



# PERMIT APPLICATION FOR OUTSIDE ACTIVITY

ADVANCED PAYMENT REQUIRED.  
PLEASE PRINT ALL INFORMATION

Borough of Roselle  
Municipal Clerk's Office  
210 Chestnut Street  
Roselle, New Jersey 07203  
(908) 245 - 5600

**Note: ALL APPLICATIONS ARE DUE IN THE BOROUGH CLERK'S OFFICE AT  
LEAST TWO WEEKS BEFORE THE SCHEDULED EVENT**

Date of Application: \_\_\_\_\_

Received at Clerk's Office:

**Application For:**

Block Party (\$25 per Block)  Fair (\$100)  Festival (\$100)  Flea Market  
(\$50)  Can Shake (No Fee)  Other (Please Specify) \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Telephone Number(s): Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Work: \_\_\_\_\_

Email Address: \_\_\_\_\_

FOR A BLOCK PARTY, PLEASE READ THE FOLLOWING REGULATIONS AND  
COMPLETE THE MUTUAL CONSENT PETITION:

### REGULATIONS

It is required that one-half of the street be kept open for emergency vehicles. The entire road may be closed to regular traffic however, it is required that tables and chairs or other obstructions be kept on one side of the street.

If emergency services are required, we must have IMMEDIATE access to the area. The hydrant side of the street shall be the accessible side.

Any changes in original plans such as the date or time shall be cleared with both police and fire departments.

In addition to conforming to all legal requirements of the Borough of Roselle, anyone wishing to hold a block party must have the consent of at least one half (1/2) of the residents of said block.

Failure to provide such a petition will lead to a denial of a permit for such an event.





# PERMIT APPLICATION FOR OUTSIDE ACTIVITY

ADVANCED PAYMENT REQUIRED.  
PLEASE PRINT ALL INFORMATION

Proposed Date(s) of Event: \_\_\_\_\_, 20\_\_\_\_ thru \_\_\_\_\_,  
20\_\_\_\_, 20\_\_\_\_

Proposed Rain Date: \_\_\_\_\_, 20\_\_\_\_

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

(No Outside Activity shall begin before 8:00 A.M., nor last later than 10:00 P.M.)

*\* Times may vary per type of event, please see attached Ordinance 2458-13 for particular times.*

Location of Event: \_\_\_\_\_

On Street: \_\_\_\_\_ Off Street: \_\_\_\_\_

Private Property: \_\_\_\_\_ Public Property: \_\_\_\_\_

Non-Profit Property: \_\_\_\_\_

Expected Number of Participants: \_\_\_\_\_ (if not applicable, please mark  
"N/A")

Organization Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number(s): \_\_\_\_\_  
Home Work Cell

Contact Person for Day of Event (if different from above): \_\_\_\_\_

Phone number(s): \_\_\_\_\_  
Home Work Cell

*The Contact Person MUST be reachable the Day of the Event for Any Emergency that may arise.*

Insurance Information: \_\_\_\_\_ Policy #: \_\_\_\_\_  
Company and/or Agent

\_\_\_\_\_



## PERMIT APPLICATION FOR OUTSIDE ACTIVITY

**ADVANCED PAYMENT REQUIRED.  
PLEASE PRINT ALL INFORMATION**

*Check applicable condition(s) & attach applicable permit application(s) and information.*

Checked off below are the requirements to be met for use of city owned property.

( ) Liability Insurance in the amount of \$1,000,000.00 (Purchased from an insurance company of your choice.

( ) A check payable to the Borough of Roselle in the amount of \$\_\_\_\_\_.

Related Conditions:	Yes	No
Certification of Insurance Submitted		
Event to take place on Borough Property		
Hold Harmless Agreement Submitted		
No outside operating agreements exist		
Police Security/Traffic Control Required		
Sanitation Facilities Plan Attached (if required)		
Third Party Operating Agreements Attached (if applicable)		
Street Closing required		
Fire Inspection Required		

Do you plan to **serve/sell food**? YES [ ] NO [ ] (If YES, a Health Permit is **REQUIRED**)

Do you need **barricades**? YES [ ] NO [ ] (If YES, specify location to be **delivered**)

I certify that the information herein is true and accurate to the best of my knowledge:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# PERMIT APPLICATION FOR OUTSIDE ACTIVITY

ADVANCED PAYMENT REQUIRED.  
PLEASE PRINT ALL INFORMATION

## BOROUGH USE ONLY

The following department Heads have conditionally approved your application for the above function.

