

**BOROUGH OF EAST RUTHERFORD
ORDINANCE NO. 2024-04**

**AN ORDINANCE BY THE BOROUGH OF EAST RUTHERFORD, COUNTY OF
BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE
OF THE BOROUGH OF EAST RUTHERFORD TO ADD A NEW CHAPTER 209
ENTITLED PARADES AND SPECIAL EVENTS**

WHEREAS, participating in peaceful marches, demonstrations and other expressive activity is a core right protected by both the United States and New Jersey Constitutions and supported by the elected representatives of the residents of the Borough of East Rutherford; and

WHEREAS, the Council of the Borough of East Rutherford (the "Council") desires to protect and preserve the health, safety, and welfare of the residents of the Borough of East Rutherford by establishing certain "time, place and matter" regulations to ensure that such constitutionally protected activity can safely proceed without undue interference; and

WHEREAS, the Council wishes to establish certain compliance requirements applicable to all Parades in the Borough regardless of the categories of people involved or the content of the message being communicated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of East Rutherford, in the County of Bergen, State of New Jersey, that:

Section 1. Chapter 209 of the Borough Code, as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the provisions governing parades and other special events.

Section 2. All ordinance and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 3. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Introduced: February 20, 2024

Adopted: March 19, 2024

ATTEST:

APPROVED:

Danielle Lorenc, Borough Clerk

Jeffrey Lahullier, Mayor

EXHIBIT A

CHAPTER 209. PARADES AND OTHER SPECIAL EVENTS.

Section 209- 1. Applicability; Short Title.

The terms of this article shall apply to parades and special events, as indicated hereinafter. The provisions of this Article shall not apply to any parades or special events which are sponsored by or authorized by the Mayor and Council. The short title of this article shall be the Parades and Special Events Ordinance.

Section 209-2. Definitions.

As used in this article, the following definitions apply:

Parade means any parade, march, demonstration, race, or procession upon any street, excluding: (1) Funeral processions; (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; and (3) Governmental agencies acting within the scope of their functions.

Permit means a permit for a Parade or Special Event.

Special Event means any activity held on Borough property which is expected to draw a crowd in excess of fifty (50) people or which involves the sale of food, alcohol, or merchandise, or which involves the erection or placement of a stand, tent, platform or other structure. Activities organized by any official Borough Committee are excluded from this definition.

Section 209-3. Permit required.

No person, entity, or organization regardless of affiliation shall organize, hold, or start a Parade or Special Event without a permit. A violation of this provision shall constitute a Borough Ordinance violation, punishable by a fine of One Thousand Dollars (\$1,000.00). Each day a violation occurs shall constitute a separate offense.

Section 209-4. Compliance with laws and regulations.

A permit applicant shall be responsible for ensuring that the Parade or Special Event is conducted in compliance with all permit requirements and conditions and with all applicable laws, ordinances, rules, and regulations. The applicant shall also be responsible for securing any permits which may be required by any other governmental

agencies for the conduct of the Parade or Special Event and the activities associated therewith.

Section 209-5. Application.

(a) A person desiring a Parade/Special Event permit shall file an application with the Borough Clerk on forms prepared by the Chief of Police and approved by the Mayor and Council. Such application shall be filed not less than thirty (30) days before the date proposed for the Parade or Special Event. The Chief of Police or his/her designee shall have the authority to waive the thirty-day filing requirement if circumstances of the event so require and upon a finding that the date of filing of the application was reasonable under the circumstances.

(b) The application for a permit shall include the following information:

- (1) The name, address, telephone number, and e-mail address of the person organizing the Parade or Special Event and who will be responsible for its conduct.
- (2) If the Parade or Special Event is proposed to be conducted for, on behalf of or by an organization, the name, address, telephone number, and e-mail address, as applicable, of the headquarters of the organization and the same information for the individual officer who will be responsible for its conduct;
- (3) The date the Parade or Special Event will be conducted;
- (4) As to a Parade, the route to be traveled, the starting point and the termination point, the location of any assembly area, and whether the Parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (5) As to a Special Event, the boundaries of the location where the special event will be held and a sketch showing the location of the stands, tents, platforms, and other structures that will be erected or placed on site;
- (6) As applicable, the approximate number of persons and vehicles that are expected to be present and, as to vehicles, the number and types thereof;
- (7) The hours the Parade or Special Event will start and terminate;
- (8) The time at which the units/facilities of the Parade or Special Event will begin to be assembled and when their disassembly will be completed; and

(9) Any additional information which the Chief of Police shall find reasonably necessary to make a fair decision regarding whether a permit should be issued;

(c) The Chief of Police shall either approve or reject the application within 10 days of its receipt, giving written notice to the applicant with the specific reasons therefore and containing any conditions, if any, to the approval. If the Chief of Police fails to act within that time, the application shall be considered granted. If the Chief of Police denies the request, the applicant may appeal within 10 days to the Mayor and Borough Council, which body shall act thereon at its next regular meeting. In denying an application, the Chief of Police may authorize an alternate date or route.

(d) The Chief of Police or his/her designee shall have the discretion to determine if police personnel are needed for traffic, security, or any public safety reason. The applicant shall pay any costs associated with such police personnel.

Section 209-6. Fees.

(a) Permit fee. A nonrefundable permit fee of Two Hundred Fifty Dollars (\$250.00) shall be paid upon submission of a permit application.

(b) Payment of overtime/compensatory time. The Chief of Police or his/her designee shall have the discretion to determine if police personnel are needed for traffic, security, or any public safety reason. The applicant shall pay any costs associated with such police personnel. And, unless waived by the Mayor and Council, those estimated costs shall be paid before a permit is issued. Unless the aforesaid waiver is granted, the permit applicant shall be liable for the actual costs of the Parade or Special Event which exceed the estimated costs and shall pay those costs within fifteen (15) days of the date of the submission of an invoice therefor.

Section 209-7 Permit conditions.

(a) Standard conditions. All permits are subject to the following standard conditions with or without further notification:

(1) Compliance with the insurance requirements set forth in this article is mandatory.

(2) The applicant shall indemnify and hold the Borough harmless from any and all claims, actions, suits, procedures, costs, fines, expenses, damages and liabilities, including, but not limited to, attorneys' fees, court costs, and litigation expenses arising out of, as an incident to, or as a result of the conduct of the Parade or

Special Event except for those caused by the grossly negligent or intentionally harmful acts of the Borough's representatives or employees.

- (3) The applicant must comply with all Town, County, State, and federal laws, rules, regulations, and ordinances, including, but not limited to, those pertaining to the issuance of permits other than a Parade and Special Events permit. The issuance of a Parade and Special Events permit is not a substitute for or evidence of compliance with the foregoing. (b) Optional conditions. (1) If deemed necessary because of the nature of a Parade or Special Event or because of a failure on the part of organizers to restore or clean up after the conduct of a previously conducted Parade or Special Event, the Borough may require the applicant to post a bond to cover the projected costs of restoration and cleanup.

Section 209-8. Insurance requirements. The applicant shall be responsible for obtaining and maintaining comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate and shall furnish the Borough with a certificate of insurance evidencing the procurement of the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the Parade or Special Event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the Borough. Each policy shall name "Mayor and Borough Council of East Rutherford" as an additional insured. The Mayor and Council may waive or modify these requirements on a case-by-case basis upon consideration of the following criteria: (1) The applicant's ability to pay the premium; (2) Whether the event will be held if the applicant is not granted a waiver or modification; (3) The extent to which the parade or special event is expected to expose the Borough to liability beyond that which exists on a day-to-day basis; and (4) Any other factors which relate solely to whether and how much insurance coverage should be required.

Section 209-9. Rules and Regulations.

During the course of a Parade or Special Event, the Borough will enforce all laws and regulations relating to the peace and good order of the community and will not tolerate any illegal activity, particularly with respect to the destruction of public property or any attempt to injure another person. In addition to any other generally applicable Borough ordinances, rules and regulations that may be applicable to such activity, the following specific regulations shall also apply to such activity:

- (a) Signs are not permitted to be posted on utility or other poles, unless authorized in writing by the owner or operator of the utility or other pole. Additionally, any signs or flags must be held by hand and not affixed to any pole or stick, except for cardboard tubing.
- (b) The use of sound amplification equipment, including bull horns, is prohibited except where authorized by permit.
- (c) The open carrying of any type of weapon is prohibited, including, but not limited to, knives (except for pocketknives), bricks, bats, clubs, sticks, and brass knuckles.
- (d) Persons shall not be permitted to climb in trees or up utility poles.
- (e) It is prohibited to use Borough property that is not generally considered open for public expression, including parking lots, police and fire stations, and the interior of Borough-owned or Borough-controlled buildings, for Parades or Special Events. The foregoing does not apply to Borough property generally considered open for public expression, such as public parks, plazas, streets and sidewalks, provided generally applicable Borough ordinances, rules and regulations are followed.
- (f) In the absence of a permit or proper authorization for the closure of Borough Street, the free flow of traffic along Borough streets shall remain unimpeded and all traffic and pedestrian signals shall be followed. The conduct of the Parade will neither substantially interrupt the safe and orderly movement of vehicular traffic nor impede public travel on the sidewalks contiguous to its route. Pedestrians not participating in the Parade or Special Event shall be given enough space to travel on Borough sidewalks and may not be maliciously obstructed or detained.
- (g) Persons not participating in the Parade or Special Event must be allowed unimpeded access to buildings and businesses in the vicinity of the Parade or Special Event, with a clear space for ingress and egress available at all times. The conduct of the Parade will not substantially interfere with the business of any person along the parade route.
- (h) Property shall not be removed from any construction site located anywhere within the Borough.

- (i) Borough officials shall not be impeded by any person in the course of performing their official duties.
- (j) No person shall interfere with peaceful marches, demonstrations or other expressive activity provided the persons engaging in such activity are in compliance with the foregoing rules and regulations and any other generally applicable laws or ordinances.

Section 209-10. Revocation.

The Police Chief may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.