

## **4-8 PUBLIC FUNCTIONS AND SIMILAR USES OF PUBLIC PLACES.**

### **4-8.1 Definitions.**

The following meanings shall apply to words and phrases as used in this section:

*Public Function* shall mean any gathering, activity, march, **parade**, celebration, ceremony, show, festival, exhibition, assembly, pageant, automobile road rally, motorcycle race or enduro, bicycle race, rally, tour, or similar function, procession, foot race, marathon, or the like, of any kind or any similar display in or upon any street, road, park or other public place under Township jurisdiction.

*Public Function Permit* shall mean a permit, as required by this section.

(Ord. #2000-7, § 1)

### **4-8.2 Permit Required.**

No person shall engage in, participate in, aid, form or start any public function unless a public function permit shall have been obtained from the Township Committee. This section shall not apply to:

- a. Funeral processions.
- b. Students going to and from school classes or participating in educational activities under the immediate direction and supervision of the proper school authorities.
- c. Processions sponsored, sanctioned or approved by a governmental agency, or subdivisions thereof, including, but not limited to Township Committee, school board, Fire Company or ambulance squad, acting within the scope of its functions.
- d. Wedding processions.
- e. Processions arising out of labor disputes.
- f. Processions sponsored by houses of religious worship.

Those functions exempted from the permit fee shall still be required to file an application with the Township according to subsection 4-8.3 within a reasonable amount of time.

(Ord. #2000-7, § 2)

### **4-8.3 Application Requirements.**

A person seeking issuance of a public function permit shall file an application with the Township Clerk, not less than ten (10) days before a Township Committee meeting prior to the event or maximum of forty-five (45) days before the date on which the public function is scheduled to be held. The application shall set forth the following:

- a. The name, address and telephone number of the person seeking to conduct the public function.
- b. If the public function is proposed to be conducted for, on behalf of or by an organization; the name, address and telephone number of the headquarters of the organization and of the authorized and responsible head(s) of the organization.
- c. The name, address and telephone number of the person who will be the public function chairperson and who will be responsible for its conduct, together with the address and phone number where said person can be contacted on the date of the public function.
- d. Type of public function.
- e. The date when the function is to be conducted.
- f. The route to be traveled; the starting point and the termination point. A map outlining said route and rest areas shall be submitted with the application.

- g. The approximate number of persons, animals and vehicles which will constitute the public function; the type of animals and a description of the vehicles.
- h. The hours when the public function will start and terminate.
- i. A statement as to whether the public function will occupy all or only a portion of the width of the streets, proposed to be traversed.
- j. The location, by street, of any assembly areas for the public function.
- k. The time at which units of the public function will begin to assemble at the assembly area or areas.
- l. The interval of space to be maintained between sections or intervals of the function.
- m. If the public function is designed to be held by, on behalf of, or for any person other than the applicant, the applicant for the permit shall file with the Township Clerk, a communication, in writing, from the person proposing to hold the function authorizing the applicant to apply for the permit on his/her behalf.
- n. A description of any and all provisions for necessary medical, ambulance or rescue services, police services and/or traffic control, Township Public Works, and copies of approvals by same.
- o. In the event the function being applied for will traverse other governmental units, such as the local and regional school facilities, or County, State and Federal lands, the applicant shall file with the Township Clerk a copy of the application used by the public schools, County Department of Parks, Division of Parks and Forestry, State Park Service, Pinelands Commission, N.J. State Police or other agencies having jurisdiction over such State and/or Federal lands, simultaneous with the filing of said application. Any revision or correction to any of the above-mentioned applications shall also be filed with the Township Clerk.
- p. Written permission by the owners of property used as start and stop areas or rest areas, if they should be privately owned, or owned by agencies other than Tabernacle Township.
- q. Any additional information, which the Township Committee shall find reasonably necessary for a fair determination, as to whether a permit should be issued.
- r. Certificate of insurance naming the applicant, the public function covered and the Township of Tabernacle as additional insured.  
(Ord. #2000-7, § 3)

#### **4-8.4 Application Fee.**

An application fee as established in Schedule B\* shall accompany each application for a public function permit unless otherwise prescribed in subsection 4-8.2. The Township Committee may in its discretion reduce or waive the set fee.

Any Township non-profit organizations, including, but not limited to the Historical Society and Junior Mechanics, any religious organizations will not be subject to the application fee. (Ord. #2000-7, § 4; Ord. #2002-8, § 1)

\***Editor's Note:** Schedule B, referred to herein may be found in the Appendix which is located in the rear of this Code.

#### **4-8.5 Standards for Issuance.**

The Township Committee shall issue a permit, as provided for hereunder, when, from a consideration of the application and from other information as may otherwise be obtained, it finds that:

- a. The conduct of the public function will not substantially interrupt the safe and orderly movement of traffic contiguous to its route.
- b. No obstruction or interruption of local business shall result from the route chosen and that notification of the public function shall receive written authorization from the businesses.

- c. The conduct of the function will not require the diversion of so great a number of police officers servicing the Township to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the Township.
- d. The conduct of the function will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Township, other than that to be occupied by the proposed line of march and areas contiguous thereto.
- e. The concentration of persons, animals and vehicles at assembly points of the public function will not duly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.
- f. The conduct of the function will not interfere with the movement of firefighting equipment in route to a fire.
- g. The public function is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in-route.
- h. The public function is not to be held for the sole purpose of soliciting, advertising any product, goods or event and is not designed to be held purely for private profit.
- i. Spectator and participant parking at local businesses or private residences shall not occur without express per-mission of the property owner.
- j. Any kinds of signs or markings posted shall be removed within twelve (12) hours at the end of the event.  
(Ord. #2000-7, § 5)

**4-8.6 Hearing.**

The Township Committee shall act upon the application for a public function permit at the first public meeting at which action may be taken after the filing of a completed application. (Ord. #2000-7, § 6)

**4-8.7 Notice to Township Officials.**

Immediately upon the issuance of a public function permit, the Township Clerk shall send a copy thereof to the Mayor, Township Attorney, Fire Chief, ambulance companies, Public Works Director and Code Enforcement Officers. (Ord. #2000-7, § 7)

**4-8.8 Contents of Permit.**

Each public function permit shall state the following information:

- a. Starting time.
- b. Minimum speed.
- c. Maximum speed.
- d. Maximum interval of space to be maintained between the units of the activity, if applicable.
- e. The portions of the streets to be traversed that may be occupied by the function.
- f. The maximum length of the public function in miles or fractions thereof, if applicable.
- g. Any other information, which the Township Committee shall find necessary to the enforcement of this section.  
(Ord. #2000-7, § 8)

**4-8.9 Duties of Permittee.**

- a. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

- b. No participant in a public function shall carry any base-ball bat, club or stove or any other object which may be used as an offensive or defensive weapon.  
(Ord. #2000-7, § 9)

**4-8.10 Possession of Permit.**

The public function chair-person or other person heading or leading such activity shall have the public function permit during the conduct of the public function. (Ord. #2000-7, § 10)

**4-8.11 Revocation of Permit.**

The Township Committee shall have the authority to revoke a public function permit issued hereunder upon application of the standards for issuance as herein set forth. (Ord. #2000-7, § 11)

**4-8.12 Penalties.**

- a. Any person who violates any provision of this section shall be subject to a penalty for each offense of not more than five hundred (\$500.00) dollars or be imprisoned for a term not exceeding ninety (90) days, or both, for each offense.
- b. *Other Remedies.* No provision of this section shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this section or from other laws.
- c. *Severability.* If any provision of this section is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the section shall not be invalidated.  
(Ord. #2000-7, § 12)