

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 14-2021**

**ENACTING CHAPTER 55 TO THE CODE OF THE TOWNSHIP OF  
MOORESTOWN TO REGULATE COMMUNITY EVENTS**

**WHEREAS**, although the practice of the Township has been to approve community events taking place on public property, public streets, or in the public right of way by the Township Council's adoption of a resolution, the Code of the Township of Moorestown does not have any provisions that sets any standards for the approval or regulation of these events, other than the regulation of community event vendors which were previously regulated by the provisions of Chapter 132; and

**WHEREAS**, the Economic Development Advisory Committee has studied the existing regulatory scheme and, with input from organizations that host community events, has recommended that Community Events be regulated separately from the other types of persons and entities subject to Chapter 132; and

**WHEREAS**, the Township Council believes it is in the interests of the residents of the Township and the organizations that host community events to have established standards to regulate community events that are taking place on public property, and hereby enacts Chapter 55 as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey as follows:

Section 1: Chapter 55 of the Code of the Township of Moorestown is hereby enacted as follows:

**Chapter 55  
COMMUNITY EVENTS**

- § 55-1. Definitions.
- § 55-2. Intent and Scope.
- § 55-3. Approval Required.
- § 55-4. Application Content.
- § 55-5. Review and Approval of Application and Community Event.
- § 55-6. Standards for Community Events.
- § 55-7. Suspension and Revocation of Approval.
- § 55-8. Violations.

**§ 55-1. Definitions.**

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

COMMUNITY EVENT. Any planned gathering on public property, a public street, or in the public right of way, lasting between four (4) hours and twenty-four (24) hours, including set-up time, that contemplates the presence of fifty (50) or more persons, is free and open to all members of the public, fosters community-wide enjoyment, and stimulates broad economic activity and cultural enjoyment. By way of example, and not limitation, past events that would meet this definition include the Annual Moorestown Paddle Board and Kayak Race, Moorestown Day and Autumn in Moorestown.

COMMUNITY EVENT VENDOR. A person or entity which conducts business during a Community Event.

**§ 55-2. Intent and Scope.**

It is the intent of this chapter to provide uniform standards and a uniform procedure for the approval and conduct of Community Events.

**§ 55-3. Approval Required.**

No person or entity shall conduct, host, or otherwise hold a Community Event without first having obtained approval pursuant to this chapter.

**§ 55-4. Application Content.**

A. Application. In order to receive approval to hold a Community Event, the person or entity organizing the event shall submit an application to the Chief of Police of the Township of Moorestown upon forms provided by the Township. If a road closure is requested, the application shall be submitted at least ninety (90) calendar days prior to the Community Event; otherwise, the application shall be submitted at least forty-five (45) calendar days prior.

B. Fee. When submitting the application, the applicant shall pay an application fee in the amount of \$100.00 for events which involve a road closure, otherwise the application fee will be \$75.00.

C. Information Required. The applicant shall provide the name, address, e-mail address, and telephone number, including cellular phones where the organizer can be reached while the event is taking place, a detailed description of the Community Event for which the applicant is seeking approval for, including the date, location, hours of operation, whether any street closure is requested, whether alcohol will be served, whether Community Event Vendors will be present at the event, and such other information the Police Department may require to ensure safety of the attendees and members of the general public.

D. Insurance; Indemnification. The applicant is required to provide General Liability, Bodily Injury and Property Damage coverage with minimum limits of liability acceptable to the Township. A Certificate of Insurance specifically naming the Township as an

additional insured must be furnished to the Township no less than 10 calendar days prior to the commencement of the Community Event. As a condition of approval, the applicant shall also sign an Indemnification Agreement that provides that the organizer agrees to indemnify, defend, and hold harmless the Township and each of its officers, officials, employees, and agents (all collectively referred to as the Township) from any and all loss, liability, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by any person, including attorney's fees and litigation expenses, arising or alleged to have arisen directly or indirectly out of a Community Event.

E. Alcoholic Beverages. In the event alcoholic beverages are intended to be served in connection with a Community Event, the applicant shall obtain a Social Affairs permit issued by the Division of Alcoholic Beverage Control.

#### **§ 55-5. Review and Approval of Application and Community Event.**

A. The Chief of Police, or the Chief's designee, shall review the application to determine whether the proposed Community Event can take place in a manner that will ensure the safety and wellbeing of the attendees as well as members of the general public. The Chief shall have the discretion to recommend public safety measures be required as a condition of approval of a Community Event, which may include requiring that police officers be assigned to the event, at a cost to be borne by the organizer.

B. Upon the recommendation of the Chief of Police, the Township Council shall adopt a Resolution to memorialize the approval of the Community Event.

#### **§ 55-6. Standards for Community Events.**

Community Events shall be conducted in accordance with the following standards:

A. The event shall be conducted consistent with the information provided on the application, and in accordance with any conditions imposed by the Chief of Police.

B. If any combustible fuel, such as a gasoline or propane, whether for cooking, heating, or any other reason, will be used, any required fire department approval shall be obtained, and such fuel shall be used in accordance with appropriate safety precautions.

C. The event shall not be conducted in a manner that creates a threat to the health, safety, and welfare of any individual or the general public.

D. Community Event Vendors shall not be required to obtain a permit in accordance with Chapter 132 of the Township Code to participate in an approved Community Event.

E. Food vendors must obtain and display the appropriate Certificate from the County Health Department.

F. Smoking shall not be permitted.

G. At the conclusion of the event, the organizer shall ensure the site is restored to the condition it was in prior to the event. All litter generated by the event shall be collected, all garbage must be removed, and the site must be clean and free of debris.

**§ 55-7. Permit Suspension and Revocation.**

A. Generally. Any approval issued under this Chapter may be suspended or revoked at the discretion of the Chief of Police, or the Chief's designee, for violation of any of the following:

- (1) Subsequent knowledge of misrepresentation or incorrect statements provided on the application form.
- (2) Failure to comply with any conditions imposed by the Police Department when approving the event.
- (3) Violation of any other provision of this chapter.

B. Notice. Notice of suspension or revocation may be delivered verbally or in writing (which may be hand delivered, or sent by first class mail or e-mail to the address of the person or entity that submitted the application), and shall identify the basis for the suspension or revocation. If the event has already started when notice is provided, the organizer shall cease conducting the event, and shall immediately announce to those in attendance that the event is concluded. If notice is given prior to the start of the event, the organizer shall provide such notice as is necessary to reasonably inform the intended attendees that the event is suspended or terminated. Failure to comply with such notice shall constitute a violation of this chapter.

C. Appeal. Any person or entity whose approval is suspended or revoked under this section shall have the right to appeal that decision to a court of competent jurisdiction.

**§ 55-8. Violations.**

Any person or entity that violates any provision of this chapter shall be fined as set forth in Chapter 66. Every day that a violation continues shall constitute a separate and distinct offense.

Section 2: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3: Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not

effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4: Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 5: Short Title. This Ordinance shall be known as Ordinance 14-2021.

#### CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 14-2021 which was introduced and adopted on first reading on April 12, 2021 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on April 26, 2021.

<u>VOTE:</u>	
GILLESPIE	YES
MAMMARELLA	YES
LAW	YES
VAN DYKEN	YES
ZIPIN	YES

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Patricia L. Hunt, RMC  
Township Clerk