

ORDINANCE # 33-25

BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX ORDINANCE AMENDING THE BOROUGH'S REGULATIONS AND PERMITTING REQUIREMENTS FOR THE HOLDING OF SPECIAL EVENTS THROUGHOUT THE BOROUGH OF SAYREVILLE

BE IT ORDAINED by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

SECTION ONE. Chapter XXVII entitled "Special Events" of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; deleted language in ~~double strikethrough~~.]

CHAPTER XXVII – SPECIAL EVENTS

27-1 – PERMIT REQUIRED FOR SPECIAL EVENTS.

- A. Any person ~~(s), entity~~ or organization desiring to hold any event, ~~(i.e. concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event)~~ in or upon any ~~Borough public grounds or private property, park or road~~ **way of the Borough, or any event in or upon private property where either (1) the public is invited to attend, (2) the estimated attendees exceeds two hundred (200) individuals, or (3) the event will occur over multiple days,** must first apply for, and obtain a **special event** permit from the Borough Clerk in accordance with the requirements of ~~Section 27-2 of~~ this Chapter. ~~Additionally, a~~ Any such concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event, which is likely to require the expenditure of Borough resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department and/or Emergency Medical Services salaries, wages, or other expense, shall constitute a special event. ~~To obtain a permit for a special event, the applicant shall also satisfy the requirements of Section 27-3 of this Chapter.~~
- B. In order to further define "a special event" the following shall be inclusive: closing of a public street; the blocking or restriction of public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance; or placement or temporary "no parking" signs on a public right-of-way.
- C. **The purpose and intent of this Chapter is to enable the Borough to have oversight of the type and scope of events to be held within the confines of the Borough, whether held on public or private property, to account for any expenditure and/or impact on the Borough's resources and to protect the health, safety, and welfare of the Borough residents and community as a whole.**

27-2 - APPLICATION FOR PERMIT.

- A. A person or organization seeking issuance of a permit hereunder shall file the application with the Borough Clerk on a form to be provided by the Clerk for that purpose, on which form the applicant shall furnish the following information:
1. The name, address, e-mail address, and telephone number of the applicant.
 2. The name, address, e-mail address(es), and telephone number of the person, persons, corporation, or association sponsoring the activity.
 3. A detailed description of the proposed event, ~~and a sketch that would show the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a "footprint".~~
 4. If requested by Borough officials in connection with its review of the application, a sketch that would show the area of the subject site or route along any public roadway to be utilized in connection with the event, along with any and all proposed structures, tents, fences, barricades, signs, banners, and rest room facilities for the event.
 54. The date(s) and hours for which the permit is desired.
 65. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security and traffic control.
 76. The number of contestants, participants, spectators, and/or other people that could reasonably be anticipated to attend the event.
 8. A detailed description and identification of the proposed parking to accommodate all attendees at the event.
 97. A detailed description of the Borough resources or services that will be required to be provided in connection with the event.
 108. Any other information which the Borough Clerk shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
 119. Application must be submitted no later than sixty (60) ~~forty five (45)~~ days prior to any such event.
- B. All applications filed shall include the requisite fee as set forth in Section 2-64 of the Borough Code, which fee shall be paid prior to the processing of the application by the Borough.

- ~~CB.~~ Upon verification that the application is complete, the Borough Clerk shall refer the application to ~~various~~ **the appropriate Borough Department Heads** for preliminary review in accordance with Section 27-3 of this chapter.

27-3 - REVIEW OF APPLICATION;~~DECISION BY BOROUGH COUNCIL.~~

- A. The ~~Borough Department Heads~~ shall review the applications and ~~shall~~ present their **comments, objections, and/or** recommendations, including **any estimated costs and/or expenses that may be incurred by the Borough in connection with the event.** to the Borough Clerk for ~~final review~~ within five (5) business days upon their receipt. **Subject to the comments, objections and recommendations from the Borough Department Heads, the Borough Clerk shall approve or deny the special event permit application pursuant to the standards set forth in Section 27-4 hereinbelow. The Borough Clerk, in his or her discretion, may refer the special event permit application to the Borough Council for its review, approval and/or denial by a majority vote of a quorum of the Council at a public meeting. Upon referral to the Borough Council, the Council shall thereafter have final jurisdiction over the granting or denial of the permit.** ~~The Clerk shall present a recommendation to the governing body during the next regularly scheduled meeting. In the event that any Council members voice concern that the event to be held requires additional investigation, he or she may direct that the application be referred back for additional information. The Council shall make the final determination by majority vote whether to issue a permit for a special event, and if it is determined that there is a need for certain conditions and restrictions as may be reasonably necessary to insure that the standards set forth in Section 27-4 are satisfied. These conditions and restrictions shall be approved by resolution of the Mayor and Council. The Mayor and Council shall charge a permit fee in an amount to recover the costs that the borough incurred due to the event.~~
- ~~B.~~ **In making the final decision on the special event permit application, and taking into consideration the review by the Borough Department Heads, the Borough Clerk and/or the Borough Council may impose certain conditions and restrictions upon the issuance of the permit as may be reasonably necessary to insure that the standards set forth in Section 27-4 are satisfied, and in the interests of the health, safety and general welfare of the Borough and its citizens.**
- ~~CB.~~ **Applications for the use of picnic areas within the Borough's parks and recreational areas are not subject to this Chapter, but rather shall follow the permitting and fee requirements of the Department of Recreation as set forth in Section 17-1.8 of the Borough Code.** ~~The application process is waived for all events being held in Burke's Park, Jackson Park and Bailey Park in which a Facility Use Form has been filed with the Recreation Director.~~
- ~~DC.~~ **Applications for the use and reservation of the Borough's athletic fields within the Borough's parks and recreational areas are not subject to this Chapter, but rather shall follow the permitting and fee requirements of the Department of Recreation as set forth in Section 17-6 of the Borough Code.** ~~If no objections to an application by department heads is received, no Resolution of Approval for issuance of permit is necessary.~~

