

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1624 (2018)

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE
CITY OF SEA ISLE CITY, AMENDING CHAPTER 3 ENTITLED “VIOLATIONS AND
OFFENSES” AND CHAPTER 20 ENTITLED “PARKS AND RECREATION” TO
REVISE USE OF FACILITIES**

WHEREAS, the City desires to update and revise the City’s laws and requirements; and

WHEREAS, it is the intention of the City to address areas of use of its facilities identified as needing update or revision, such as but not limited to requirement for insurance, revise old out dated language, example “Commission” and modernize language on and requirements for special events; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 3, Section 6.8 of the Revised General Ordinances of the City of Sea Isle City, entitled “Alcoholic Beverages” is hereby amended to delete the existing section in its entirety and to replace this section as follows:

DELETED SECTION:

3-6.8 Alcoholic Beverages.

a. No person shall possess, consume or sell open containers of any type or kind of alcoholic beverages in any public place, public area or public building of the City, including possession, consumption or sale at public events sponsored by the City; nor in any motor vehicle, whether parked or moving, or in any public place in the City.

b. The only exception to the prohibitions contained in paragraph a. of subsection 3-6.8 is the allowance of possession, consumption and sale of open containers of alcoholic beverages for special events at Excursion Park located at J.F.K. Boulevard and the Promenade as restricted herein:

1. Shall be a special event as envisioned in Chapter XX Parks and Recreational Facilities;
2. Shall meet all requirements for special events and be governed by special events regulations subsections 20-1.3 and 20-5.2;
3. Shall be subject to all other Park rules and regulations except as may be waived by the Director of Community Services;
4. Shall be a nonprofit, as defined below, applicant which nonprofit shall have a Special Event Permit or contracted with a licensed establishment, licensed under Chapter VI herein.
5. Shall be an organization benefitting from the Internal Revenue Code (IRS) section 501 (c)(3). The organization must be recognized of exemption under Federal income tax of the IRS on the day applying for the special event continuously until the day of the event.
6. Shall have bartenders and staff trained in the observation of intoxicated individuals and a plan to control alcohol consumption, ensuring that no one under the legal age can obtain alcoholic beverages. Said plan shall be in writing and submitted to the City with the application.

REPLACEMENT SECTION:

3-6.8 Alcoholic Beverages.

No person shall possess, consume or sell open containers of any type or kind of alcoholic beverages in City owned facility or public places, including but not limited to, public right-of-ways, public streets, beaches, promenade, parks, including but not limited to Excursion Park, any public place, public area, public parking lot(s), or public building of the City, including possession, consumption or sale at public events sponsored by the City or on City property as noted herein; nor in any motor vehicle, whether parked or moving, or in any public place in the City.

"city owned facility or public places" shall be defined to include all parks, public right-of-ways, public streets, beaches, beach accesses, promenade, athletic fields, the marina, playgrounds, buildings, or recreation centers and privately owned properties set aside primarily for public access and use and exposed to public view, and shall also include the area within the buildings, outside areas, and appurtenances at the recreation centers, and other city owned facilities.

SECTION II. Chapter 20 Section 1.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Permits for Special Events" is hereby amended to delete the existing section in its entirety and to replace this section as follows:

DELETED SECTION:

20-1.3 Permits for Special Events.

Permits for special events in parks shall be obtained by application to the Recreation Commission in accordance with the following procedure:

a. A person seeking issuance of a permit hereunder shall file an application with the Recreation Commission stating:

1. The name and address of the applicant.
2. The name and address of the person, persons, corporation, or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The park or portion thereof for which the permit is desired.
5. Any other information which the Recreation Commission shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

b. Standards for issuance of a use permit by the Recreation Commission shall include the following findings:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.
5. That the facilities desired have not been reserved for other use at the date and hour requested in the application.

c. *Appeal.* Within five (5) days after the receipt of an application, the Recreation Commission shall apprise an applicant in writing of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Mayor by serving written notice thereof on the City Clerk within five (5) days of the refusal.

A copy of the notice shall also be served on the Recreation Commission within the same time, and the Commission shall immediately forward the application and the reasons for its refusal to the Mayor which shall consider the application under the standards set forth under paragraph b. above, and sustain or overrule the Recreation Commission's decision within

fourteen (14) days from the receipt of the appeal by the City Clerk. The decision of the Mayor shall be final.

d. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.

e. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom the permit shall have been issued. The Recreation Commission shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Commission prior to the commencement of an activity or issuance of any permit.

f. *Revocation.* The Recreation Commission shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

REPLACEMENT SECTION:

20-1.3 Permits for Special Events.

