

4-31 PUBLIC ASSEMBLIES

4-31.1. Definitions.

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

BLOCK PARTY means an event sponsored by a non-profit block association registered with the Clerk of the City of Bayonne, organized for the purpose of stimulating civic pride and involving the closure of a single block of a street, or a portion thereof, for a single day.

CARNIVAL means a temporary outdoor event, open to the general public, featuring mechanical amusement rides, games of skill, vendors selling food and amplified and/or live music.

COMMUNITY CLEAN-UP means an event held by a non-profit organization, community group or an individual with a pre-existing relationship with the proposed event location, held for the purpose of improving the neighborhood/event location.

FARMERS' MARKET means a temporary market established in a public space where purveyors sell a variety of food and other products directly to consumers.

FESTIVAL means a public event requiring the use of public space, such as a City park or street featuring entertainment and in which the general public can purchase food and goods provided by vendors who may pay a fee to participate. Such events may be for one day or may last several days and may include amplified or live music.

FLEA MARKET means a temporary outdoor market featuring vendors who sell or trade used nonfood products. Food products may be available for sale at flea markets on a limited basis at the discretion of the Department of Municipal Services.

FOOD BANK means a non-profit or not for profit entity (more particularly defined below) that safely stores food that will be delivered to local food programs, like a food pantry, soup kitchen or shelter, for distribution.

FOOD PANTRY is a distribution center where qualified individuals and/or entities can receive food that is received from a food bank.

NON-PROFIT TAX EXEMPT CORPORATION means a Federally tax exempt (under section 501 (c)(3) of the IRS tax code), non-profit or not-for-profit corporation incorporated in New Jersey. A New Jersey corporation which can demonstrate proof of pending Federal tax exempt status under section 501(c)(3) shall also be deemed a non-profit corporation for the purposes of this Chapter.

NOT-FOR-PROFIT TAX EXEMPT CORPORATION means a not-for-profit corporation incorporated in New Jersey that has a federal tax exemption other than that under 501(c)(3). A New Jersey corporation which can demonstrate proof of pending Federal tax exempt status under a section other than 501(c)(3) shall also be deemed a not-for-profit tax exempt corporation for the purposes of this Chapter.

NOT-FOR-PROFIT CORPORATION means a not-for-profit corporation incorporated in New Jersey that does not have a federal tax exemption.

DEPARTMENT OF PUBLIC SAFETY means the Office which serves as the primary point of intake for all applications for public assemblies.

OUTDOOR MARKET means a temporary commercial event hosted by a community group, not-for-profit, or non-profit organization requiring a street closure of one block or more or the use of public space in which the general public can purchase newly-made goods or services provided by vendors who pay a fee to participate. Outdoor markets may feature amplified and/or live music.

PARADE means a procession of people, organized along a street, typically spanning more than one block.

PERSON means an individual or an organization defined as a person under New Jersey law.

PROMOTIONAL EVENT means an event, open to the public, which is intended to promote, advertise or introduce a product, corporation or company or the goods or services of a corporation, company. Such an event may require a concession agreement approved the Municipal Council.

PUBLIC ASSEMBLY means a group of people gathered together in one place for a common purpose making temporary, exclusive use of a public space, street or sidewalk. Public assemblies include, but are not limited to, block parties, carnivals, community clean-up events, festivals/fairs, farmers' markets, flea markets, food banks, food pantries, outdoor markets, parades and promotional events, and soup kitchens. Impromptu gatherings, such as protests and vigils which involve the closing of streets, must be arranged through the Department of Public Safety.

SPECIAL IMPROVEMENT DISTRICT shall mean any such district designated by ordinance of the City of Bayonne.

4-31.2. Permission required; hours and conditions of operation.

A. It shall be unlawful to host a public assembly without first obtaining a permit from the Department of Public Safety. Once an application has been submitted, officials from the Department of Public Safety will circulate the application to the various other City departments necessary for the application's final approval.

B. It shall be unlawful for any person to erect or cause to be erected any temporary structure larger than 900 square feet to be used for any public assembly whatsoever within the City without first obtaining a permit from the Department of Public Safety.

C. Any permit approved under §4-31 shall be subject to the following conditions:

(1) Hours of operation, 10:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 10:00 a.m. to 11:00 p.m. on Friday and Saturday, and all musical activity shall cease one hour before closing time.

(2) Sale of Alcohol. If any special permit has been issued for the sale of alcoholic beverages, all sales, offers for sale and serving of alcoholic beverages shall cease 1/2 hour before closing time unless the Chief of Police or a representative of the Chief directs an earlier cessation.

4-31.3 Special restrictions.

