

## Chapter 12.56

## FESTIVALS

## Sections:

12.56.010	Definitions.
12.56.020	Purpose.
12.56.030	Licenses.
12.56.040	Fees.
12.56.050	Exemption from fees.
12.56.060	Health and sanitary requirements.
12.56.070	Fire prevention requirements.
12.56.080	Electrical requirements.
12.56.090	Alcoholic beverages—Gaming.
12.56.100	Duration and hours of operation.
12.56.110	Availability of financial records.
12.56.120	License revocation.
12.56.130	Insurance requirements.

## 12.56.010 Definitions.

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

"City" means the city of Elizabeth.

"City council" means the city council of the city of Elizabeth.

"Festival" means a series of related events or performances conducted on city property, sidewalks, streets and other public rights-of-way, including but not limited to festive activities, cultural events, exhibitions, competitions, collections of shows, live entertainment and other amusement enterprises and/or the dispensation of food which are open to the public at large.

"License" means the permission in writing of the supervisor of licenses of the city, issued in accordance with the provisions of this chapter or other applicable law, to carry on a festival.

"Person" means every natural person, copartnership, association or corporation, whether profit or nonprofit.

"Sponsor" means the person or entity who executes the application of a license to conduct a festival.

"Supervisor of licenses" means the city officer in charge of receiving applications for and the issuance of licenses.

"Vendor" means a person who operates, during the life of the license, a booth or a stand or otherwise occupies space in which he conducts games of skill or chance or dispenses food and beverage or the like. (Prior code § 72B-1)

## 12.56.020 Purpose.

The purpose of this chapter is the regulation through licensing and inspections of festivals and affairs of like nature to be conducted in the city on public streets, sidewalks, rights-of-way and/or other city property, for the protection of the health, welfare and safety of the public in general. (Prior code § 72B-2)

## 12.56.030 Licenses.

A. No license for a festival or other activity of a similar nature shall be considered or issued unless and until the sponsor desiring to conduct the affair shall have made and signed a written application to the supervisor of licenses for an operator's license in the form provided by the city and paid the proper fee therefor when required, not less than two weeks prior to the first day of operation of the proposed festival.

B. The issuance of the festival operator's license shall be further conditioned upon the following:

1. The sponsor requesting and obtaining from the mayor of the city permission to close the street or streets necessary to conduct the festival, in accordance with the terms of Section 10.20.010 et seq. of this code, incorporated by reference herein as if fully set forth.

2. The sponsor requesting and obtaining from the city council of the city permission to use property owned by the city as well as sidewalks and other rights-of-way.

3. The sponsor and/or vendors executing an indemnification agreement on behalf of the city substantially as follows:

"The sponsor and/or vendor hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the City of Elizabeth against liability for any and all claims for damages to property or injury to or death of persons arising out of or resulting from the issuance of the license or the conduct of the public at and during the life of the festival."

4. The approval by the fire department, upon a satisfactory examination of the premises with respect to compliance with regulations as hereinafter set forth in the fire prevention section of this chapter.

5. The sponsor shall deposit with the supervisor of licenses at the time of the filing of the application, in cash or by certified check made payable to the city, the sum of five thousand dollars (\$5,000.00) to guarantee that upon the termination of the festival the general area where the affair has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material and

debris within twenty-four (24) hours from the termination of the festival. If the sponsor fails to meet this requirement, the city, in its discretion, shall clean and restore the area to pre-festival condition, deducting the moneys spent thereon from the deposit aforementioned.

6. The sponsor is required to hire a private scavenger to pick-up and dispose of the garbage generated at the festival. (Prior code § 72B-3)

#### 12.56.040 Fees.

##### A. License Fees.

1. A fee of five hundred dollars (\$500.00) shall be charged for the festival operator's license.

2. The fee for a vendor's license shall be the sum of fifty dollars (\$50.00) for the first two days of operation and fifty dollars (\$50.00) for each day thereafter.

3. The preceding fees shall be payable in advance to the supervisor of licenses of the city.

B. In addition thereto, vendors intending to operate food and beverage stands shall be required to obtain a license from the health, welfare and housing department of the city, division of health, and pay the fee as required by the health and sanitary laws of the state of New Jersey and the health and sanitary code of the city. (Ord. 3491 § 1, 2003; Ord. 3393 § 1, 2002; prior code § 72B-4)

#### 12.56.050 Exemption from fees.

A. Operator's License. Festival operators in the city shall be exempt from the provisions of Section 12.56.040(A)(1) of this chapter, although they shall not be exempt from the provisions of Section 12.56.030, if they are a bona fide charitable or religious group or organization whose activities are exclusively devoted to those purposes.

B. Vendor's License. Individual vendors in festivals conducted in the city shall be exempt from Section 12.56.040(A)(2) of this chapter, although they shall not be exempt from the provisions of Section 12.56.030, if the vendors are a bona fide charitable or religious group or organization whose activities are exclusively devoted to those purposes. (Prior code § 72B-5)

#### 12.56.060 Health and sanitary requirements.

A. All health and sanitary requirements, regulations and licensing shall be adhered to by the sponsors and/or vendors of the festival, as provided for in Chapter 12 of the New Jersey State Sanitary Code and the health and sanitary code of the city, both of which are incorporated by reference herein as if fully set forth.

B. In addition thereto, the operator of a festival shall provide a sufficient number of temporary or permanent

toilet facilities for the use of vendors and the use of the public. (Prior code § 72B-6)

#### 12.56.070 Fire prevention requirements.

A. The sponsor and/or 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 festival, 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/or vendors shall maintain all fire hydrants within the perimeter of the festival free and clear of any obstruction, with the closest object located next to a fire hydrant at no less than two feet in any direction from its geometrical center.

3. The sponsor and/or vendors shall meet and observe at all times the requirements of the water utility department of the city.

B. The sponsor and/or vendors, while 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 ABC.

C. All doors or gates on entrances to and exits from the premises where the festival shall be conducted shall be kept open and unobstructed during the hours of operation of the festival in order to facilitate the rapid ingress or egress of all persons attending, in case of an emergency.

D. It shall be the duty of the sponsor, before the license shall issue, to provide the supervisor of licenses and the fire department with detailed sketches, drawn to scale, depicting the following:

1. Location of all fire hydrants within the perimeter of the festival.

2. The physical layout of booths, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the dimensions of the booths and stands and the location and size of the area which the amusement rides will occupy.

E. After the sponsor has assigned the individual booths and stands to the vendors, and the areas used for amusement rides to the operators, it shall be the duty of the sponsor by the end of the first day of the festival to provide the supervisor of licenses with a list in which the names, addresses and locations of the vendors and the operators of amusement rides shall be set forth.

F. It shall be the obligation and duty of the sponsor to maintain, during the duration of the festival, an unimpeded and unobstructed lane for emergency traffic, at least ten (10) feet in width, for the rapid ingress and egress of vehicles required for emergencies or other governmental purposes. (Prior code § 72B-7)

**12.56.080 Electrical requirements.**

All electrical requirements, regulations and licensing shall be adhered to by the sponsors and/or vendors of the festival, as provided for in the electrical and construction codes of the city, both of which are hereby incorporated by reference herein as if fully set forth. (Prior code § 72B-8)

**12.56.090 Alcoholic beverages—Gaming.**

A. No alcoholic beverages shall be sold, served or consumed and no games of skill or chance shall be conducted during the operation of the festival unless and before the sponsor or the vendors obtain a proper and legal license to dispense alcoholic beverages and/or conduct games of skill or chance from the state of New Jersey, the city or any other regulatory agency.

B. The sponsor and vendors receiving such licenses to dispense alcoholic beverages and/or conduct games of skill or chance shall be conclusively presumed to be cognizant of the provisions of the Alcoholic Beverage Law of New Jersey, of state rules and regulations in regard thereto, of Chapter 5.08, alcoholic beverages of this code, incorporated herein by reference as if fully set forth, and of all applicable federal, state and municipal laws, rules and regulations regarding the operation of games of skill or chance. (Prior code § 72B-9)

**12.56.100 Duration and hours of operation.**

A. The duration of a license for a festival shall be not more than ten (10) consecutive days, after which period it shall lapse.

B. The hours in which it shall be lawful to operate or permit the operation of a festival in the city shall be between 6:00 p.m. and 11:00 p.m., Mondays to Fridays, and 12:00 noon and 11:00 p.m., Saturdays and Sundays, and on Mondays which are legal holidays. (Prior code § 72B-10)

**12.56.110 Availability of financial records.**

A. It shall be the duty of the sponsor to furnish the city, not later than ninety (90) days from the last day of the operation of the festival, with a detailed financial statement submitted by the chief financial officer of the sponsor, certified so as to its accuracy by a licensed accountant in a form and manner satisfactory to the city's finance di-

rector. This financial record, with a profit and loss statement in the form of an affidavit attached, shall include but not be limited to fees and sources therefrom, rental derived, donations received by the sponsor and other pertinent data.

B. Failure to provide the financial statement in the manner set forth shall preclude the sponsor from applying for and receiving a festival license for future operations until this requirement has been met. (Prior code § 72B-11)

**12.56.120 License revocation.**

A. The operator's license or any vendor's license may be revoked by the supervisor of licenses at any time during the life of such license for any violation by the operator or individual vendor of any provision of this chapter or any violation of this code or any other applicable state or federal law, in addition to the penalties set forth in the general penalties section of this chapter.

B. Anything to the contrary in this section notwithstanding, in cases of revocation of food and beverage vendors' licenses, such revocation shall be at the discretion of the city's director of health, welfare and housing or his or her designee. (Prior code § 72B-12)

**12.56.130 Insurance requirements.**

A. Before any license shall be granted, the sponsor shall provide and deposit with the city clerk of the city a public liability insurance policy in the amount of one million dollars (\$1,000,000.00), single limit, naming the sponsor and the city as coinsured.

B. In addition thereto, the sponsor shall hold the city harmless from any and all claims or judgments recovered against it or the city in any court of competent jurisdiction, in excess of the one-million-dollar single-limit liability insurance policy. (Prior code § 72B-13)