Permits for special events in all City facilities/parks shall be obtained by application to the Department of Community Services in accordance with the requirements herein enunciated.

ALL APPLICATIONS SHALL SET FORTH THE FOLLOWING INFORMATION AND SHALL BE IN ACCORDANCE WITH THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, THE STANDARDS FOR THE ISSUANCE OF A PERMIT SHALL INCLUDE BUT NOT BE LIMITED TO:

a. REQUIRED INFORMATION:

1. The name, address and telephone number of the individual, organization or entity seeking to conduct such special event.
2. The names, addresses and telephone numbers of the organizations for which the special event is to be conducted, if any, and the authorized and responsible heads of the organization.
3. A written statement as to whether any admission or participation fee will be charged for the event and the amount thereof.
4. The type of special event, including a description of activities planned during the event.
5. The day and hours for which the permit is desired and the hours when such special event will terminate. The application shall be submitted to the Department of Community of Services no less than 180 days prior to event.
6. The estimated number of persons who will attend the special event.
7. A written statement as to whether the special event will occupy any portion of thoroughfare.
8. A written statement as to whether any music or amplified sound will be provided, including the location and types of all loudspeakers and amplifying devices to be used as well as a concise statement of the type of communication that will be amplified.
9. A designation of any public facilities or equipment to be utilized which shall include a written statement that no alcohol shall be served and applicant shall at all times remain compliant with Section 3-6.8.

10. The type, size, description, and location of any signs to be erected in connection with the event.
11. The park/City facility or portion thereof for which the permit is desired.
12. A written statement detailing all activities of the event and exactly what the applicant is requesting permission for from the City.
13. The City resources and services sought to support the use or activity, such as but not limited to, police, fire, ambulance, public works etc.
14. Any other information which the Department of Community Services shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

b. GENREAL CONDITIONS

1. All activities relating to permits granted under this article must be contained within the limits specified in the application for the special event.
2. A permit, if granted, is not transferable and is authorized solely as to the applicant for the event said application concerns.
3. All persons who are granted permits must provide their own supervision and persons to clean up after the event.
4. A meeting may be required with the Department of Community Services personnel prior to the issuance of the permit.
5. If police security is required or determined to be necessary by the Chief of Police of the City of Sea Isle City, the applicant shall be required to pay for said police and security.
6. If it is determined by the Department of Community Services that additional materials or personnel costs shall be required for the purpose of maintaining the general health, safety and welfare of attendees or participants in the special event or the community in general, the City reserves the right to require reimbursement of such costs. In addition, the City shall be entitled to reimbursement for actual costs for personnel, goods, equipment and/or services. If reimbursement is required, the permittee shall deposit with the City Clerk a sum of money to be determined by the Department of Community Services to be a reasonable estimate of the costs required. The City Clerk shall advise the applicant, in advance and in writing, as to when the deposit is required. Any balance due shall be provided within 30 days of receipt of the bill. A refund will be provided upon verification of overpayment for staff, goods, equipment and/or services.
7. If tents are required or amusements are being used, they shall be inspected by the appropriate local, state and federal agencies.
8. Any event, solely in the discretion of the Chief of Police, which could attract 1,000 or more participants or is advertised as extending into more than 1 day shall be subject to the submission of the event to the State of New Jersey, Office of Homeland Security and Preparedness and the event organizer shall comply with any and all recommendations from said State agency.
9. A permittee shall be bound by all park/facility rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.
10. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person by reason of the negligence of the person or persons to whom the permit shall have been issued. The Department of Community Services shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities consistent with the requirements herein.

11. Any authorized signs in connection with a properly approved special event shall be erected no earlier than one day prior to the event and removed within 24 hours of the conclusion of the event.

c. PROHIBITIONS

1. Solicitation shall be prohibited.
2. No vehicles are to be permitted on the Promenade nor shall the promenade or any section thereof be closed to the general public during an event.
3. No special event permit shall authorize the consumption, sale or other distribution of an alcoholic beverage.

d. INSURANCE AND INDEMNITY REQUIREMENTS.

1. The City of Sea Isle City shall require written proof, as a condition of the issuance of a permit, and the organizer shall furnish evidence of a public liability insurance policy in an amount not less than \$1,000,000 combined single limit, per occurrence, covering personal injury and property damage, issued by an insurance company authorized to do business in the State of New Jersey. The insurance policy shall be endorsed to the City of Sea Isle City, with the City, its elected and appointed boards, officers, agents, and employees named as additional insured, and shall provide that any other insurance maintained by the City shall be in excess of and not contributing with the insurance coverage provided to the City under the organizer's policy.

2. The organizer shall also be required to sign an indemnity agreement, prior to the issuance of permit, in a form approved by the City of Sea Isle City Solicitor which shall expressly provide that the organizer agrees to defend, protect, indemnify and hold harmless the City, its officers, employees and agents from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of, or resulting from, the alleged acts or omissions of the organizer, participants, its officers, agents or employees in connection with the permitted event or activity; and the permit shall expressly provide that the organizer shall, at organizer's own cost, risk and expense, defend any and all claims or legal actions that may be commenced or filed against the City, its officers, agents, participants or employees, and that the organizer shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the City, its officers, agents or employees as a result of the alleged acts or omissions of the organizer or organizer's officers, agents, participants or employees in connection with the uses, events or activities under the permit.

3. In addition to the foregoing an event organizer shall comply with any other requirements of the City and its insurance carriers for any particular event.

e. STANDARDS TO ISSUE

Standards for issuance of a use permit by the Department of Community Services shall include the following findings:

1. That the proposed activity or use of the park/facility will not unreasonably interfere with or detract from the general public enjoyment of the park/facility.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.

5. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
6. That the proposed activity or use will not necessitate or result in the closing of portions of the promenade.
7. That the requested City resources and services are adequate, reasonable, and can be accommodated by the City.

F. APPEAL

Within forty-five (45) days after the receipt of an application, the Department of Community Services shall apprise an applicant in writing of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Business Administrator or his/her designee by serving written notice thereof on the City Clerk within five (5) days of the refusal.

A copy of the notice shall also be served on the Department of Community Services within the same time, and the Department of Community Services shall immediately forward the application and the reasons for its refusal to the Business Administrator or his/her designee which shall consider the application under the standards set forth above, and sustain or overrule the Department of Community Services decision within fourteen (14) days from the receipt of the appeal by the City Clerk. The decision of the Business Administrator or his/her designee shall be final.

g. REVOCATION

The Department of Community Services shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION II. Chapter 20 Section 20-5.2 of the Revised 3, Section 6.8 of the Revised General Ordinances of the City of Sea Isle City, entitled "Special Events" is hereby amended to delete the existing section in its entirety and to replace this section as follows:

DELETED SECTION:

20-5.2 Special Events.

a. Fees for the following Special Events are as follows:

1. American National Rugby - \$200.00 per day
2. Blackthorn Rugby - \$200.00 per day
3. Men's Street Hockey - \$250.00 per day
4. Events allowed under the authority of subsection 3-6.8b. - \$500.00 per day
5. All other Special Event programs - \$200.00 per day

b. The Department of Community Services shall deposit all fees collected from Special Event programs into the Tennis Fee Trust Account, except fees collected for subsection 20-5.2a.4. Fees collected for subsection 20-5.2a.4 Special Events shall be deposited in the City's General Account.

c. All special event programs shall be required to provide insurance for themselves and their staff. The insurance shall name the City, Department of Community Services and Recreation Committee as insured and shall be in the amount as determined by the Municipal Solicitor and approved by the municipal insurance carrier.

REPLACEMENT SECTION:

20-5.2 Special Events.

a. Fees for the following Special Events are as follows:

1. American National Rugby - \$200.00 per day

2. Blackthorn Rugby - \$200.00 per day
3. Men's Street Hockey - \$250.00 per day
4. All other Special Event programs - \$200.00 per day

b. The Department of Community Services shall deposit all fees collected from Special Event programs into the Tennis Fee Trust Account.

c. All special event programs shall be required to provide insurance for themselves and their staff. The insurance shall name the City, Department of Community Services and Recreation Committee as insured and shall be in compliance with the requirements of this ordinance.

SECTION II. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Jack C. Gibson, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 24th day of July, 2018 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 14th day of August, 2018, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk

I FURTHER CERTIFY that the ordinance was promptly forwarded to the Mayor on August 14, 2018 for his signature. On August 14, 2018, Mayor Desiderio returned the ordinance unsigned indicating that he has a conflict of interest, and will not sign the ordinance. The ordinance shall take effect in the time and manor prescribed by law without the Mayor's signature.

Shannon D. Romano, Municipal Clerk