The following restrictions shall apply to the following public assemblies:

(1) Block Parties. Block parties are organized for the purpose of stimulating civic pride and must not be for private affairs, e.g., family reunions, birthday parties, and weddings. The sale of food, goods or beverages (alcoholic or otherwise) is expressly forbidden at a block party. Block associations may apply for up to two block parties per year and the hours, days, and months of operation for block parties shall be limited to 12:00 noon to 6:00 p.m. on Saturdays and Sundays during the months of May through October.

(2) Community Clean Ups. No sales of goods or services are permitted at community clean-up events.

(3) Farmers' Markets. These markets may only operate during farmers' market season, April through December and permits will only be issued to not-for-profit corporations.

(4) Flea Markets. The sale, display or distribution of merchandise that infringes upon copyright design or materials, or bears counterfeit trademarks is prohibited. The sale of any food or beverage is prohibited. No Alcohol or tobacco products are allowed to be sold or consumed. No electricity will be provided by the City of Bayonne. Hours of operation are limited to 10:00 a.m. to 2:00 p.m., on Saturdays and Sundays.

(5) Food Pantries. Must comply with N.J.S.A. 24:4A-4 and any and all licensing requirements, procedures and/or regulations established by the State of New Jersey and/or the New Jersey Department of Health. Must not be located in residential zones. Must provide for line/crowd control, pedestrian access, rest room facilities, traffic controls to the satisfaction of Public Safety Director and Municipal Services Director.

4-31.4. Application for permits; insurance requirements; fees; temporary structures; bond requirements.

A. Permits. The applicant for such permission shall file an application in writing with the Office of Cultural Affairs on the forms prescribed by the Office in the manner set forth below:

EVENT TYPE APPLICATION DEADLINE

Block Party 30 days

Carnival 90 days

Community Clean-Up 30 days

Farmers' Market 60 days

Festival/Fair 60 days

Flea Market 60 days

Food Bank or Food Pantry 30 days

Outdoor Market 60 days

Parade 90 days

Public Assembly 30 days

Public Assembly with a temporary structure 90 days

Promotional Event 30 days

B. Insurance. All applicants seeking permission for a public assembly shall provide proof of general liability insurance from an A.M. Best-rated insurance company in the amount of \$1,000,000.00 and must name the City of Bayonne as an additional insured unless waived by the City's Risk Manager. If the public assembly includes the sale of liquor, the applicant must obtain a permit from Alcoholic Beverage Control and must provide proof of general liability insurance from an A.M. Best-rated insurance company in the amount of \$2,000,000.00 that names the City of Bayonne as an additional insured.

C. Fees. The applicant shall pay a fee or fees according to the following schedule (this is NOT inclusive of fees for garbage removal, police coverage, health inspections, traffic control, and/or other miscellaneous costs related to matters deemed necessary by City officials):

1. \$200.00 per day – Carnival, Farmer's Market, Festival/Fair, Flea Market, Outdoor Market, Public Assembly, Public Assembly with a temporary structure, Parade, Promotional Event
2. \$50.00 per day – Block Party
3. \$00.00 per day – Community Clean-Up, Food Pantry/Food Pantry

D. Temporary Structures. Any application which includes the erection of a temporary structure larger than 900 square feet shall include a set of building plans in accordance with the forms prescribed by the Department of Public Safety. All temporary structures are subject to inspection by the Director of Public Safety or his or her designee prior to use.

E. Bonds. Applicants shall provide a cash bond in the sum of \$1,000.00 conditioned upon holding the City harmless from any and all liabilities or causes of action which might arise by virtue of the granting of a permit to the applicant and conditioned further that no damage shall be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris shall be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the license issuing authority that all conditions of this Chapter have been complied with. This subsection shall not apply to Special Improvement District applicants.

F. Special Improvement Districts. Special Improvement Districts shall agree to hold the City harmless from any and all liabilities or causes of action which might arise by virtue of the granting of a permit to the applicant and conditioned further that no damage shall be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris shall be permitted to remain upon the streets or upon any private property by the Special Improvement District.

G. Event organizers will be responsible for covering the costs of off-duty and overtime police and/or other municipally related coverage associated with their event.

4-31.5. Health inspection certification.

Any application for a public assembly which includes the sale or distribution of food and/or beverages, if permitted, shall also be referred to the Health Officer for approval and issuance of a certificate of health inspection in addition to the public assembly permit. The applicant's equipment and practices shall be subject to inspection at the time of application and at periodic intervals thereafter. No public assembly involving the sale or distribution of prepared food will be permitted without obtaining permission from the Health Officer.

4-31.6. Sunday operations.

All public assemblies permitted by and pursuant to this Chapter may conduct such activities on Sundays.

4-31.7. Violations.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a maximum penalty of a fine of not more than one thousand, two hundred and fifty dollars (\$1250.00). Each day that such violation continues without the required license shall be considered a separate violation.

Section 2. Consistency. That the city's codifier, in consultation with the City Clerk and Corporation Counsel, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 4.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.