

ORDINANCE NO. 5753

AN ORDINANCE TO MAKE VARIOUS AMENDMENTS TO CHAPTER 12.56 OF THE CODE OF THE CITY OF ELIZABETH, ENTITLED "FESTIVALS," INCLUDING RENAMING THE CHAPTER TO "SPECIAL EVENTS", IN ORDER TO CREATE A MORE EFFICIENT PERMITTING PROCESS

WHEREAS, Chapter 12.56 of the Code of the City of Elizabeth, entitled "Festivals," allows for operators intending to sponsor a festival within the City of Elizabeth to apply for a festival permit and to pay a non-refundable fee, as well as vendor fees, if applicable, and a bond requirement; and

WHEREAS, Chapter 12.56 also allows certain organizations to be exempt from paying the permitting fee for various circumstances; and

WHEREAS, in practice, there has been uncertainty in granting fee exemptions to certain organizations in terms of which fees and obligations the City was agreeing to waive; and

WHEREAS, in order to remove any uncertainty in the process, certain additions and amendments are necessary to ensure that both the City and the special event operators are meeting their obligations in permitting for a special event; and

WHEREAS, previously, Chapter 12.76 did not permit a fee exemption for not-for-profit organizations, despite their contributions to the City of Elizabeth and its residents; and

WHEREAS, the City Council of the City of Elizabeth deems it necessary and proper to charge a discounted permit fee for 501(c)(3) organizations, as well as waiver of a newly imposed application fee and discretionary waiver of other requirements depending on the type of event; and

WHEREAS, further, religious organizations and operators co-sponsoring events with the City of Elizabeth will no longer be permanently exempt from remitting a permit fee prior to the date of the special event in order to remain consistent with the intent of allow fee waivers for need-based reasons to 501(c)(3) organizations; and now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. Section 12.56.010 of the Code of the City of Elizabeth, entitled "Definitions," is hereby amended to read as follows:

The following definitions shall apply to the interpretation and enforcement of this chapter:

"501(c)(3) organization" means an organization organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and that meet certain other requirements, are tax exempt under Internal Revenue Code Section 501(c)(3).

"City" means the city of Elizabeth.

"City council" means the city council of the city of Elizabeth.

"Festival" "Special Event" means a series of related events or performances conducted on city property, sidewalks, streets and other public rights-of-ways, including but not limited to parades, marching processions, fundraisers, races, festive activities, cultural events, exhibitions, competitions, collection of shows, live entertainment and other amusement or social enterprises, and/or that may or may not include the dispensation of food, which is open to the public at large.

"License" "Permit" means the permission in writing from the supervisor of Licenses Chief License Inspector of the city, issued in accordance with the provisions of this chapter or other applicable law, to carry out a festival special event.

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on

DEC 14 2022

City Clerk

5. The sponsor applicant shall deposit with the supervisor of licenses Chief License Inspector at the time of the filing of the application, in cash or by certified check made payable to the city, a bond in the sum of five thousand dollars (~~\$5,000.00~~) to be determined by Section 12.56.045(c) below to guarantee upon the termination of the festival special event that City employees will be made available to clean and clear the general area where the affair has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material and debris within twenty four (24) hours from the termination of the festival. If the sponsor fails to meet this requirement, the city, in its discretion, shall clean and restore the area to pre-festival condition, deducting the moneys spent thereon from the deposit aforementioned.

6. The sponsor operator is required to maintain a clean space during the entirety of the event and hire a private scavenger to pick up and dispose of, or notify a City employee to dispose of, any the garbage or debris generated at the festival special event which is dangerous to the public's health, safety or welfare.

SECTION 3. Section 12.56.040 of the Code of the City of Elizabeth, entitled "Fees," is hereby amended to read as follows:

~~A. License Fee for festival: A fee of seven hundred fifty dollars (\$750.00) shall be charged for the festival operator's license.~~

A. A nonrefundable processing fee of fifty dollars (\$50.00) shall accompany every application and shall be used to reimburse the City for its administrative costs in issuing a permit. The processing fee shall be waived for permits issued to 501(c)(3) organizations.

B. A nonrefundable permit fee shall be paid to the City in advance of the special event and shall be issued as follows:

1. Seven hundred and fifty dollars (\$750.00) for special events operated by any person or entity for up to three (3) days and two hundred and fifty dollars (\$250.00) for every additional day, unless they qualify for the discounted fee as described in the following provision.

2. Four hundred and fifty dollars (\$450.00) for special events operated by 501(c)(3) organizations for up to three (3) days and one hundred and fifty dollars (\$150.00) for every additional day.

~~B.~~ C. Vendor License Permit Fees:

1. Non-Food Vendor: There shall be a fee for a non-food vendor's license permit in the sum of fifty dollars (\$50.00) ~~seventy five dollars (\$75.00)~~ for the first two (2) days of operation and ~~seventy five and fifty dollars (\$50.00) (\$75.00)~~ for each day thereafter. This fee shall be payable in advance to the Chief License Inspector ~~supervisor of licenses~~ of the city.

2. Food and Beverage Vendors. ~~Food and beverage vendors shall not be required to pay this license fee to the supervisor of licenses. Instead, Vendors~~ intending to operate food and beverage stands shall be required to obtain a license permit from the department of health and human services, division of health, and pay a fee in the sum of seventy five dollars (\$75.00) for the first two (2) days of operation and ~~seventy five dollars (\$75.00)~~ fifty dollars (\$50.00) for each day thereafter. This fee shall be payable in advance to the department of health and human services, division of health.

SECTION 4. Section 12.56.045 of the Code of the City of Elizabeth, entitled "Insurance and Bond" is hereby added to the Code and is read as follows:

12.56.045 Insurance and Bond.

A. Before any license permit shall be granted, the sponsor operator shall provide and deposit with the city clerk of the city a public liability insurance policy in the

SECTION 6, Section 12.56.060 of the Code of the City of Elizabeth, entitled "Health and sanitary requirements" is hereby amended to read as follows:

A. All health and sanitary requirements, regulations and ~~licensing permits~~ shall be adhered to by the ~~spensers operators~~ and/or vendors of the festival special event, as provided for in Chapter 12 of the New Jersey State Sanitary Code and the health and sanitary code of the city, both of which are incorporated by reference herein as if fully set forth.

B. In addition thereto, the operator of a festival special event shall provide a sufficient number of temporary or permanent toilet facilities for the use of vendors and the use of the public as required by the health officer.

SECTION 7, Section 12.56.070 of the Code of the City of Elizabeth, entitled "fire prevention requirements," is hereby amended to read as follows

A. The ~~spenser operator~~ and/or vendors, ~~with-upon the discretion and consent of the fire department, shall~~ may be authorized to install, hook and connect to fire hydrants specially marked by the fire department a master hose or other water carrying device, to supply water to the booths and stands operating at the festival special event, subject to the following provisions:

1. The fire department in its sole discretion, shall determine which fire hydrants will be used as hereinabove stated.

2. The ~~spenser operator~~ and/or vendors shall maintain all fire hydrants within the perimeter of the festival special event free and clear of any obstruction, with the closet object located next to a fire hydrant at less than two feet in any direction from its geometrical center.

3. The ~~spenser operator~~ and/or vendors shall meet and observe at all times the requirements of the water utility department of the city.

B. The ~~spenser operator~~ and/or vendors, while operating a booth or stand in which there is heating or cooking apparatus for the preparation of food, shall keep at all times, in a visible, easily accessible location within the booth or stand, a fully charged fire extinguisher of the kind classified as ABC.

C. All doors or gates on entrances to and exits from the premises where the festival special event shall be conducted shall be kept open and unobstructed during the hours of operation of the festival-special event in order to facilitate the rapid ingress or egress of all persons attending, in case of an emergency.

D. It shall be the duty of the ~~spenser operator~~, before the ~~license-permit~~ shall issue, to provide the ~~supervisor of licenses~~, Chief License Inspector and the fire department with detailed sketches, drawn to scale, depicting of an emergency.

1. Location of all fire hydrants within the perimeter of the festival special event.

2. The physical layout of booths, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the dimensions of the booths and stands at the location and size of the area which the amusement rides will occupy.

E. After the ~~spenser special event operator~~ has assigned the individual booths and stands to the vendors, and the areas used for amusement rides to the operators, it shall be the duty of the ~~spenser-operator~~ by the end of the first day of the festival special event to provide the ~~supervisor of licenses~~ Chief License Inspector with a list in which the names, addresses and location of the vendors and operators of amusement rides shall be set forth.

F. It shall be the obligation and the duty of the ~~spenser operator~~ to maintain, during the duration of the festival-special event, an unimpeded and unobstructed lane for emergency traffic, at least ten (10) feet in width, for the rapid ingress and egress of vehicles required for emergencies or other governmental purposes.

or any violation of this code or any other applicable state or federal law, in addition to the penalties set forth in the general penalties section of this chapter.

B. Anything to the contrary in this section notwithstanding, in cases of revocation of food and beverage vendors' licenses permits, such revocation shall be at the discretion of the city's director of health, welfare and housing or his or her designee.

SECTION 13. Section 12.56.130 of the Code of the City of Elizabeth, entitled "Insurance requirements," is repealed in its entirety.

~~A. Before any license shall be granted, the sponsor shall provide and deposit with the city clerk of the city a public liability insurance policy in the amount of one million dollars (\$1,000,000.00), single limit, naming the sponsor and the city as coinsured.~~

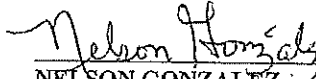
~~B. In addition thereto, the sponsor shall hold the city harmless from any and all claims or judgments recovered against it or the city in any court of competent jurisdiction, in excess of the one million dollar single limit liability insurance policy.~~

SECTION 14. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.


SECTION 15. If any portion of clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 16. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.


PASSED: 12/13/22


NELSON GONZALEZ
President of City Council

APPROVED: 12/14/22


J. CHRISTIAN BOLLWAGE
Mayor

ATTEST:


YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk

~~A.B.~~ No person shall place or use a ~~demolition container~~ roll-off dumpster on a city street without first obtaining a ~~demolition container~~ roll-off dumpster permit from the bureau of construction. Prior to the issuance of a ~~demolition container~~ roll-off dumpster permit, approval must be obtained from the Elizabeth police department division of traffic.

~~B.C.~~ Areas beneath and surrounding a demolition container shall be kept clean at all times and shall be cleaned immediately after the removal of such container.

~~C.D.~~ The ~~demolition container~~ roll-off dumpster shall not be filled higher than twelve (12) inches above the top edge.

~~D.E.~~ All ~~demolition containers~~ roll-off dumpster placed in the city street shall display the following:

1. Name, address and telephone number of the responsible person for the ~~demolition container~~ roll-off dumpster;
2. The ~~demolition container~~ roll-off dumpster permit number.

~~E.F.~~ The ~~demolition container~~ roll-off dumpster shall be marked at each end with at least one reflector and with at least one iridescent stripe measuring four feet by four inches.

~~F.G.~~ ~~Demolition containers~~ Roll-off dumpster necessary for disposal of construction and/or demolition materials related to an issued Construction permit shall be placed on the street or on private property no more than five consecutive days and may not be renewed without written permission from the construction official. The construction official may for good cause extend the time period except the total time including extensions shall not exceed thirty (30) days. Each extension shall be requested in writing. The determination of the extension shall be in writing.

~~H.~~ Roll-off dumpsters used for anything other than construction materials shall be placed on the street or on private property for no more than three days and may not be renewed.

~~I.~~ No permitted roll-off dumpster can be used as a disposal facility.

SECTION 4. Section 8.16.030 of the Code of the City of Elizabeth entitled "Roll-off Shipping Containers" is hereby amended:

A. No person shall place or use a roll-off shipping container on private property without first obtaining a permit from the central licensing bureau.

~~A.B.~~ No person shall place or use a roll-off shipping container on the sidewalk or street without first obtaining a permit from the central licensing bureau. Prior to the issuance of a roll-off shipping container permit, approval must be obtained from the Elizabeth police department division of traffic.

~~B.C.~~ The roll-off shipping container shall be placed on the street no more than three days and may not be renewed.

~~C.D.~~ No person shall be permitted to obtain a roll-off shipping container permit more than twice in any calendar year or more than two permits at any given address in any calendar year.

~~D.E.~~ All roll-off shipping containers placed in the city street shall bear the following: