or promotion of its business with an estimated attendance of 300 people or more.

OUTDOOR ENTERTAINMENT, NONPROFIT — A specific outdoor entertainment event or activity conducted or sponsored by a nonprofit community organization or club for the purpose of raising funds for charitable, educational, religious or other similar purposes with an estimated attendance of 300 people or more.

OUTDOOR ENTERTAINMENT, PRIVATE — A specific outdoor event or activity conducted or held on private, residential or agricultural property by the property owner or the owner's lessee, such as a wedding reception, private party, or similar family or social function, with an estimated attendance of 300 people or more.

OUTDOOR ENTERTAINMENT, PUBLIC — A specific outdoor entertainment event or activity conducted or sponsored by the Township or any of its agencies, and any event or activity conducted or sponsored by a public or private school with an estimated attendance of 300 people or more.

PERMITTEE — A person to whom an outdoor entertainment permit is issued.

PERSON — An individual, firm, partnership, corporation, trustee, association, or any body of persons, whether incorporated or not. With respect to acts prohibited or required herein, "person" shall include employees and permittees.

SCHOOL — An institution or place for instruction or education where 25 or more persons receive a full course of educational instruction with an organized body of teachers associated for the pursuit and dissemination of knowledge.

WEEKDAY — That time between 10:01 p.m. Sunday and 12:01 a.m. Friday.

WEEKEND — That time between 12:01 a.m. Friday and 10:01 p.m. Sunday.

§ 36-3. Permit required.

Any person desiring to conduct or sponsor an outdoor entertainment activity in the Township of Sandyston shall obtain a permit from the Township Clerk.

§ 36-4. Permit application requirements.

Filing of application. Any person conducting or sponsoring an outdoor entertainment activity shall make application for a permit by filing a completed application with the Township Clerk at least 30 days in advance for a commercial outdoor entertainment event and 15 days in advance of the date on which the event is to occur for a private, nonprofit and nonprofit/fundraising outdoor entertainment event. The application shall require the following information:

- A. The name and address of the person or organization conducting the event and the names of the persons or of the managers and officers of the organization.
- B. The date, time, and place of the event to be held.
- C. Whether the person conducting the event or the officers of the organization sponsoring the event are over 18 years of age; and whether such persons have been convicted of any crimes other than minor traffic offenses.
- D. The approximate number of persons expected to attend the event.
- E. A description of the type of outdoor entertainment to be conducted.
- F. The name, address and telephone number of the entity providing the entertainment.
- G. Whether amplified or nonamplified music or singing will be part of the entertainment.
- H. The number of security personnel to be employed together with their names and address.

- I. A description of the lands and premises to be covered by the permit, which shall include a reference to block and lot on the Sandyston Township Tax Map. In the event that a portion of a tax lot is to be covered by a permit, a sketch must be presented showing exactly what part of said lot is to be covered by the permit.
- J. A statement as to whether the applicant owns the property to be covered by the permit. In the event that the applicant is not the owner, the consent of the owner must be annexed to the application, together with a copy of the lease or other agreement relating to possession of the property by anyone other than the owner of same.
- K. A map or sketch, drawn to scale with scale shown, showing the entire area sought to be covered by the permit and showing thereon that portion thereof to be used for the parking of automobiles, and showing all driveways and other means of access to and from said premises.
- L. The application shall set forth names of all property owners within 500 feet of the boundaries of the property to be covered by the permit. The list shall be provided by the assessor for a fee of \$25. All of said owners shall be notified of said application by either certified mail or by publication in the New Jersey Herald and by regular mail within 10 days of the filing of the application. It shall be sufficient to send said notices to the addresses shown on the current tax duplicate of the municipality for the properties above mentioned. An affidavit must be filed with the Township Clerk showing compliance with this subsection.
- M. A statement of the type of exhibition, show or performance to be covered by the permit, which will include the hours of the performance and on what days it will be in operation. A program or listing of the performers shall be furnished, together with a time schedule showing activity during various parts of the day or night.

§ 36-5. Investigation and reports.

- A. Upon the filing of an application pursuant to the provisions of this article, the Township Clerk shall immediately file copies of the application with the following:
- (1) The Board of Health of the Township.
 - (2) The Sussex County Sheriff.
 - (3) The Sussex County Department of Health.
 - (4) The Township Fire Department.
 - (5) The Township Emergency Management Coordinator.
 - (6) The administrators of Newton Memorial Hospital, Newton, New Jersey, and of Bon Secours Community Hospital, Port Jervis, New York.
[Amended 12-4-2008 by Ord. No. 2008-13]
- B. The Township Clerk shall request a report from all of the parties and organizations mentioned in Subsection A relating to the proposed application.

§ 36-6. Issuance of permit.

- A. The permit authorized to be issued shall be issued by the Township Committee but executed by the Mayor and Township Clerk.
- B. The permit shall set forth and describe, with particularity, the place where the show, exhibition, performance or public gathering or other event sought to be covered by the permit hereunder shall take place and the period of time during which it may continue.
- C. The permit herein authorized shall not be issued to take effect until all fees have been paid to the township as provided herein.

- D. Any permit authorized to be issued hereunder shall be issued subject to all of the provisions of this article.

§ 36-7. Permit fee.

The fee to be paid upon issuance of a permit shall be \$100 for each 300 persons or any portion thereof anticipated to be involved in the event sought to be covered by the permit, including therein all personnel, all spectators or members of the audience; a minimum fee of \$100 shall be paid. All permit fees shall be in addition to the fees required to accompany the application.

§ 36-8. Insurance.

As a condition of the granting of a permit for any outdoor entertainment conducted on public property or public streets or parking lots, the permittee shall provide the Township a public liability insurance policy naming the Township as an additional insured entity with limits of not less than \$1,000,000 per occurrence.

§ 36-9. Denial of application.

A permit may be denied based upon a determination that:

- A. The event would seriously endanger public safety;
- B. The event would unreasonably inconvenience the general public;
- C. The event would unreasonably infringe upon the rights of abutting properties;
- D. The event would conflict with another proximate event or interfere with construction or maintenance work.
- E. There are not sufficient safety personnel or other necessary Township staff to accommodate the event.

- F. The applicant failed to complete the application form after being notified of the additional information required;
- G. The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
- H. The event anticipates a gathering of more than 1,000 persons.
- I. Failure to prepay expenses.
- J. The applicant has violated a provision, restriction or condition of this ordinance or an outdoor entertainment activity permit issued to the applicant within the past 12 months.

§ 36-10. Exemption from permit.

The Township and its agencies and a school as defined herein shall be exempt from the permit requirements of this article.

§ 36-11. Restrictions on outdoor entertainment events.

- A. Outdoor entertainment, commercial: No more than four amplified outdoor entertainment events, no more than four nonamplified outdoor entertainment events and no more than four nonprofit/fundraising outdoor entertainment events on any one business site shall be allowed in any one calendar year. An event is defined as one day, or any part thereof, between the hours of 9:00 a.m. and 1:00 a.m. on weekends and 9:00 a.m. and 10:00 p.m. on weekdays.
- B. Outdoor entertainment, nonprofit: No more than four amplified outdoor entertainment events, no more than four nonamplified outdoor entertainment events on any one site shall be allowed in any one calendar year. An event is defined as one day, or any part thereof, between the hours of 9:00 a.m. and 12.30 a.m. on weekends and 9:00 a.m. and 10:00 p.m. on weekdays.

- C. Outdoor entertainment, residential agriculture: No more than four amplified outdoor entertainment events, no more than four nonamplified outdoor entertainment events and no more than four nonprofit/fundraising outdoor entertainment events on any one site shall be permitted in any one calendar year. An event is defined as one day, or any part thereof, between the hours of 9:00 a.m. to 12:30 a.m. on weekends and 9:00 a.m. to 10:00 p.m. on weekdays.
- D. No outdoor entertainment shall be held or conducted between the hours of 12:30 a.m. and 9:00 a.m. on weekends and 10:00 p.m. and 9:00 a.m. on weekdays for commercial and nonprofit and between the hours of 10:00 p.m. and 9:00 a.m. on weekends and 10:00 p.m. to 9:00 a.m. on weekdays for residential/agricultural.

