

**TOWNSHIP OF LONG HILL
ORDINANCE 535-24
AN ORDINANCE CONCERNING SPECIAL EVENTS AND SUPPLEMENTING AND AMENDING
CHAPTER 4 OF THE TOWNSHIP CODE ENTITLED "GENERAL LICENSING"**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey, that Chapter 4 of the Township Code entitled "General Licensing" is hereby supplemented and amended as follows:

Section 1. Section 4-6 entitled "Special Events" is supplemented and amended to read as follows:

§ 4-6 SPECIAL EVENTS.

§ 4-6.1 Definitions.

CONCESSIONAIRE

Shall mean and include any party who is present or occupies space at any special event for the purpose of selling or displaying for sale any item of tangible personal property, including food and beverages.

SPECIAL EVENT

~~Shall mean and include a festival, fair, circus, carnival, celebration, parade, gathering, exhibition or any event which includes the sale of items of tangible personal property, including food and beverages, at one or more locations and requires approval by the governing body at which there are temporarily multiple concessionaires occupying space allotted to each such concessionaire for the purpose of selling or displaying for sale any item of tangible personal property, including food and beverages.~~

~~This definition shall also apply where a concessionaire has been admitted to the general location wherein a special event is taking place but where the concessionaire is not allotted any specific location.~~

Shall mean and include a street fair, television or movie filming, bicycle race, car show, carnival or circus, concert, fair, farmer's market, festival, fireworks display, flea market, foot race, marathon or run, parade, or walkathon, block party, or similar event, which:

- a. Is open to the general public; or
- b. Will generate a parking or traffic flow situation that could interfere with the movement of normal vehicular or pedestrian traffic or emergency vehicles, or requires the closure of a public street or streets; or
- c. Requires the expenditure of municipal resources by the Department of Public Works, the Police Department or the Fire Department.
- d. Is proposed to take place at a municipal park or facility, whether the event is open to the general public or not, if the anticipated number of attendees constitutes a special event in the judgment of the Township Recreation Director.

Special events shall be permitted only with the prior approval of the Township Committee.

Any event sponsored by the Township or by any quasi-municipal entity like the volunteer fire companies or the first aid squad shall not be considered a special event.

SPONSOR

Shall mean and include any party who is responsible for the operation of a special event.

§ 4-6.2 Notification of Proposed Special Event. [RESERVED]

~~Any sponsor who proposes to conduct a special event as defined herein shall notify the Township Clerk in~~

~~writing at least 45-60 days in advance of the date of the proposed special event on a form provided by the Township. The form shall specify the date, location and hours of operation of the proposed special event. Where any sponsor contemplates conducting a special event on more than one date within the same calendar year, he may specify all the contemplated dates on a single written form provided by the Township. Any sponsor canceling any proposed special event shall notify the Township Clerk of any such cancellation as soon in advance of the cancellation as is practical. In no event shall notification excuse compliance with other ordinances, notwithstanding that same shall not be disclosed by the Township Clerk.~~

§ 4-6.3 Licenses Required. [RESERVED]

~~No sponsor shall conduct a special event without first having obtained a special events license from the Township Committee. No concessionaire shall sell or display for sale any item of tangible personal property, food or beverage without first having obtained a concessionaire's license from the Township Clerk.~~

§ 4-6.4 Applications for Licenses. License Required; Application.

- a) ~~Special Event License. No sponsor shall conduct a special event without first having obtained a special events license from the Township Committee. Application for special event license hereunder shall be filed in writing on a form to be provided by the Township and shall be filed with the Township Clerk at least 45 days in advance of the date of the proposed special event. Where any sponsor contemplates conducting a special event on more than one date within the same calendar year, he or she may specify all the contemplated dates on a single written form provided by the Township. Any sponsor canceling any proposed special event shall notify the Township Clerk of any such cancellation as soon in advance of the cancellation as is practical. No concessionaire shall sell or display for sale any item of tangible personal property, food or beverage without first having obtained a concessionaire's license from the Township Clerk.~~
- b) The application shall specify:
1. The name and address of the applicant and the person or organizer running the special event, and if a firm, corporation, partnership or association, the principal officers and owners having an interest in excess of 10%, and their addresses.
 2. A detailed description of the special event.
 3. A general description of the types of merchandise, food and beverages that will be offered for sale by the sponsor and concessionaires.
 4. The date and places of proposed sale of merchandise, food and beverages.
 5. ~~The amount of the escrow deposit required by Subsection 4-6.5A below. The Police Department's estimate of the cost of providing police coverage for the event below shall be attached to the application.~~
 6. ~~If the sponsor is seeking a waiver from the requirement that it pay for the cost of police coverage for the special event pursuant to Subsection 4-6.5A below, the application shall also include the following:~~
 - a) ~~A copy of the organization's 501c3 exemption.~~

- b) ~~A list of the organizations to whom the proceeds of the event will be donated and the percentage that will be donated to each of the organizations.~~
 - e) ~~An estimated amount and list of the anticipated administrative costs.~~
 - d) ~~Within 30 days after the conclusion of the special event, the sponsor of the special event shall provide the Township Administrator with an accounting of the event specifying, the gross amount received, the administrative costs, and the amounts donated to qualified Township organizations.~~
 - e) ~~Concessionaires' Licenses. Applications for concessionaires' licenses hereunder shall be filed in writing on a form to be provided by the Township and shall be filed with the Township Clerk.~~
- c) Social Affair Alcoholic Beverage Permits. Any qualified civic, religious, educational, charitable, fraternal, social, recreational or nonprofit organization that wishes to serve alcoholic beverages at a special event must first obtain a special permit for social affairs in accordance with State law and the applicable Division of Alcoholic Beverage Control regulations. That application which is submitted to the Division of Alcoholic Beverage Control must be approved by the Township Committee and endorsed by the Township Clerk and the Chief of Police. In order to allow the Township Police Department sufficient time to conduct the required background investigations, all such applications must be submitted to the Township Clerk at least forty-five (45) days prior to the first event to be covered by the ABC special permit. The Chief of Police or his designee is authorized to obtain criminal history record information background checks for noncriminal purposes in accordance with N.J.A.C. 13:59-1.1 to 1.6 on all persons required to be named on the application. The applicant shall be required to submit with its application the full amount of the fees the Township will have to remit to the State Bureau of Investigation to process these criminal history record information background checks.

§ 4-6.5 Insurance; Indemnity Agreement.

No license shall be granted for the holding of any special event within the corporate limits of the Township, until the sponsor provides the Township Clerk with the following documents:

- a. Certificate of insurance showing that the sponsor has blanket coverage of \$1,000,000 for liability for bodily injury and/or property damage. In the case of special events which present a special or extraordinary exposure (e.g., fireworks displays, concerts, etc.) the sponsor shall provide liability insurance in an amount set by the Township Committee upon the recommendation of the Township's insurance carrier or insurance consultant. Such insurance policy shall specifically cover all concessionaires. If the special event is held on Township property or on public streets and/or sidewalks with the consent of the Township Committee, the required certificate of insurance must also name the Township as an additional insured.
- b. A properly executed indemnity and hold harmless agreement, by which the sponsor agrees to hold the Township harmless and indemnify the Township against any claims brought or actions filed against the Township as the result of the special event whether such claims or actions are rightfully or wrongfully brought or filed. Such agreement shall be in a form acceptable to the Township Attorney.

§ 4-6.5A Police Coverage at Special Events.

- a. Except as provided below, all sponsors of special events shall be responsible for the cost of the Township's providing police coverage at the special event. If the sponsor is not exempt pursuant

to this section, it shall consult with the Chief of Police, or his designee, prior to the submission of its application for a special event license, to ascertain the police coverage that will be required at the event and the estimated cost of providing such coverage. For purposes of this subsection, "police coverage" shall include traffic regulation and crowd control necessitated by the event. If the sponsor is not exempt, it must deposit with the Police Department or its third part agent an escrow deposit in accordance with the Police Department's estimate. No permit will be issued until either the sponsor has deposited the required escrow or been deemed exempt pursuant to Subsection **b** below. At the conclusion of the event, the Township will draw down against that escrow deposit to pay for police coverage at the event. Any excess deposit will be returned to the sponsor without interest. If the amount deposited was not sufficient to cover the amount of police coverage at the special event, the sponsor shall reimburse the Township for that additional cost.

b. The sponsor shall not be responsible for the cost of providing police coverage at its special event if all of the following requirements are met:

1. The sponsor is a Long Hill Township nonprofit entity, ~~which has been granted 501c3 or 501c6 status by the IRS, such as:~~

- (a) ~~Long Hill Township First Aid Squad.~~
- (b) ~~Stirling Fire Company.~~
- (c) ~~Millington Fire Company.~~
- (d) ~~FORCE.~~
- (e) ~~Chamber of Commerce.~~
- (f) ~~Long Hill Senior Center/Senior Club.~~
- (g) ~~Long Hill Township and Watchung Hills Regional Boards of Education and affiliated groups.~~
- (h) ~~Education and affiliated groups.~~
- (i) ~~Friends of Long Hill Township Citizen Corps Programs.~~
- (j) ~~Stirling American Legion Post.~~
- (k) ~~Any Boy Scout, Girl Scout, Cub Scout, Brownie, Camp Fire Girl, or similar organization based in Long Hill Township.~~
- (l) ~~Any youth recreation league based in Long Hill Township including but not limited to the Long Hill Township Little League, Long Hill Lacrosse, Watchung Hills Soccer Association, and Long Hill Township Softball Association.~~
- (m) ~~Long Hill Township Public Library.~~
- (n) ~~Long Hill Township Historical Society.~~

2. All of the proceeds of the special event, less reasonable administrative costs, are donated to Long Hill Township civic, charitable and service organizations.

3. If the sponsor is seeking a waiver from the requirement that it pay for the cost of police coverage for the special event pursuant to this Subsection 4-6.5A, the application shall also include the following:

- a. A copy of the organization's 501(c)(3) or 501(c)(6) exemption.
- b. A list of the organizations to whom the proceeds of the event will be donated and the percentage that will be donated to each of the organizations.
- c. An estimated amount and list of the anticipated administrative costs.

- d. Within 30 days after the conclusion of the special event, the sponsor of the special event shall provide the Township Administrator with an accounting of the event specifying, the gross amount received, the administrative costs, and the amounts donated to qualified Township organizations.

§ 4-6.6 Licenses; Fees.

- a) Special Event Fee. The fee for a special event shall be set by resolution of the Township Committee. The license so issued shall be valid only for the date or dates endorsed upon the license. In the event the special event as defined above shall be scheduled for a Saturday of any week and the same shall be scheduled as a two-day event, any license issued on Saturday of said weekend shall be valid for Sunday following without additional application or payment of fee, notwithstanding the provisions hereof. The Township shall not refund any fee, or portion thereof, paid hereunder, for any reason.

~~A separate concessionaire's license or endorsement shall be obtained for each date on which a concessionaire proposes to sell or offer for sale any item of tangible personal property, food or beverage as set forth herein. However, the Township Committee may issue a concessionaire's license with more than one date of proposed sale endorsed thereon, provided that the applicant shall pay the daily fee for each proposed date of sale in advance.~~

~~The Township shall not refund any fee, or portion thereof, paid hereunder, for any reason.~~

~~A separate license shall be obtained by every concessionaire for each separate location or space allotted to that concessionaire for the purpose of selling or offering for sale any item of tangible personal property, food or beverage as set forth herein.~~

- ~~b) Display of License. All concessionaire's licenses issued hereunder shall be prominently displayed by the of any such sale. No sponsor shall allow any concessionaire to sell or display for sale any item of tangible personal property, food or beverage unless the concessionaire prominently displays at all times a valid concessionaire's license at the location allocated to the concessionaire.~~
- e) b. Other Requirements. The sponsor and all concessionaires shall obtain all required food, fire and health permits and insurance coverages required by section 4-6.5 above and shall comply with all health, safety and other applicable ordinances, statutes and regulations. All required health certificates shall be displayed at each vendor's location in accordance with law.
- c) All temporary mobile retail food establishments located on the site of a special event shall obtain licenses and comply with all of the requirements of Township Code section 4-7.

§ 4-6.7 Cancellation of Special Events.

A sponsor may postpone a scheduled special event to a rain date previously approved by the Township Committee, without obtaining new licenses and without the payment of any additional fees. The sponsor shall immediately notify the Township Clerk in writing when a special event has been postponed to its previously approved rain date.

§ 4-6.8 Violations and Penalties.

Any falsification of information contained in an application or failure to comply with any other provision of this section shall result in immediate revocation of the Sponsor's license. In addition, any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalties stated in Chapter 1, § 1-5.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 24, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, May 22, 2024, by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to Wednesday, May 22, 2024, public agenda, or email municipalclerk@longhillnj.gov.

ATTEST

Megan Phillips, RMC

Guy Piserchia, Mayor

First Reading and Introduction: April 24, 2024

1st Publication: Echoes Sentinel May 2, 2024

Second Reading and Adoption: on agenda May 22, 2024

2nd Publication: