

ORDINANCE NO. 09-2017
AN ORDINANCE AMENDING CHAPTER 38, SPECIAL EVENTS,
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 38, SPECIAL EVENTS, shall be amended as follows:

SECTION ONE:

1. Chapter 38, § 38-3, "Special Events Committee Membership" shall be amended so as to replace existing subparagraph A so as to read, in its entirety, as follows:
 - A. There shall be created a Special Events Committee, which shall consist of the following 11 members: (1) The Mayor or a designee of his or her choosing; (2) A member of the Borough Council as chosen by it; (3) the Borough Administrator or, if the Borough Administrator is unavailable for any Committee meeting, the Borough Clerk; (4) the Chief of Police or a designee of his or her choosing from within the Police Department; (5) the Director of Public Works or a designee of his or her choosing from within the Public Works Department; (6) the Director of Recreation; (7) the Public Safety Director; (8) the Borough's Fire Subcode Official or a designee of his or her choosing who has knowledge of the Fire Subcode; (9) a Registered Environmental Health Specialist from the Monmouth County Regional Health Commission No. 1; (10) an owner of a business located in the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment; and (11) a resident of the Borough of Sea Bright who is neither an official of nor in the full-time employ of the municipality, as chosen by the Mayor with the advice and consent of the Borough Council, to serve a term no longer than one year from the date of appointment.
2. Chapter 38, § 38-3, "Special Events Committee Membership" shall be further amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
 - C. The Special Events Committee shall select a Secretary, who may or may not be a member of the Committee or a municipal employee. The Secretary shall be responsible for taking minutes of the Committee meetings and retaining the Committee's files, as well as working with the Borough Clerk as needed to respond to any Open Public Records Act (OPRA) requests.
3. Chapter 38, § 38-6, "Committee Responsibilities" shall be amended so as to replace existing subparagraph C so as to read, in its entirety, as follows:
 - C. Applicants shall be required to appear before the Committee so as to enable the Committee to discuss and gain a full understanding of the event which is being proposed. The Committee may waive this requirement, if it believes the appearance of the applicant would not be beneficial to it.

4. Chapter 38, § 38-7, "Special Event Escrow" shall be re-captioned as "Special Event Security Deposit" and the text of the section replaced in its entirety with the following:
 - A. The applicant shall deposit with the Borough Clerk, at least 10 days prior to the date of the special event, an amount of money between \$100 and \$5,000 to be determined by the Committee, based upon the municipal services needed for the size and scope of the special event, and which shall be held by the Borough, for the Borough's use to pay for any Borough services and/or facilities for the special event.
 - B. The amount of security deposit set by the Committee shall be based upon the size and scope of the special event and the corresponding reasonably anticipated Borough costs for Borough services arising from the special event.
 - C. The applicant shall be responsible to pay any amount due and owing the Borough for the use of services or facilities for the event over and above the amount of security deposit.
 - D. Should any funds remain from the security deposit following the conclusion of the special event, and after all costs associated with the special event have been paid, those monies shall be returned to the applicant.
 - E. The Special Events Committee may waive or reduce the special event security deposit if it determines circumstances warrant the granting of such a waiver or reduction, including, but not limited to, nonprofit or charitable organizations where no commercial activity is taking place at the special event.
5. Chapter 38, § 38-8 "Liability of Applicant" shall be amended so as to add a new subparagraph C which shall read as follows:
 - C. All applicants, regardless of whether liability insurance is deemed to be required, must execute a Hold Harmless Agreement, the text of which shall be prepared by the Borough, before a Permit will be issued.
6. Chapter 38, §38-10 "Determination of Special Events Committee" shall be amended so as to replace existing subparagraph B so as to read, in its entirety, as follows:
 - B. If the permit has been granted, the transmission to the Borough Clerk shall include a notation as to the amount of the special event security deposit set per §38-7 of this chapter, and the amount of liability insurance, set per §38-8 of this chapter.
7. Chapter 38, §38-11 "Ability of Borough Council to grant or alter permit" shall be amended so as to replace existing subparagraph D so as to read, in its entirety, as follows:

- D. Should the Borough Council exercise any of its powers under this section, it shall follow the criteria set forth in §38-6 of this chapter for evaluating the proposed special event. The Borough Council shall also be empowered to set a special event security deposit, as per §38-7 of the chapter, set a liability insurance amount, as per §38-8 of this chapter, or set special conditions, as per §38-9 of this chapter.

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.


I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 4, 2017 and will be further considered after a Public Hearing held on April 18, 2017 at the Municipal Building at 7:00 pm.

INTRODUCED: April 4, 2017
PUBLIC HEARING: April 18, 2017
ADOPTED: April 18, 2017

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,


DINA LONG, MAYOR