§ 36-12. Conduct of permittee.

- A. No person or party permitted hereunder shall allow or suffer any exhibition, performance or gathering of persons for any unlawful purpose or to be conducted in any unlawful, disorderly, obscene or lewd manner.
- B. No outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall allow any performer to perform or be displayed in the nude.
- C. No outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement shall be allowed which shall depict sexually suggestive acts or subjects offensive to public morals and decency.
- D. Any permittee hereunder shall not allow any employees or agents of the applicant or any spectators or any persons on the premises covered by the permit during the period of time permitted to completely undress or go about in the

nude or become undressed or go about in a lewd, obscene or indecent manner.

- E. The permittee shall allow the Code Enforcement Officer or any other persons duly authorized by the township to inspect the permitted premises or any part thereof and the performances, exhibition and shows for public gatherings at any time either prior to or during the period of time covering the permit, to inspect the premises and observe the person upon the premises or to detect violations of this article or of any other law of the federal government or the State of New Jersey or of the Township.
- F. The permittee shall take all proper means to assist in the orderly conduct and presentation of his or her event and to maintain a flow of traffic and use of the premises without congestion of traffic. For such purposes the permittee shall employ or obtain sufficient personnel to carry out said objectives.
- G. The permittee shall maintain at his or her own expense one or more persons or agents responsible for the proper conduct of the event covered by the permit who shall remain upon the premises covered by the permit at all times during the period in which the permit shall be in effect. The name, address and description of the person, persons or agents responsible shall be furnished to the township before the beginning of the permitted period, and in the event that any change is made in a person or persons or agents responsible herein designated, notice of such change with the names and addresses and descriptions of the persons to be substituted shall be furnished to the Township Clerk upon at least twenty-four-hours' notice.

§ 36-13. Noise regulation.

Each person who is issued an outdoor entertainment permit shall comply in all respects with the State noise regulations set forth in N.J.A.C. 7:29-1.1 et. seq.

§ 36-14. Suspension or revocation of permit.

- A. In the event that any of the provisions of this article are violated, the Township Committee may terminate or suspend any permit issued pursuant to this article.
- B. Written notice of the alleged violations shall be given to the applicant, to any employee of the applicant on the permitted premises or by posting the notice on the premises in a conspicuous place. The written notice shall include the time and place of the hearing, which shall not be less than 24 hours after the notice.
- C. At the hearing, the Township Committee shall hear all evidence offered in connection with the proposed suspension or revocation. The Township Committee, if it finds against the permittee, may revoke the permit or may suspend it upon such conditions or stipulations as may be directed. In the event of revocation of the permit, no further outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purpose of amusement shall be held under the permit granted for the same. All persons remaining upon the premises covered by the permit shall leave the permitted premises after being notified of the permit revocation.
- D. In the event that it appears that the number of person gathering upon or gathered for entry upon the premises covered by the permit for any such outdoor show, concert, festival, dance, theatrical performance, exhibition or public gathering for purposes of amusement permitted hereunder shall exceed 1,000 persons, notice shall be promptly given to the permittee by the Township Committee to withhold proceeding with the event. The permittee may request an immediate hearing before the Township Committee, and said hearing shall be held as promptly as possible.
- E. In the event of a revocation or suspension of any permit, no permit fee or application fee shall be refunded.

§ 36-15. Service of notice.

Whenever notice is required to be given to the applicant or permittee hereunder, such service or notice may be made by registered or certified mail directed to the person and address listed in the application or otherwise personally upon the applicant or any of the agents of the applicant upon the permitted premises.

§ 36-16. Violations and penalties.

- A. Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed for each separate act involved or on each day involved during a continuation of any such act in violation of any of the provisions of this article.
- B. The penalty or penalties provided herein shall be in addition to, and not in lieu of, the suspension or revocation of any permit issued hereunder.