27-4 - STANDARDS FOR PERMIT ISSUANCE; DEPOSIT; ~~AND COSTS WAIVER OF FEES.~~

- A. The standards for the issuance of a permit pursuant to this Chapter shall include the following findings:
1. That the proposed event will not unreasonably interfere with or detract from the general public enjoyment of the public park or roadway to be utilized **and/or otherwise affected by the event.**
 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 be likely to include violence, crime, or disorderly conduct.
 4. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- B. **If the permit is granted, the Borough Clerk shall advise the person or entity sponsoring the event of the estimated costs and/or expenses that may be incurred by the Borough in connection with the event. The person or entity sponsoring the event shall submit a** deposit of one hundred (100%) percent of the estimated costs **to the Borough Clerk** ~~shall be paid~~ not less than five (5) days before the event. **Failure to submit the deposit required herein shall be grounds for the denial or revocation of the permit** ~~or a permit will not be issued.~~
- C. **Upon a sufficient showing of justification and/or hardship, a** ~~All or a portion~~ **part** of the required fees **and costs associated with the permit** may be waived by the ~~Mayor and~~ Borough Council. **The Borough Council may request additional information, documentation, or a hearing in connection with any request for a waiver of all or a portion of the fees and costs relating to the permit.**

27-5 - ~~LIABILITY, INDEMNIFICATION AND INSURANCE; REVOCATION OF PERMIT.~~

- A. **Insurance. Due to the risk of personal injury and property damage, the person(s) or entity sponsoring the special event is required to provide a certified true copy of a Certificate of Insurance evidencing General Liability, Automobile Liability Insurance and where applicable Statutory Worker's Compensation Insurance with evidence of Employers Liability Insurance for each event. Each Certificate of Insurance must name the Borough as additional insured. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant; and issued from an insurer with a Best's rating of no less than A. The insurance coverage shall have at minimum the following amounts: Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence and a \$3,000,000 aggregate. Automobile Insurance shall not be less than \$1,000,000 per claim. If a special event includes vehicles, aircraft or other**

equipment, devices or activities that are excluded from coverage in the commercial general liability insurance policy, then separate additional liability insurance coverage for the applicable exclusion must be provided with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence with a \$3,000,000 aggregate. Aggregate limit must be issued on a "per event" basis. ~~Liability. A permit holder shall be bound by all applicable Borough ordinances, rules, and regulations, except so expressly set forth in the resolution. 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 such permit shall have been issued. The permittee may be required to submit to the Borough Clerk prior to the event evidence of liability insurance in an amount required by the Borough Council, naming the Borough as an additional insured. The permittee shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment.~~

- B. Indemnification. All person(s) or entity holding a special event shall be required to execute a written hold harmless agreement in a form acceptable to the Township, defending, indemnifying, and holding harmless the Township of Raritan, its agents, servants, and administrators from and against any and all claims, or actions at law, whether for personal injury, property damage, or liability, including any cost of defense incurred by the Township, which arise from any acts, omissions of the special event holder, its agents, or employees, or otherwise arising out of or related to the special event(s) and permit(s) issued. ~~Revocation. The Mayor and/or Chief of Police shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.~~

27-6 – REVOCATION OF PERMIT OFFENSES.

- A. Permits issued under this Chapter may be revoked for any of the following causes:
1. Misrepresentation or false statement contained in the application
 2. Misrepresentation or false statement made in to any Borough official during the planning of and/or the holding of the special event.
 3. Violation of any requirement or provision of this Chapter, or any requirement or condition set forth in the special event permit.
- B. In the case of the revocation of the permit, the special event shall immediately cease and desist upon notification by the enforcing Borough official, or otherwise not take place.

~~A person commits an offense if he or she:~~

- ~~A. Commences or conducts an event without a permit; or~~

~~B. Fails to comply with any requirement or provision of an event permit of this Chapter.~~

27-7 - VIOLATIONS AND PENALTIES.

A. It shall be a violation of this Chapter for any person(s) or entity to hold and/or sponsor a special event without having obtained a permit required herein.

B. It shall be a violation of this Chapter if any person(s) or entity fails to comply with any requirement or provision of this Chapter, or any requirement or condition set forth in the special event permit.

C. In addition to the revocation of the permit, any person(s) or entity found to have violating any provision of this Chapter shall, upon issuance of a summons, and upon conviction thereof, shall be subject to the penalties set forth in Section 1-5, General Penalty of the Borough Code.

D. A person who violates a provision of this Chapter shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued. Each offense shall be punishable as provided in Chapter 2-64 of the Borough Code.

27-8 - EXCLUSION; WAIVER OF REQUIREMENTS.

~~The Borough Council may by majority vote waive the requirements of this Chapter if the event to be held does not exceed a total of seventy-five (75) participants. All Borough-sponsored events shall be exempt from provisions of this Chapter.~~

27-9 - ~~PUBLIC NOTICE.~~ PURPOSE AND INTENT.

For any special event being held on a Federal Holiday or Federal Holiday Weekend (Saturday and/or Sunday), the person or entity holding the event shall provide written notice to all property owners within a 200 foot radius from the property boundary line of the subject property upon which the special event is being held. The written notice required herein shall be provided via certified mail, at least ten (10) days prior to the initial date of the special event, and shall provide sufficient detail describing the special event, along with the dates and times of the event. A 200-foot property owner list may be obtained from the Borough Tax Department.

~~The purpose and intent of this Chapter is to enable the Borough and the Borough Council to have oversight of the type and scope of events to be held within the confines of the Borough. Through the input of all operational facets of the Borough upon which the special event shall have impact, the Borough shall protect the health, safety, and welfare of the Borough residents and community as a whole.~~

27-10 - ENFORCEMENT.

A. The Borough Clerk and the Borough Police Department shall have the authority to revoke a permit issued pursuant to this Chapter.

- BA.** The Police Department of the Borough and other authorized personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.
- CB.** The Police Department of the Borough and other authorized personnel shall have the authority to eject from the park area any person or persons acting in violation of this Chapter.
- DE.** The Police Department of the Borough and any other authorized personnel shall have the authority to seize and confiscate any property, thing, or device in the park used in violation of this Chapter.

27-11 - [Reserved.] PORTABLE STAGE

- ~~(a). Any person or organization desiring to use the Borough's portable stage shall apply for such use by completing an application for same at the Borough Department of Public Works. Applications for the use of the Borough portable stage shall be scheduled on first come first serve basis. The fee schedule for the use of the Borough's portable stage shall be posted in the Department of Public Works. The fee shall be determined by the Head of the Department of Public Works with the advice and consent of the Borough's Chief Financial Officer and the fee schedule may be amended from time to time in the same manner. Any person or organization having successfully applied for the use of the Borough's portable stage and having paid the fee for same shall not take such Property beyond the geographical limits of the Borough. Any violations of the herein protocol shall be punished in accordance with the law.~~
- ~~(b). Fees arising hereunder are waived for members of any Borough Department of the Borough who desire to use the Borough's portable stage for any Borough purpose and are required to apply for such use in the same manner as set forth in Section 1. The geographic prohibitions shall likewise apply. The members of Borough Departments shall not be bound by the requirements of Section 3 and Section 4 of the herein Ordinance.~~
- ~~(c). All persons or organizations shall be responsible for providing proof of liability insurance in the form of an occurrence policy and an endorsement to the liability policy naming the Borough of Sayreville, its agents, employees and professionals as additional insureds and waiving any and all rights of subrogation as against the Borough of Sayreville. The liability insurance required hereunder shall be a primary insurance policy with no conditions imposed on the Borough to effectuate additional insured status and such policy shall cover bodily injury and property damage in amounts set by the Borough and shall in all other respects be in a form approved by the Borough's Risk Manager.~~
- ~~(d). In addition to any other requirements, the person or organization applying for use of the Borough's public stage shall sign an agreement to defend, indemnify and hold harmless the Borough of Sayreville from any and all claims not arising from the sole negligence of the Borough of Sayreville.~~

SECTION TWO. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION THREE. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION FOUR. Mayor Approval.

Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved

SECTION FIVE. Effective Date.

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED/APPROVED ON FIRST READING

DATED: November 10, 2025

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Donna Roberts, Councilwoman
(Recreation Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: November 24, 2025

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Donna Roberts, Councilwoman
(Recreation Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2025.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney