

ORDINANCE 52 - 2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 136-32 OF THE BOROUGH CODE ENTITLED "SPECIAL EVENT PERMITS"

WHEREAS, the Borough Administrator has recommended amending Section 136-32 of the Borough Code entitled "Special Event Permits"; and

WHEREAS, the Borough Council is in agreement with said recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

Section 1: Section 136-32 of the Borough Code entitled "Special Events Permits" is hereby amended and replaced with the following:

A. A "special event" is any event which is conducted sponsored or permitted by an individual or an organized group of persons and which involves any advance publicity or advertising by or from said group.

B. Permits for parades or special events on municipal property shall be obtained by application, in writing, to the Borough Clerk, in accordance with the following procedures:

(1) The person or group of persons seeking issuance of such permit shall file an application, in writing, signed by the applicant and all sponsors, with the Borough Clerk of the Borough of Madison, at least 60 days before the Special Event, stating:

(a) The name and address of the applicant.

(b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.

(c) The day and the hours for which the permit is desired.

(d) The property and portion thereof for which such permit is desired.

(e) A reliable estimate of the anticipated attendance.

(f) The type and nature of activity for which such permit is desired.

(g) The anticipated age group of the expected participants.

(h) The names and addresses of the adult persons who would supervise and be responsible for the proposed activity. The ratio of adults shall be sufficient to properly supervise the anticipated participants.

Such other information as may be reasonably required.

Insurance Certificate naming the Borough of Madison as additional insured as to the Special Event for bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000 and for property damage for each occurrence in the aggregate amount of \$5,000,000

An agreement, in writing, in a form approved by the Borough Attorney, whereby the applicant agrees to indemnify and save harmless the Borough of Madison, its officers, employees and agents, from any and all liability, expense, claim or damages resulting from the use of public lands.

A contractual agreement with the Madison Police Department for paid police coverage during the time indicated in the permit.

Proof of service of written notification of proposed dates and lands to be used for event activities to any and all tenants and property owners who will be directly affected by the event and its site location, such notification to take place at least three (3) business days prior to the requested event date, with proofs submitted to the Borough Clerk prior to issuance of the permit.

A written approval from the Madison Police Department authorizing issuance of the permit and providing any traffic control requirements and public safety conditions.

Event Fees made payable to "Borough of Madison": Commercial applicants \$100 application fee; Nonprofit applicants: \$25 application fee; the posting of a cash bond of \$500 or maintenance bond of \$1,000 running in favor of the Borough and protecting and insuring that the location utilized will be left after the event in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, rules and regulations will be followed; within two (2) business days of the completion of the event, the Borough will return the bond if there has been no damage to public property or public expense caused by the event; bona fide educational institution for non-commercial use—fees waived.

If any services are required by employees from Borough Departments, the cost of such employees is to be borne by the applicant as a cost of the event. The hourly rate for outside duty will be provided upon request by the Borough Administrator and will be billed to applicant.

(2) A permit shall be issued by the Borough Clerk in consultation with the appropriate department head and Business Administrator and approval by the governing body upon the recommendation of the Business Administrator and after making the following findings:

(a) That the proposed activity or use of the municipal property will not unreasonably interfere with or detract from the general public enjoyment of the subject property.

(b) That the nature and character of the proposed activity or use of the property is not reasonably anticipated to incite violence, crime or disorderly conduct.

(c) That the proposed activity or use of the property will not entail extraordinary or burdensome expense on the public safety operations of the Borough.

(d) That the property or facility desired has not been reserved for other use at the date and hour desired in the application.

(e) That all conditions on the Special Event Permit Application as to insurance, security, indemnification, fees and bonding have been satisfied.

(f) The Borough reserves the right to waive any and all conditions or to reject the application in their sole discretion.

(g) Co-sponsorship of any special event as defined herein shall require specific prior written approval of the governing body.

(h) Such other reasonable conditions as may be required by the municipality.

(i) The requirements for obtaining a permit under this chapter shall not relieve any person or group of persons from obtaining such further permits or approvals as may be required now or in the future by reason of any state or federal law.

C. The Borough Council may delegate its authority for the enforcement of this permit and the conditions relating thereto to the Chief of Police or any other responsible official. A violation of any condition of the permit shall be cause for immediate revocation of the permit by the Borough Council or by its duly authorized agent.

SECTION 2: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

July 14, 2008

_____ Mary-Anna Holden, Mayor

Attest:

_____ Marilyn Schaefer, Borough Clerk

Introduced and passed: June 23, 2008

Published, Madison Eagle: June 26, 2008

Hearing and final adoption: July 14, 2008

Published, Madison Eagle: July 17, 2008