Approved   Denied

[ ]   [ ]

\_\_\_\_\_  
Signature  
Police Chief

\_\_\_\_\_  
Date

[ ]   [ ]

\_\_\_\_\_  
Signature  
DPW Superintendent

\_\_\_\_\_  
Date

[ ]   [ ]

\_\_\_\_\_  
Signature  
Borough Administrator

\_\_\_\_\_  
Date

[ ]   [ ]

\_\_\_\_\_  
Signature  
Borough Clerk

\_\_\_\_\_  
Date

The following Borough Officials must sign if food or propane tanks will be used.

[ ]   [ ]

\_\_\_\_\_  
Signature  
Fire Chief

\_\_\_\_\_  
Date

[ ]   [ ]

\_\_\_\_\_  
Signature  
Health Official

\_\_\_\_\_  
Date

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# PERMIT APPLICATION FOR OUTSIDE ACTIVITY

ADVANCED PAYMENT REQUIRED.  
PLEASE PRINT ALL INFORMATION

## INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

\_\_\_\_\_ hereby agrees to indemnify and hold harmless the Borough of Roselle, its officers, agents, servants, and employees from any and all liability, claims, suits or actions of any type whatsoever including costs, expenses and reasonable attorney fees which may arise as a result of \_\_\_\_\_ [street fair/block party/ sidewalk sale] to be held on \_\_\_\_\_. [A certificate of insurance in the amount of One Million (\$1,000,000.00) Dollars is required noting the Borough of Roselle as additional insured for this event.\*]

By:

\_\_\_\_\_  
Name:

Title:

Date: \_\_\_\_\_

Witness:

\_\_\_\_\_  
Name:

Title:

Date: \_\_\_\_\_

Note: \*If the Borough requires insurance should reflect and the amount.

**This Area is for Municipal Clerk's Office Use Only**

Received by Municipal Clerk \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
BOROUGH OF ROSELLE**

**ORDINANCE NUMBER 2458-13**

**AN ORDINANCE AMENDING ORDINANCE 2322-08 ENTITLED  
“AN ORDINANCE ADDING TO THE BOROUGH CODE CHAPTER 128  
ENTITLED OUTSIDE ACTIVITIES”**

**WHEREAS**, the Borough Council (the “Council”) of the Borough of Roselle (the “Borough”) determined to amend Ordinance 2322-08.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF ROSELLE AS FOLLOWS:**

**SECTION 1.** Ordinance 2322-08 adopted December 30, 2008 and entitled: “**AN ORDINANCE ADDING TO THE BOROUGH CODE CHAPTER 128 ENTITLED ‘OUTSIDE ACTIVITIES’**” be and is hereby amended to read as follows:

1. Chapter 128 of the Code of the Borough Of Roselle entitled “**OUTSIDE ACTIVITIES**” shall read as follows:

**§128-1. Definitions.**

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

**AMUSEMENT PROMOTION** -- An outdoor activity restricted to the use of children’s rides and children’s games, which may operate with or without charge.

**APPLICATION**- A request for a person to conduct an activity under this chapter

**BAZAAR** -- An outdoor activity restricted to the sale of homemade food and beverage, used clothing, homemade or handmade merchandise and bric-a-brac, both new and used.

**BLOCK PARTY** -- An outdoor activity including, but not limited to the use of children’s rides, games, food and drink, concessions and strolling vendors.

**CARNIVAL** -- An outdoor activity restricted to adult and children’s rides, adult and children’s games, food, drink, souvenir concessions and entertainment for which there is no admission charge.

**CIRCUS** -- An outdoor activity restricted to the exhibition of animals and the performance of animal acts, high wire and similar acts of any kind, including clowns, and the sale of food and beverage, balloons, pennants, souvenirs and similar small items.

**BOROUGH** -- The Borough of Roselle.

**BOROUGH ADMINISTRATOR** – The Borough Administrator of the Borough of Roselle.

**BOROUGH COUNCIL** -- The Borough Council of the Borough of Roselle.

**CONCERT** -- An outdoor event for which there is an admission charge, restricted to the use of singers, singing groups and musicians, using electrically amplified equipment, and the sale of food, beverage and items, such as tapes, records, T-shirts and souvenirs.

