

## **ORDINANCE 2016-25**

### **AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ADDING CHAPTER 394, BLOCK PARTIES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach that Chapter Three Hundred Ninety Four, of the Revised General Ordinances of the Borough of Bradley Beach shall be amended and revised to read as follows:

#### **§394. Purpose.**

These regulations are made to permit the holding of a neighborhood block party, celebration or event on a borough street as set forth in Ordinance §394 of the Borough of Bradley Beach.

#### **§394-1. Definitions**

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**BLOCK PARTY**- An outdoor public event organized by the residents of a neighborhood or Borough block and held upon a Borough right-of-way for social or entertainment purposes. For purposes of this Chapter, it shall be allowed in all zones as defined in the Zoning Code. The following streets may not be closed for a block party Ocean Ave, Main Street, Brinley Ave, and Lake Terrace, these are County Roads.

**BUSINESS DAY** - Any regular working hours in the Borough occurring Monday through Friday, excluding holidays.

**COST RECOVERY** - The administrative and departmental costs charged by the Borough to an applicant in conjunction with an event permitted under these regulations.

**STREET** - Any street, avenue, boulevard, road, parkway, viaduct, drive, lane, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action, or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and including the lands between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

#### **§394-2. Issuance of permit; information required.**

The Borough of Bradley Beach Police Department is authorized to issue a permit for the temporary blocking of a street for the purpose of holding a block party. An application for such permit should be filed with the Chief of Police or the designee at least 30 days before the commencement of such party. Such application shall contain at least the following information: name and address of the applicant, name of the street of the event and a description of the specific party to be held. Local Law prohibits alcohol use of any type.

#### **§394-3. Fee; determination of approval or disapproval of application.**

The appropriated application fee of \$100.00 shall be accompanied with the application. Application shall be submitted to the Borough Clerk. Any other fee for use of any equipment and

manpower are set forth in Ordinance §393-6 Fees Personnel/Equipment. Application fee will be refunded in the event that the permit is denied. The permit shall be denied if the Chief of Police or the designee finds that blocking the street on the date requested in the application will unduly interfere with the flow of vehicular traffic or the application is not in the best interests of the Borough, upon determining that the party is not authorized.

A. The Chief of Police or the designee may at anytime during the event shut down the block party due to any unforeseen emergency, may it be traffic volume, disorderly behavior, noise or for any other reason they deem necessary.

#### **§394-4. Term of permit.**

A permit issued pursuant to this article shall be valid only for the date and the hours specified thereon, which shall not be before 12:00 p.m. till 30 min before dusk maximum time limit will be four (4) consecutive hours. All litter, debris and other material must be removed prior to roadway reopening. All barricades / cones will only be removed by the police department. It cannot be assumed if dusk is at 8 pm that's when you start to cleanup. If the roadway is due to be reopened at 8 pm, sufficient time should be allowed to accomplish the cleanup by 8pm.

#### **§394-5. Removal of litter and debris.**

The applicant shall be responsible for removal of litter, debris and other materials from the street and sidewalk used for the party which is attributable to or caused by the party and, if not removed by the applicant, may be removed as directed by the Chief of Police or the designee by the Public Works Department and the cost thereof charged to the applicant as per the rate established in Ordinance §393-6 Personnel/Equipment. All barricades / cones will only be removed by the police department

#### **§394-6. Access for emergency vehicles required.**

A street that has been blocked off for a party shall not be obstructed by any other obstacle which cannot be readily moved to allow emergency and hazard vehicles to enter it in response to an emergencies. The only objects that can be used are the barricades and or cones that have been placed by the police department.

#### **§394-7. Limitation on number of permits.**

No more than one permits shall be granted by the Borough of Bradley Beach Police within a three (3)-block radius of the first permit. No more than two (2) permits shall be granted by the Borough of Bradley Police in any calendar year for the same household.

#### **§ 394-8. Liability.**

The persons, organization or association to whom the permit is issued shall be liable for all losses, damages or injuries sustained by any person, whether a participant or spectator at the block party or recreational event, whether or not said losses, damages or injuries arise by reason of the negligence of the person, persons or organization to whom such permit shall have been issued. The Borough of Bradley Beach shall require the applicant to enter into a hold-harmless agreement, which agreement shall provide that the applicant shall agree to save and hold the borough harmless of and from any and all obligations and liabilities which may arise from the temporary street closing which represents the subject matter of the application. The applicant shall further agree as part of these provisions to hold harmless the borough and to defend at his

own cost and expense any claims or lawsuits instituted by third parties, which obligations or liabilities might otherwise exist or be asserted against the borough. The Borough of Bradley Beach shall further have the option to require that, prior to the issuance of a permit or commencement of the temporary street closing for commercial advertising purposes or profit, the applicant submit evidence of liability insurance covering damages to property and injuries to members of the general public arising out of the temporary street closing in such amounts as may be determined by the Borough of Bradley Beach.

**§394-9. Violations and Penalties**

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a penalty of not more than two \$250 and imprisonment for a term not to exceed 15 days, or both. Each day is a continued violation shall constitute a separate offense.

**THIS ORDINANCE** shall become effective upon final passage and publication according to law.

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KELLY BARRETT  
Deputy Municipal Clerk

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GARY ENGELSTAD  
Mayor

Introduced: May 24, 2016  
Date of Hearing and Adoption: June 14, 2016

Date of Publication: \_\_\_\_\_  
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