

ORDINANCE NO. 6 - 2022

TOWNSHIP OF FAIRFIELD

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD TO AMEND CHAPTER 237
OF THE TOWNSHIP CODE**

WHEREAS, the Fairfield Township Committee (the “Township Committee”) seeks to clarify the provisions of Chapter 237 of the Township Code regarding regulation of exhibitions and amusements; and

WHEREAS, the Township believes that Chapter 237, as currently written, is ambiguous and that it is important to clarify that this section of the Township Code is aimed at assemblies of over 250 persons; and

WHEREAS, the Township Committee recognizes the importance of establishing standards for assemblies of over 250 persons and the importance of protecting the Township from liability from any such events; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Fairfield, County of Cumberland, and State of New Jersey, as follows:

SECTION 1.

Chapter 237, Exhibitions and Amusements is hereby amended, revised and replaced in its entirety to now read as follows:

[New Title] Chapter 237, Public Assemblies.

§237-1 Purpose.

The purpose of this chapter is to establish standards and regulations concerning assemblage of over 250 persons within the Township of Fairfield.

§237-2 License required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated outdoor assembly of 250 or more people, whether on public or private property, unless a license to hold the assembly has first been issued by the Township Committee of the Township of Fairfield, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

§237-3 Definitions.

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

ASSEMBLY

A company of persons gathered together at any location at any single time for any purpose.

PERSON

Any individual, natural human being, partnership, corporation, firm, company, association, society or group.

§237-4 Licensing and assembly regulations; fee.

A. A separate license shall be required for each day and for each location in which 250 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$50.00.

B. The license shall permit the assembly of only a maximum number of people stated in the license. The licensee shall not sell tickets to, nor permit to assemble at, the licensed location more than the maximum permissible number of people.

C. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the closed boundaries of the location of the assembly.

D. No such assembly shall be conducted between the hours of 2:00 a.m. and 6:00 a.m.

§237-5 Applicability.

A. This chapter shall not apply to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly for assemblies which do not exceed by over 250 people the maximum seating capacity of the structure where the assembly is held.

B. This chapter shall not apply to government-sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the Township of Fairfield nor to activities regulated by the statutes of the State of New Jersey.

§237-6 Conditions for issuing licenses.

Before one may be issued a license, the applicant shall first:

A. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly.

B. Provide proof that he will furnish, at his own expense, before the assembly commences:

(1) A fence completely enclosing the location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which fence shall have at least four gates at least on four opposite points of the compass.

(2) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled, at the rate of at least one gallon per person per day.

(3) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males, together with a sufficient sanitary means of disposing of the waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap, paper towels and toilet paper shall be provided with each toilet.

(4) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled, at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day in the assembly, and sufficient trash cans with tight-fitting lids and personnel to perform the task.

(5) Physicians and nurses licensed to practice in New Jersey, sufficient to provide an average medical care enjoyed by residents of New Jersey, for the maximum number of people assembled, at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance ready for use at all times.

(6) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the barriers of the enclosed areas of the assembly.

(7) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled, at the rate of at least one parking space for every four persons.

(8) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.

(9) Security guards, either regularly employed duly sworn off-duty New Jersey peace officers or private guards licensed in New Jersey, sufficient to provide adequate security for the maximum number of persons assembled, at the rate of at least one security guard for every 750 people.

(10) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly, as set forth in the statutes of the State of New Jersey and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment.

(11) All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(12) A bond, filed with the Clerk of Fairfield Township, either in cash or underwritten by a surety company licensed to do business in New Jersey, in the amount of \$500,000, which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of the granting of this license, and from any damage incurred by trespass, vandalism or otherwise, and from any costs incurred in cleaning up any waste material produced or left by the assembly.

§237-7 Application for license; application information.

A. Applications for a license to hold an actual or anticipated outdoor assembly of 250 or more persons shall be in writing to the governing body of this municipality at least 30 days in advance of such assembly. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct, to the best knowledge of the applicant, and shall be signed and sworn to or affirmed by the individual making application. In the case of an individual, signing of the application shall be by a natural human being, by an officer in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society or group.

B. The application shall contain and disclose:

(1) The name, age, residence and mailing address of persons required by Subsection A to sign the application and, in the case of a corporation, a certified copy of the certificate of incorporation, together with the name, age, residence and mailing address of each person holding 10% or more of the stock in said corporation.

(2) The name, age, residence and mailing address of all persons contributing \$500 or more to the production of said assembly.

(3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property.

(4) Proof of ownership of all property upon which the assembly is to be held, or statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use such property for an outdoor assembly of 250 or more persons.

(5) The nature or purpose of the assembly.

(6) The total number of days and/or hours during which the assembly is to last.

(7) The maximum number of persons the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly.

(8) The maximum number of tickets to be sold, if any.

(9) The plans of the applicant to limit the maximum number of people to assemble.

(10) The plans for fencing the location of the assembly, and the gates contained in such fence.

(11) The plans for supplying potable water, including the source, amount available and location of outlets.

(12) The plans for providing toilet and lavatory facilities, including the source, number and location, type and means of disposing deposits of waste.

(13) The plans for holding, collecting and disposing of solid waste material.

(14) Plans to provide medical facilities, including the location and construction of the structure, the names and addresses and also availability of all physicians and nurses, and provisions for emergency ambulance service.

(15) The plans, if any, to illustrate the location of the assembly, including the source, amount of power and the location of land.

(16) The plans for parking vehicles, including size and location of lots, points of highway entry and interior roads, including routes between highway access and parking lots. Approved state permits must be furnished if required.

(17) The plans for telephone service, including the source, number and location of telephones.

(18) The plans for security, including the number of guards, the deployment, their names, addresses, credentials and hours of availability.

(19) The plans for fire protection, including the number, type and location of all protective devices, including the alarms and extinguishers, and the number of emergency fire personnel to operate the equipment.

(20) The plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers.

(21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

C. The application shall include the bond required in § 237-6B(12) and the license fee.

§237-8 Public hearing.

A public hearing shall be held on each application before each license shall be issued.

§237-9 Issuance of license.

The application for a license shall be processed within 21 days of receipt and shall be issued when all conditions are complied with.

§237-10 Revocation of license.

The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuance of or contained in the license are not complied with or if any condition previously met ceases to be complied with.

§237-11 Enforcement; violations and penalties.

A. The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

B. The holding of any outdoor assembly in violation of any provision or condition contained in this chapter shall be viewed a public nuisance and may be abated as such.

C. Any person who violates any section of this chapter or any condition upon which he is granted a license may be fined not less than \$1,000 nor more than \$10,000. Each violation shall be considered a separate offense.

SECTION 2. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

STATE OF NEW JERSEY :

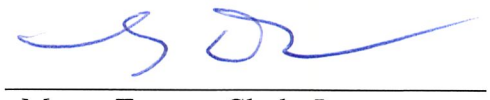
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COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted by the Township Committee of Fairfield Township after a public hearing on the 5th day of October, 2022.

ATTEST:


Linda M. Gonzales, Municipal Clerk


Mayor Tommy Clark, Jr.


First Reading: September 21, 2022

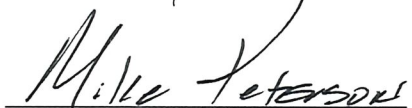
Publication on First Reading: September 27, 2022

Second Reading/Public Hearing: October 5, 2022

Publication on Second Reading: October 11, 2022

Final Adoption: October 5, 2022


Motion by:


Seconded by:

Vote:

SB ✓; BB 15; DG ✓; MP 201; TC ✓