**CONCESSION** -- A single game of chance or skill, a single food or beverage booth, stand or mobile vehicle from which merchandise is dispensed or a single amusement ride.

CONCESSIONAIRE -- A person who operates or participates in the running or operation of one or more concessions, a vendor or an operator.

FAIR -- An outdoor activity restricted to the use of children's rides, children's games, food and drink, concessions and strolling vendors.

FESTIVAL -- An outdoor activity restricted to the sale of food and beverage.

FLEA MARKET -- An open market usually held outdoors, where used household goods, antiques and inexpensive items are sold.

GARAGE, PORCH AND YARD SALE -- An outdoor activity restricted to the sale of used merchandise and bric-a-brac of a household nature.

LICENSE -- The permission, in writing, from the appropriate department(s) of the Borough of Roselle, issued in accordance with the provisions of this chapter.

LICENSEE -- The individual person named as agent for the sponsor of the outdoor activity license application who executes the same, accepting ultimate responsibility for the operation of the outdoor activity.

MARCH -- An organized procession of demonstrators who are supporting or protesting something.

MOTORCADE -- A procession of motor vehicles, as in a parade.

OPERATOR -- A person who engages in the sale or dispensation of food or merchandise or participates in the running of games of skill or chance or the running of amusement rides.

OUTDOOR ACTIVITY -- Any activity conducted outdoors or within or about tents or other such contrivances within the Borough in the nature of and including but not limited to fairs; carnivals; festivals; the operation of rides; revivals; block parties; amusement promotions; flea markets; garage, porch or yard sales; bazaars; cake and food sales; and circuses, which are open to the public at large; temporary outdoor displays of merchandise, vehicles or manufactured products; promotions, gatherings of people and similar activities

PARADE -- An organized public procession on a festive or ceremonial occasion; to march or walk in a procession.

PERSON -- Every natural person, entity, association or corporation, whether profit or nonprofit.

PICKETING -- Any person or group of persons present outside a building to protest.

PROMOTER -- Any person, who organizes, owns, operates or manages an outdoor activity, carnival, fair, and festival, group of amusement rides or booths.

RALLY -- To call together for a common purpose; assemble; a gathering, especially one intended to inspire enthusiasm for a cause (includes prayer vigils).

REVIVAL -- An outdoor religious gathering which imposes no charges other than voluntary contributions, with limited food and beverage privileges.

RIDE (ADULT) -- Any mechanical amusement device designed for and capable of carrying or transporting one or more fully grown people.

RIDE (CHILDREN'S) -- Any mechanical amusement device designed for carrying or transporting one or more small children.

SITE PLAN (FINAL) -- A detailed diagram, as required by the applicable provision of this chapter.

SITE PLAN (PRELIMINARY) -- A sketch or diagram which outlines the perimeter of an area or site for which an outdoor activity license is being requested. It shall further diagram streets both inside and bordering the area or site.

SPONSOR -- The person or entity named in the application for the outdoor activity license on behalf of which or whom the outdoor activity is to be held and which or who retains

responsibility, including ultimate financial responsibility, for the operation of the outdoor activity.

VENDOR -- A person who, during the life of the license for an outdoor activity, operates a booth or a stand or otherwise occupies space in which he conducts games of skill or chance or dispenses food, beverage or the like and merchandise of any kind.

VENDOR (STROLLING) -- A person who, during the life of the license for an outdoor activity, dispenses food, beverage or merchandise of any kind from a portable container, tray or pushcart and who is not confined to a fixed location.

WALK-A-THON -- A walk or run covering a considerable distance, organized especially to support or raise money for a cause.

### **§128-2. Purpose.**

The purpose of this chapter is the regulation, through licensing and inspections, of outdoor activities to be conducted in the Borough on public and private property for the protection of the health, welfare and safety of the public in general.

### **§128-3. Licenses; general provisions.**

#### **A. General provisions.**

(1) No application for a license for outdoor activities shall be considered unless and until the sponsor desiring to conduct the outdoor activity shall have made and signed a written application to the Borough Clerk for a license, in the form provided by the Borough and paid the proper fee thereof. Each application must be completed with a preliminary site plan and delivered to the Borough Clerk not less than 45 days prior to the first day of operation of the proposed outdoor activity. The aforementioned restrictions may be waived by the Borough Administrator.

