

**TOWNSHIP OF HARDYSTON**

**ORDINANCE 2018-11**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX TO AMEND TOWNSHIP GENERAL ORDINANCES CHAPTER 125 OUTDOOR SHOWS TO CLARIFY THE REQUIREMENTS FOR HOLDING OUTDOOR EVENTS WITHIN THE TOWNSHIP**

**BE IT ORDAINED**, by the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

**Section 1.** Chapter 125, Township of Hardyston General Ordinances is hereby amended and supplemented to read as follows:

§ 125-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AMUSEMENT, ENTERTAINMENT or EXHIBITION**

Includes any show, concert, festival, musical performance, dance, theatrical performance and exhibition of any kind.

**OUT OF DOORS**

Open spaces outside of buildings wherein the substantial portion of any exhibition or performance shall be conducted.

**PERFORMANCE**

Any show, concert, festival, musical performance, theatrical performance, dance or exhibition of any type.

**PERMANENT**

A period of time of undetermined length and involving at least a period of time of one year or more.

**PUBLIC GATHERING**

Gathering together more than 250 people.

§ 125-2. Permit required.

A. No person shall permit outdoor shows, concerts, festivals, dances, theatrical performances, exhibitions or public gatherings for purposes of amusement out of doors on any land or premises within the township owned, leased, occupied or controlled by him or her without first having obtained a permit therefor in the manner and upon the conditions set forth in this chapter.

B. Limitations on number of events. No person, business, organization or establishment shall be able to apply for and receive a permit more than 3 times annually. For purposes of establishing the number of events, an event is any show, concert, festival, dance, theatrical performances, exhibitions, or public gathering that anticipates at least 250 people over the duration of the event (1 – 3 days). A desire to

obtain more than 3 permits annually shall require Site Plan Approval pursuant to the requirements of Chapter 147, Site Plan and General Development Plan Review.

§ 125-3. Application.

The permit shall, in addition to the information in § 112-2, contain the following:

A. The type of performance desired to be conducted and a statement of the purposes of the exhibition or performance, whether for pecuniary profit or charitable purposes, and if charitable, a statement of the charity to be benefited.

B. A description of the lands or premises sought to be licensed which shall include a description of the boundaries of the specific area sought to be licensed.

C. Whether the premises are owned by the applicant or, if not owned, the name and address of the lessor or licensor and the term of the lease or permit.

D. A designation of the portion of the premises intended to be used for the parking of automobiles, including a statement in acres or square feet of the area to be devoted to this purpose.

E. A map or sketch showing the entire area sought to be licensed and delineating the portion to be used for the parking of automobiles, and showing driveways or means of access to and from the premises and the names of all adjoining owners of the premises to be licensed.

F. A statement of the number of persons to be engaged in the exhibition or performance sought to be licensed and, in addition, a statement of the number of spectators anticipated to watch or observe the exhibition or performance.

G. A fee as set from time to time by the Township Council shall be paid upon filing of the application, which fee shall be applied by the township toward its expense in investigating the application. The fee shall not be refunded whether a permit is issued or denied.

H. The application shall further state in detail the provisions proposed for the accommodation of persons attending in the following particulars:

- (1) Food and drink.
- (2) Shelter if overnight stay is to be considered.
- (3) Toilet and other sanitary facilities.
- (4) Medical and hospital care, including first aid and ambulance service.
- (5) Public safety, indicating kind and number of guards and special police assisting in the control of traffic and supervision of those attending the event.

§ 125-4. Investigation.

The application shall be submitted for review by the appropriate departments and Township professionals 50 days prior to the first day of the event. In addition to the review of the application as required by § 125-3, a copy of the application shall be furnished to the Board of Health and a written report shall be made by the Board to the Township Council within 30 days with reference to its investigation of the matters within its jurisdiction, particularly the requirements in Subsection H of § 125-3.

§ 125-5. Hearing.

If the Township Council determines from reports issued by the reviewing agencies and professionals that a hearing on the application should be held before issuing or denying a permit, then within five days after the thirty-day period for investigation, the Council shall set a time and place for hearing on the application. The hearing shall be held within 10 days thereafter. At the hearing, the applicant and the township may offer such evidence as may be desired covering the subject matter. Within 5 days after the hearing, the Township Council shall render a determination on the application and if the determination is favorable a permit shall be issued; but if the determination shall be denial of the application, a copy of the determination, containing the reasons for a denial, shall be served upon the applicant at the mailing address designated in the application.

§ 125-6. Issuance of permit.

A. The permit if authorized shall be issued by the Township Council and executed by the Township Manager and Township Clerk.

B. The permit shall set forth and describe the place where the show, exhibition, performance, public gathering or other event sought to be licensed shall take place and the period of time during which it may continue.

C. A permit issued hereunder shall include each separate day in which any public gathering for purposes of amusement, entertainment or exhibition is involved. No permit should extend for more than 3 days. Any event that extends beyond 3 days shall be required to obtain site plan approval pursuant to the requirements of Chapter 147, Site Plan and General Development Plan Review.

§ 125-7. Permit fee.

The fee is to be paid upon issuance of a permit for each 100 persons or any portion thereof anticipated to be involved in the event sought to be licensed, including all personnel and spectators or members of the audience. A minimum fee shall be paid. All permit fees shall be in addition to the fee required to accompany the application.

§ 125-8. Limitation of persons and vehicles.

A. No outdoor show shall be permitted or licensed if the event contemplates a gathering of more than 2,000 persons or if the area allowed for the parking of motor vehicles is less than 50 cars per acre for the anticipated number of persons involved in occupying the premises.

B. The provisions of this chapter shall not apply to any out-of-doors gathering involving fewer than 250 persons nor to any out-of-doors public gathering for purposes of amusement, entertainment or exhibition in the township which are conducted by any organization incorporated under the laws of New Jersey as a nonprofit, charitable, religious or fraternal corporation and which maintains a permanent building within the township, or otherwise of any such named corporations not for profit which have been established and have been active for at least two years within the township without any permanent building, or otherwise any exhibition, amusement or entertainment in the township referred to herein, conducted by any municipal department of the township. Nor shall it apply to any outdoor

events and/or temporary structures associated with said events which have obtained municipal site plan approval.

§ 125-9. Conduct of licensees.

A. No licensee shall permit any exhibition, performance or gathering or persons for any unlawful purpose or to be conducted in any unlawful, disorderly, obscene or lewd manner.

B. No outdoor show shall allow any performer to perform or be displayed in the nude.

C. No outdoor show shall be allowed which depicts sexually suggestive acts or subjects offensive to public morals and decency.

D. No outdoor show shall allow the use of any moving picture or other media which is obscene, lewd, indecent or offensive to public morals and decency.

E. No licensee shall permit any employees or agents or any spectators or other persons on the licensed premises during the period of time licensed to completely undress or go about in the nude or become undressed or go about in a lewd, obscene or indecent manner.

F. The licensee shall allow the Police Department or any other persons authorized by the township to inspect the licensed premises, or any part thereof, and the performances, exhibitions and shows for public gatherings at any time either prior to or during the period of time licensed, and to observe the persons upon the premises in order to detect violations of this chapter or of any other law of the United States, the State of New Jersey or the township.

G. The licensee shall take all proper means to assist in the orderly conduct and presentation of the event, to maintain a flow of traffic and to minimize traffic congestion. For such purposes, the licensee shall employ or obtain sufficient trained personnel.

H. The licensee shall maintain at his or her own expense one or more persons or agents responsible for the proper conduct of the licensed event who shall remain upon the premises at all times during the period the permit is in effect. The name, address and description of the person or agent responsible shall be furnished to the township before the beginning of the licensed period, and if any change is made as to such person or agent responsible, notice of the change with the names, addresses and descriptions of the persons to be substituted shall be furnished to the Police Department within 24 hours. The Police Department or other authorized officer or agent of the township may require the licensee to introduce the person or agent responsible to the Police Chief of the township or such other authorized officer or agent of the township as the township may designate.

§ 125-10. Revocation or suspension of permit.

A. If any of the provisions of this chapter are violated, the Township Council may terminate or suspend any permit issued hereunder in accordance with the provisions of § 112-9, 112-10 and 112-11.

B. If it reasonably appears to the Police Department that the number of persons gathered upon the licensed premises exceeds 1,000 persons, the Police Department may give notice immediately to the licensee to withhold proceeding with the event and promptly inform the Township Manager or

Township Council of such action. The licensee may request a hearing by the Township Council forthwith upon the Police Department's action and the hearing shall be held as promptly as possible.

§ 125-11. State law.

A. Nothing herein contained in this chapter is intended to or shall conflict with the provisions of Chapter 205, New Jersey Laws of 1971, which pertains to mass gatherings of substantial numbers of persons.

B. Compliance with Chapter 10 of the State Sanitary Code, Rules and Regulations Governing Mass Gatherings of Persons for the Purpose of Musical or Public Entertainment, is required where applicable.

**Section 2.** Chapter 88 Fees, Section 88-1 Fees Payable to Municipal Clerk of the Code of the Township of Hardyston is hereby amended and supplemented to read as follows:

**§88-1 Fees Payable to Municipal Clerk**

B. Licenses

(11) Outdoor Show Permit:

(a) Application Fee: \$500

(b) Permit Fee: \$50 per 100 persons as anticipated in the permit application

**Section 3.** This Ordinance may be renumbered for codification purposes.

**Section 4.** All Ordinances of the Township of Hardyston which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall take effect immediately following adoption and publication as required by law.

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on July 25, 2018. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on October 24, 2018, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk