

Introduced: 7/9/2019  
Public Hearing: 8/13/2019  
Adopted: 8/13/2019

**ORDINANCE NO. 10-2019  
TOWNSHIP OF TEWKSBURY  
HUNTERDON COUNTY, NEW JERSEY**

**AN ORDINANCE AUTHORIZING AND REGULATING THE TEMPORARY STREET CLOSING FOR THE  
PURPOSE OF A COMMUNITY FUNCTION SUCH AS A BLOCK PARTY OR NEIGHBORHOOD  
FESTIVAL.**

**WHEREAS**, the Township Committee of the Township of Tewkesbury in the County of Hunterdon and State of New Jersey desire to establish and otherwise regulate the ability of its citizens to petition for a temporary street closing so as to allow community functions such as block parties and/or neighborhood festivals; and

**WHEREAS**, the Governing Body of the Township of Tewksbury has determined to permit temporary street closings for the purpose of aforesaid community functions;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF TEWKSBURY**

**CHAPTER 12.28      TEMPORARY STREET CLOSING FOR THE PURPOSE OF A COMMUNITY  
FUNCTION SUCH AS A BLOCK PARTY OR NEIGHBORHOOD FESTIVAL.**

**12.28.010      DEFINITIONS**

The following terms shall have the meanings indicated:

**BLOCK** – A designated area within which the public streets shall be closed for a neighborhood party.

**PARTY** – A neighborhood block party, celebration or event, but shall not include garage sale, yard sale, bazaar, rummage sale or other similar activity having the principal purpose as fundraising for an individual or organization, nor shall it include a political meeting or rally, carnival or theatrical or musical performance such as concerts or similar events.

**STREET** – A township street, highway or road.

**12.28.020      PERMIT REQUIRED**

No person or organization shall use any public street, sidewalk or public right-of-way for a block party in the Township of Tewksbury without a permit.

**12.28.030      APPLICATION TO CONDUCT BLOCK PARTY**

- A. A person seeking issuance of a block party permit shall file an application with the Township Clerk, together with an application fee of \$20.00 on forms provided by the Township Clerk, such fee shall be refunded within thirty (30) days if the permit is denied.
- B. Filing period. An application for a block party permit must be filed with the Township Clerk not less than 30 Days before the date on which it is proposed to conduct the block party. Failure to timely file an application may result in the denial of a request.
- C. Contents of application for a block party permit. The application for a block party shall set forth the following information:
  - (1) The name, address and telephone numbers (home phone number, work phone number, cell phone number) of the person requesting the block party permit. The person requesting the permit shall be deemed the contact person unless otherwise specified by the Township Clerk.
  - (2) The name and address of any organization the applicant is representing.
  - (3) The proposed date and time of the block party, including the times at which such block party will start and terminate, said beginning time being no earlier than 9:00 AM and no later than 10:00 PM. In case of inclement weather or unforeseen circumstance, it is suggested that a "rain date" be included with the application request.
  - (4) The Township street where the block party is proposed, along with any cross streets.
  - (5) The names, addresses, telephone numbers, blocks and lots of the property owners for each impacted property on the street or portion of the street where the block party is proposed.
  - (6) Signatures of all those property owners indicated in Subsection 5 of this section, said signatures indicating consent to the proposed block party, consent to the proposed street closure, and acknowledgement that all residents and their invitees shall adhere to all applicable laws, regulations and ordinances, including but not limited to, public nuisance, fireworks regulations, and public consumption of alcoholic beverages.
  - (7) The activities planned for said block party, the estimated number of person(s) participating and/or attending, and any large items, including but not limited to, dunk tanks, inflatable jumps, stages, and vehicles/trailers which will be parked in the street.
  - (8) Whether any music will be provided at the block party, whether live or recorded.
  - (9) The number, types and location of loudspeakers and amplifying devices to be used.

- D. The application may require such additional information as the Township Committee prescribes by resolution.
- E. Upon submission of an application for a block party and acceptance of the appropriate fee, the Township Clerk shall forward the application to the Chief of Police for review and consultation.

**12.28.040      STANDARDS FOR ISSUANCE OF BLOCK PARTY PERMITS.**

A. Approval Process and Procedure

(1) The Township Clerk shall refer the block party application to the Chief of Police and request that the application and proposed area be evaluated based upon the following objective criteria:

- a. The conduct and location of the block party will not substantially interrupt or impede the safe and orderly movement of traffic.
- b. The conduct of the block party will not be likely to result in damage to persons or property nor cause serious harm to the public.
- c. The conduct of the block party will not interfere with the movement of first aid or firefighting equipment to such an extent that adequate fire protection cannot be provided to the Township.
- d. Such other concerns deemed necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

(2) If the Chief of Police determines that the criteria of this section are satisfied, he or she shall sign the application within ten (10) working days of receipt of the application (not including weekends and holidays, indicating whether said application is approved. The Township Clerk shall be responsible for issuing a permit for a block party, subject to any conditions determined by the Chief of Police to be reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and protect the public health, safety and welfare of the residents of Tewksbury Township. These conditions include but are not limited to, changes in time, duration or number of participants. Upon issuance of a block party permit, the Township Clerk shall forward a copy of the approved permit to the Township Administrator, Chief of Police, Fire Chief, and Public Works.

B. Closing of Streets

- (1) Pursuant to N.J.S.A. 40:67-16.0, the Township Committee authorizes the Chief of Police to provide for the closing of any Township-owned street, or portion thereof, to motor vehicle traffic on any day or days, or during specified hours on any day or days, whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare, in accordance with the requirements provided herein:
- a. The portion to be closed is a half mile or less in length and intersected by no more than two streets.
  - b. Proper warning signs of such closing of any street, or portion thereof, must be posted during the time same is closed.
  - c. The street can be closed no earlier than 8:00 AM and must be reopened no later than 11:00 PM.
- C. Denial of Permit - The permit shall be denied if the Chief of Police determines that blocking the street or portion thereof on the date requested in the application will unduly interfere with the flow of vehicular traffic or that any condition of this Ordinance had not been met. The Township Clerk will be responsible for advising the Applicant, in writing, of the reason for the denial of the application within ten (10) days of receipt of the application (not including weekends and holidays).
- D. Appeal of Denial. An applicant may appeal, in writing, the denial of a permit to the Township Clerk within five (5) working days of the date of denial. A hearing of the appeal shall be added to the Township Committee's agenda for the next regularly scheduled meeting within five (5) dates of receipt of the appeal. After holding a hearing, the Township Committee may reverse, affirm or modify in any respect the denial by the Township Clerk.
- E. Reporting to Township Committee. Whether approved or denied, the Township Clerk shall maintain records of all applications and submit a report summarizing all permitting activity for the monthly Township Committee meeting. If there have been no applications, then the Township Clerk need not prepare such report.

**12.28.050      VALIDITY OF PERMIT.**

A permit issued pursuant to this Ordinance shall be valid only for the date and hours specified thereon, which shall not be before 8:00 AM or after 11:00 PM.

**12.28.060      DUTIES OF PERMITTEE.**

In addition to any duties of the permittee(s) which are a condition of the block party permit as issued and any other obligations of the permittee(s) delineated otherwise in this Ordinance, all permittees shall:

- A. Comply with all applicable laws and ordinances.
- B. Be responsible for cleanup of any items, trash and garbage from the street which is subject of the permit.
- C. Require that the block party contact person or other person heading or leading such activity shall carry the block party permit upon his or her person during the conduct of the event.

**12.28.070. OBSTACLES BLOCKING STREETS TO BE MOVABLE AND REFUNDABLE DEPOSIT FOR CONES AND/OR BARRICADES.**

A street or portion thereof blocked off for a party shall not be obstructed by obstacles which cannot be readily moved to allow emergency and hazard vehicles to enter in response to an emergency. At least seventy-two (72) hours prior to the event, the Applicant is required to notify the Department of Public Works to drop-off cones and/or barricades, the use of which are subject to availability. There is a \$200.00 refundable deposit for use, and after the event, on the next business day, the Applicant must contact the Department of Public Works to request the pick-up of the Township's street blocking obstacles. After the cones and/or barricades are returned, then the \$200.00 deposit shall be refunded no later than ten (10) business days.

**12.28.80 LIMIT ON NUMBER OF PERMITS.**

No more than two permits shall be granted by the Township Clerk in any calendar year for the same block or blocks. The applicant must wait thirty (30) days after the date of denial before filing another application.

**12.28.90 LIABILITY.**

- A. The person(s), 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 negligence of the person(s), or organization to whom such permit shall been issued. The Township Clerk 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 Township of Tewksbury 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 further agrees as part of these provisions to hold harmless the Township of Tewksbury and to defend at his/her own cost and expenses any claims or lawsuits instituted by third parties, which obligations or liabilities might otherwise exist or be asserted against the Township of Tewksbury.

- B. The Applicant must provide a certificate of insurance specifically naming the Township of Tewksbury as an additional insured providing general liability, bodily injury and property damage coverage with minimum limits of liability not less than \$1,000,000.00.

#### **12.28.100 REVOCATION OF PERMIT**

The Township shall have the authority to revoke a block party permit issued hereunder upon the violation of any of the standards for issuance as set forth in this Ordinance or in the event of circumstances endangering public health, safety and welfare.

#### **12.28.110 PENALTIES FOR OFFENSES.**

Any person(s), firm or corporation who shall violate any provision of this ordinance shall, upon conviction, be subject to a penalty of not more than \$1,000.00, or imprisonment for a term not to exceed ten days, or both. Each day of violation shall constitute a separate offense.

#### **12.28.120**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.

#### **12.28.130**

Should any section, clause, sentence, phrase provision or application of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

#### **12.28.140 EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its final passage and publication as provide by law.

Adopted:

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William Voyce, Mayor  
Township Committee

Attest:

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Jennifer Ader  
Acting Municipal Clerk