(2) No outdoor activity license shall issue for more than one carnival, circus or concert or any combination thereof to be held within the same calendar week.

(3) No more than an aggregation of eight carnivals or circuses may be held within one calendar year, per sponsor.

B. The outdoor activity license application shall be denied upon failure to meet the following requirements within the prescribed time limits:

(1) The sponsor must, at least 60 days prior to the proposed opening date of the outdoor activity, obtain from the Borough Council permission to use property owned by the Borough, if applicable. Marches, motorcades, block parties, parades, picketing, rallies and walk-a-thons shall not be subject to the requirements of this subsection unless otherwise determined pursuant to the applicable provision of this Chapter.

(2) When applicable, the sponsor must request and obtain permission to close the street or streets upon which the sponsor intends to conduct the outdoor activity pursuant to N.J.S.A. 40:67-16.9.

(a) Borough Council may approve a resolution each year authorizing the Borough Administrator or designee to direct the closing of certain streets preapproved for outdoor activities during the months of June through December. All applications for such activities shall be reviewed and approved at the discretion of the Borough Administrator or designee.

(3) Where required, the sponsor must obtain the approval by the Fire Department upon a satisfactory examination of the premises with respect to compliance with Fire Department regulations as hereinafter set forth in the fire prevention section of this chapter.

(4) Deposits.

(a) The sponsor shall place a deposit with the Borough Clerk or designee at the time of filing of the application, in cash or certified check made payable to the Borough, the following amounts:

<u>Activity</u>	<u>Amount of Deposit</u>
Amusement promotions	\$ 500 (*)
Bazaars	\$ 100 (*)
Block parties	\$ 0
Carnivals	\$ 500
Circuses	\$ 1,000
Concerts	\$ 1,000
Fairs	\$ 500 (*)
Festivals	\$ 500 (*)
Flea markets	\$ 100 (*)
Garage, yard and porch sales	\$ 0
Revivals	\$ 0

NOTES: (\*) Except when held on tax-exempt property owned by the sponsor.

(b) Deposits are to ensure that, upon termination of the outdoor activity, the general area where the outdoor activity has been conducted will be left in good condition, cleaned up and cleared of all paper, litter, refuse, waste materials and debris, within one day from the termination of the outdoor activity, and to cover any extraordinary expenses incurred by any department of the Borough as a result of the operation of the outdoor activity. All deposits are refundable, unless any person fails to meet this requirement, the Borough, in its discretion, may clean and restore the area to its condition prior to the outdoor activity, deducting the cost of the cleanup from the deposit as liquidated damages and not as a penalty. Restoration shall include, but not be limited to, damage to curbs, sidewalks, pavement and shrubbery in the public rights-of-way. The deposit requirement does not include Borough-Sponsored activities or activities held on Board of Education property.

(5) The sponsor shall provide copies of all agreements relating to the operation of the outdoor activity to the Borough Clerk no later than two weeks prior to the first day of operation, or, if none exist, so state.

(6) The approval of the Police Chief must be obtained, upon a satisfactory examination of the site plan and premises with respect to security, law enforcement and lighting, as it pertains to safety and security. The evidence of the approval of the Police Chief or his designee shall be submitted to the Borough Clerk no later than one week prior to the first day of operation of the outdoor activity. Garage, yard and porch sales shall be exempt from the preceding requirement when the activity is confined to property owned by the sponsor. When applicable, the sponsor or licensee shall comply in all respects with § 128-5, Security, of this chapter.

(7) Excluding garage, porch and yard sales conducted on property owned by the sponsor, the sponsor must obtain the approval by the Health Officer of the Borough or designee, upon a satisfactory demonstration that all health and sanitary requirements, regulations and

licensing are being adhered to by the sponsor, licensee, promoter and vendor/operator of the outdoor activity, as provided for in Chapter 12 of the New Jersey State Sanitary Code and applicable Chapters of the Code of the Borough of Roselle, all of which are incorporated by reference herein as if fully set forth. The sponsor and the promoter of an outdoor activity shall provide a sufficient number of temporary or permanent toilet facilities for use at the site of the outdoor activity. The number of toilet facilities required shall be determined by the Health Officer of the Borough or his designee and the Borough Clerk. The sponsor shall provide a first-aid station approved by the Health Officer. The first-aid station shall be equipped to treat minor injury and illness until emergency services arrive on the scene. Where they exist, all food and drink concessions must display in a prominent place an approval certificate from the Health Department of the Borough prior to being allowed to operate.

(8) The approval by the Director of Public Works or his designee must be obtained, upon a satisfactory examination of the site plan and premises with respect to compliance with the applicable Chapters of the Code of the Borough of Roselle and other applicable ordinances and regulations of the Borough and state statutes over which the Director of Public Works has jurisdiction.

(9) The sponsor or licensee of an outdoor activity shall provide a minimum of five temporary litter and refuse receptacles at the site of the outdoor activity and shall provide for the regular collection of the contents of the receptacles. The number, type, and placement of the receptacles shall be approved by the Director of Public Works or designee.

(10) Final site plan.

(a) The submission and approval of a final site plan which reflects any changes from the preliminary site plan and further details, when applicable, shall include the following:

- [1] Sanitary facilities and sewage disposal sites.
- [2] Refuse disposal sites.
- [3] Location of mobile and fixed food vending operations and cooking or other heat- or flame-producing devices.
- [4] Fire hydrants and waterlines.
- [5] Traffic flow.
- [6] Parking.
- [7] Security.
- [8] Location of rides by type, including booths and generators.
- [9] Location of games.
- [10] Living quarters.
- [11] Access for emergency services, including but not limited to ambulances, fire-fighting and fire-prevention equipment and police vehicles.
- [12] Location of stands, booths, vehicles and tables from which merchandise is to be sold or dispensed, identified by type.
- [13] All streets and rights-of-way within and bordering upon site areas.

(b) A final site plan shall not be required for garage, yard and porch sales when activity is confined to property owned by the sponsor. A final site plan must be submitted to the Borough Clerk no later than 17 days prior to the first day of operation of the outdoor activity. The final site plan, where required, shall be approved by the Police Department, Fire Department, Health Officer, Borough Engineering, and Borough Administrator no later than one week prior to the first day of operation of the outdoor activity.

(11) All electrical requirements, regulations and licensing shall be adhered to by the sponsors, promoters and vendors/operators of the outdoor activity as provided for in the Code of the Borough, of which the applicable sections are hereby incorporated by reference herein as if fully set forth. Electrical connections and other utility connections, if any, shall be approved by the appropriate Borough official(s).

(12) Where the license being applied for involves the use of adult and children's rides, evidence of a current approved inspection by the State of New Jersey must be prominently displayed prior to their becoming operational.

(13) Prior to conducting business, all vendors, strolling vendors, operators and concessionaires, where they are utilized, must be registered with the Borough Clerk by name, home and business addresses and activity in which each will engage during the life of the license of the outdoor activity and must be prepared to properly identify themselves upon request.

(14) No outdoor activity license shall issue for circuses, carnivals, fairs and concerts unless, one week prior to the first day of operation of the outdoor activity the sponsor shall furnish to the Borough Clerk satisfactory proof of the sponsor's, vendor's, operator's, concessionaire's and promoter's compliance with the provisions of N.J.S.A. 34:15-71, Employer's obligation to injured employee.

C. Motorcade, march, parade, rally or walk-a-thon. Before any sponsor or licensee shall conduct a motorcade, march, parade, rally picket or walk-a-thon within the Borough, a license must first be obtained from the Borough Clerk which, prior to the issuance thereof, shall be approved by the Police Chief or designee. Application for such license shall be made 30 days prior to the proposed activity and state, where applicable, the route to be followed, location, number of persons, vehicles and floats that will participate, length of time, anticipated security concerns and such other factors deemed relevant by the Borough Administrator and the Roselle Police Department. The application deadline may be waived by the Borough Administrator. The appropriate provisions of this chapter shall apply to the aforementioned activities as determined by the Borough Administrator and Roselle Police Department but shall not apply to funeral processions.

#### **§128-4. License fees; duration and hours of operation; additional regulations.**

All license fees indicated on the accompanying chart are nonrefundable and payable in advance to the Borough Clerk. Unless otherwise indicated on the accompanying chart, all outdoor activity licenses are limited to one per year, per sponsor.

#### **§128-5. Security.**

A. All sponsors or licensees must utilize the services of the Police Officers during the operation of certain designated activities that the Borough Administrator and/or Police Chief deem necessary. Such services must be paid for by the Sponsor at the prevailing rates for the provision of such services established by the Borough and shall be subject to all other provisions of the applicable Chapters of the Code of the Borough of Roselle.

B. Upon the written approval of the Police Chief, sponsors or licensees may provide for their own security.

**§128-6. Fire prevention requirements.**

A. The sponsor and vendors, with the consent of the Fire Department, shall 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 outdoor activity, 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 sponsor and vendors shall maintain all fire hydrants within the perimeter of the outdoor activity free and clear of any obstruction, with the closest object located next to a fire hydrant at no less than 10 feet in any direction from its geometrical center.

(3) The sponsor and vendors shall meet and observe at all times the requirements of the Fire Department.

B. Anyone 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 2A-10BC multipurpose dry chemical.

C. All doors or gates on entrances to and exits from the premises where the outdoor activity shall be conducted shall be kept open and unobstructed during the hours of operation of the activity, in order to facilitate the rapid ingress or egress of all persons attending. In case of an emergency, the enclosed outdoor area must have at least two means of egress.

D. It shall be the obligation and duty of the licensee to maintain, for the duration of the outdoor activity, an unimpeded and unobstructed lane for emergency traffic, at least 15 feet in width, for the rapid ingress and egress of vehicles required for emergencies or other governmental purposes.

E. Any tents used in connection with the outdoor activity larger than 120 square feet are required to be in compliance with BOCA Fire Prevention Code, Section F1800.0 with regard to flame resistance, and Section F-1803.0, Fire Safety Requirements, with respect to combustible materials in tents, and have at least two unobstructed exits. No exposed flame from any source shall be maintained or used inside a tent or within 20 feet of a tent.

F. The sponsor and vendors shall pay all fee for water usage as applicable, and shall deposit with the Borough such amount as estimated by the Fire Department to be the reasonable cost of same. After the sponsor and vendors have present proof of payment to the Water Company of all related charges, said deposit shall be refunded to the sponsor and vendors.

**§128-7. Games of skill and chance; gambling.**

The licensee shall not suffer, permit or allow any games of skill, games of chance and gambling in any form to be engaged in on the site of the outdoor activity except as permitted and regulated by federal law, Title 5 of the New Jersey statutes, Title 13, Chapter 47, of the New Jersey Administrative Code and the Code of the Borough of Roselle. Evidence of approval by the State of New Jersey or the Borough Clerk, when applicable, for all games of chance or skill must be presented to the Borough Clerk and the Police Chief or his designee no later than one week prior to the first day of operation of the outdoor activity.

**§128-8. Insurance requirements.**

A. Insurance for any outdoor activity held on Borough-owned property (including but not limited to streets and sidewalks) shall be required in accordance with all applicable Borough policies, resolutions and ordinances, in amounts as deemed necessary by the Borough Administrator. Each application shall be reviewed by the Borough Administrator to determine compliance with this provision.

(1) The sponsor shall furnish to the Borough Administrator evidence of a general liability insurance policy, naming the Borough as an additional insured party to be in the amount of \$1,000,000/\$3,000,000 to be in effect during the life of the outdoor activity license, with the Mayor, Borough Council and the Borough of Roselle as named insured, indemnifying the Borough of Roselle and holding the Borough harmless. In addition, for outdoor activities conducted on Borough Property, the Borough Administrator may require the sponsor to furnish evidence of property damage insurance in the amount as deemed necessary and in compliance with the Borough's Ordinances insuring against damage to Borough Property, which insurance shall also be in effect during the life of the outdoor activity license

(2) The sponsor shall file with the application a statement that the Borough, its officers, agents, servants and employees shall be saved harmless by the sponsor from and against any loss, injury or damage that may result from any outdoor activity, and that in the event the Borough or any of its officers, agents, servants and employees are joined as parties defendant in any civil action because of any loss, injury or damage resulting from such outdoor activity, the sponsor shall defend said action on behalf of the Borough, its officers, agents, servants and employees at its own cost and expense, and that if any of the officers, agents, servants and employees of the Borough do any work or perform any act at outdoor activity in the interest of safety, they shall be deemed to have continuing authorization from the sponsor to do so and shall be acting as the agents of the sponsor in the premises. (3)

The insurance requirement does not include Borough-Sponsored activities.

B. For any outdoor activity at which animal rides, children's rides and adult rides will be operated, the sponsor, operator or promoter shall furnish to the Borough Administrator evidence of a public liability insurance policy naming the Borough as an additional insured party to be in the amount of \$1,000,000/ \$3,000,000 to be in effect during the life of the outdoor activity license.

**§128-9. License revocation.**

A. Card games, video games, pinball machines and the dispensing of alcoholic beverages shall be prohibited at all outdoor activities, except the dispensing of alcoholic beverages pursuant to a permit or license issued for such purpose by the Borough of Roselle or the State of New Jersey shall be permitted in accordance with the terms of said license or permit. Failure to comply with this subsection will result in suspension or revocation of the outdoor activity license in addition to other penalties enumerated herein or elsewhere in the Code of the Borough of Roselle or in Title 2C of the New Jersey statutes.

B. The outdoor activity license or that of any vendor/operator/concessionaire may be revoked or suspended by the Borough Administrator, after notice and hearing, at any time during the life of such license for any violation by the sponsor, licensee, promoter or individual vendor/operator/concessionaire of any provision of this chapter, any violation of

the Code of the Borough of Roselle or violation of any applicable state or federal law. The revocation or suspension may be in addition to the penalties set forth in the general penalties section of this chapter.

C. When any public official of the Borough of Roselle, determines that an imminent hazard to life, health or safety has been created by any facet of the operation of the outdoor activity, he shall advise the Borough Administrator Police Department, Fire Department and/or Health Officer of same, and each shall have full power and authority to require the immediate cessation of the operation of the entire outdoor activity, or any part thereof, until such time as the hazardous condition is abated.

#### **§128-10. Destruction of Property.**

No person participating in or attending an Outdoor Activity shall negligently or willfully break, injure or destroy any public or Borough owned property. No person shall injure, break or destroy any street or guide sign or lamp post or light bulb or appurtenances thereof or other public property or Borough owned property on any public street, park or place.

#### **§128-11. Violations and penalties.**

The sponsor, licensee, the promoter and vendors/operators/concessionaires or their agents shall, upon conviction of a violation of provisions of this chapter, be punished by a fine not exceeding \$2,000, incarceration not exceeding 90 days, or both, per violation to be set by the Municipal Judge. Each day a violation persists shall be a separate violation. Any person participating in or attending an Outdoor Activity who shall negligently or willfully break, injure or destroy any public or Borough owned property, or injure, break or destroy any street or guide sign or post, lamp or light bulb or appurtenances thereof or other public property or Borough owned property on any public street, park or place shall, upon conviction of thereof, be punished by a fine not exceeding \$2,000, incarceration not exceeding 90 days, or both, per violation to be set by the Municipal Judge.

#### **§128-12. Investigation: report**

The Borough Clerk shall upon receipt of the application, refer a copy of the application promptly to the Borough Administrator, Chief of Police and the Fire Chief. The Chief of Police and the Fire Chief shall conduct an investigation concerning the background of the applicant, the extent to which the proposed event may adversely affect the health, safety or welfare of the persons attending the vent or the general public., the extent to which any additional police activity will be required, the adequacy of the proposed parking and traffic control plan, the adequacy of any structures which are to be used in connection with the event, the adequacy of provisions for sanitary facilities, water and dispensing of food and beverages and such other matters as may be reasonably be required by the nature and size of the proposed event, or as may be directed by the Borough Council.

The Chief of Police and Fire Chief and Borough Administrator shall file reports with the Borough Council.

§128-13.

Nothing in this chapter shall be construed to permit any outdoor gatherings which may be in violation of any Zoning or Noise ordinance.

**OUTDOOR ACTIVITY LICENSE FEE CHART**

<b>Outdoor Activity and License Fee</b>	<b>Included in Nonrefundable License Fee</b>	<b>Application Fees</b>	<b>Permitted Hours of Operation and Duration of Activity</b>
Amusement Promotions \$100	5 children's rides or children's games (must operate without charge)	\$25	Monday through Saturday, 8:00a.m. to 10:00p.m. Sunday, 1:00p.m. to 10:00p.m.  Up to 7 consecutive days
Bazaars \$100	Unlimited amount of homemade cookies, food, cake, pies, etc.; handmade and used merchandise, including clothing and bric-a-brac	\$25	Monday through Saturday, 8:00a.m. to 10:00p.m.; Sunday 1:00p.m. to 10:00p.m.  1 day of operation  2 licenses per year, per sponsor
Block parties  \$25	2 rides (children's variety only)  2 food/drink concessions  2 strolling vendor (price of items sold not to exceed \$5)	None	Monday through Saturday, 8:00a.m. to 10:00p.m.; Sunday, 1:00p.m. to 10:00p.m. 1 day of operation  2 licenses per year, per sponsor
Carnivals  \$100	5 rides  6 games  5 food/drink concessions  3 strolling vendors	\$25	Monday through Saturday, 8:00a.m. to 11:00p.m. Sunday, 1:00p.m. to 11:00p.m.  Up to 7 consecutive days  2 licenses per year, per sponsor
Circuses \$250	Animal acts, high wire and trapeze exhibitions and similar stunts or acts; clowns and parades  3 food/drink concessions	\$25	Up to 7 consecutive days

	12 strolling vendors		
Concerts	Singers or singing groups and musicians	\$25	Monday through Friday 10:00a.m. to 10:00p.m.; Saturday, 10:00a.m. to 11:00p.m.; Sunday, 1:00p.m. to 10:00p.m.
\$250	3 food/drink concessions  12 strolling vendors (tapes, records, T-shirts and souvenirs; price not to exceed \$50)		1 day of operation  2 licenses per year, per sponsor, per location
Fairs	4 rides (children's rides only)	\$25	Monday through Saturday, 8:00a.m. to 10:00p.m.; Sunday, 1:00p.m. to 10:00p.m.
\$100	3 food concessions  8 games  40 feet of combined table lengths		Up to 2 consecutive days  2 licenses per year, per sponsor, per location
Festivals	8 food concessions	\$25	Monday through Saturday, 8:00a.m. to 10:00p.m.; Sunday, 1:00p.m. to 10:00p.m.
\$100	2 strolling vendors (food and drink only)  40 feet of combined table lengths		Up to 7 consecutive days
Flea markets	Unlimited amount of used household goods and merchandise (nothing to be offered for sale that is not used)	\$25	Monday through Saturday, 10:00a.m. to 10:00p.m.; Sunday, 1:00p.m. to 10:00p.m.
\$50			Up to 10 consecutive days
Garage, yard and porch sales	Unlimited amount of used household goods and merchandise (nothing to be offered for sale that is not used)	None	Daily, 8:00a.m. to 10:00p.m.
\$5			2 consecutive days/rain date
Revivals	Food and drink concession	\$0	Daily, 8:00a.m. to 10:00p.m.
	(There shall be no admission		

\$0	and/or refreshment charges other than voluntary contributions.)		Up to 7 consecutive days
Parades \$100		\$25	8:00a.m. to 10:00p.m. 1 day
Motorcades \$100		\$25	8:00 a.m. to 10:00 p.m. 1 day/rain date
Rallies No fee, including vigils		\$25	Daily, 8:00a.m. to 10:00p.m. 1 day
Picketing  No fee		\$25	To be determined by the Borough Clerk and the Borough of Roselle Police Department, depending upon the event  1 day

SECTION 2. SEVERABILITY. Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

SECTION 3. The remaining provisions of the Borough Code shall continue in full force and effect to the same extent as if herein fully repeated.

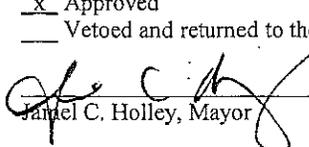
SECTION 4. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

SECTION 5. This Ordinance shall take effect at the time and in the manner provided by law.

**Recorded Vote on Final Passage of Ordinance No. 2458-13**

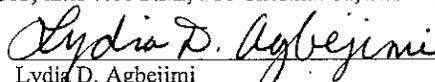
	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Dansereau	x		x			
Councilwoman Shaw		x	x			
Councilman Sandifer						x
Councilwoman Hayman			x			
Councilman Locke			x			
Councilman Aubourg			x			

Approved  
 Vetoed and returned to the Municipal Clerk with the following statement and objections:

  
James C. Holley, Mayor

DATE: 6/21/13

NOTICE is hereby given that Ordinance Number 2458-13 was passed and adopted on second and final reading at a regular meeting of the Mayor and Council on June 19, 2013, after 7:00 P.M., 210 Chestnut St., Roselle, NJ.

  
Lydia D. Agbejimi  
Deputy Municipal Clerk