

## **§ 12-1. RULES AND REGULATIONS FOR USE OF PUBLIC PROPERTY.**

### **§ 12-1.1. Findings. [ Ord. No. 1869 ; Ord. No. 2207 , Preamble]**

In the interest of public safety and for the regulation of the use of public buildings, parks, playgrounds and property and the promenade, it is deemed necessary to establish a procedure for granting permission when use of such public areas is requested by persons and organizations.

### **§ 12-1.2. Request from Nonprofit Organizations. [ Ord. No. 1867 ; Ord. No. 2207 § 2; Ord. No. 2254 § 5, I; Ord. No. 2355 § 1; Ord. No. 02-2553 ; Ord. No. 06-2740 ; Ord. No. 10-2895 ; Ord. No. 10-2904 § 1]**

Nonprofit organizations (an "applicant") desiring to use public property owned by the City, or any of its Boards shall provide a written request for the use of such property to the City Clerk, if the property is under the control and supervision of the City, or to the respective Board if under a Board's control, and shall be permitted to use such property, if permission is granted pursuant to the following procedure:

- a. Request Requirements. Requests shall be made at least one (1) month prior to the date of intended use and shall include:
  1. Names and addresses of the applicant and responsible person.
  2. Internal Revenue Service determination letter evidencing that the applicant is a nonprofit organization.
  3. Specific description of use planned for property and estimated attendance.
  4. Certificates of insurance meeting the City's current requirements; and
  5. Execution of an agreement stating that the property will be restored, corrections to temporary changes will be made, all debris will be cleaned up, including the dumping of trash receptacles, and providing for payment to the City for its labor and materials beyond normal maintenance, including an administrative surcharge of fifteen (15%) percent, in an amount certified by the Chief of Police and Director of Community Services, as required.
- b. Conditions for Use of Public Property.
  1. Sales and Fundraisers.
    - (a) (Reserved)
    - (b) Profit Organizations. Organizations located in the Business, Neighborhood Business and CRBD Zones (Maximum 2 per year).
      - (1) Promotion: \$200.00.
      - (2) Grand openings within 30 days of opening, which requires use of City property: \$200.00.
      - (3) Banner or signage only: \$75.00.

(c) Civic Events: \$150.00.

Events of a nature that shall be of general benefit to the residents of Summit and have no fundraising associated with them.

2. Peddlers as defined in the ordinance entitled: "An Ordinance To Regulate Peddlers and Solicitors and Provide For The Licensing Therefor," passed December 17, 1991.

Peddler or Solicitor shall mean a peddler, hawker, vendor, canvasser or solicitor and shall include any person traveling by foot, wagon, motor truck, motor vehicle or any other type of conveyance carrying, conveying or transporting merchandise, taking or attempting to take orders for sale or merchandise or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale a sample of the merchandise or service to purchasers, and whether or not he is collecting advance payments on such sales. A mobile food vendor shall be a peddler or solicitor. Wholesaler salesmen calling on retail merchants are specifically excluded from the definition of "peddler or solicitor."

(a) After having first offered the right to Summit licensed peddler obtained from a list maintained by the City Clerk's office, the applicant may allow non-Summit licensed peddlers to participate in the use of the property.

(b) Applicant shall be responsible for securing from non-Summit licensed peddlers:

- i. Proof that such peddlers hold a current New Jersey Sales Tax Certificate of Authority, and
- ii. Compliance with all Board of Health requirements, including the payment of a twenty-five (\$25.00) dollar fee to same.

(c) When a use of public property is granted in accordance with this section, no peddler other than permitted by the applicant may operate within five hundred (500) yards of the perimeter of the property.

3. Hours. Use shall be restricted to 9:00 a.m. to 9:00 p.m., unless approval for extended time periods if granted by the Common Council or the respective Board.

4. Closing of Streets and Sidewalks. Police and Fire Department approvals and supervision shall be obtained when the use of public property requires closing of streets and sidewalks or police monitoring. When the closing of streets shall be requested, and upon recommendation of the Police Department, a Council resolution shall be required.

5. Banners.

(a) Banner material, hanging procedure and location shall be approved by the Department of Community Services and Police Department.

(b) Name(s) of applicants only (but not sponsors) using public property are permitted on banners.

(c) Hanging of banners across City streets is prohibited, and

- (d) The Certificate of Insurance shall include coverage for banners.
- 6. Sound Amplification. Request for sound amplification shall include location, purpose, time of use and estimated decibel output.
- 7. Review By Property Use Committee:
  - (a) A Property Use Committee ("Committee") is hereby established whose membership shall consist of a representative, with authority to make decisions, from the following offices: City Clerk, Community Services, Fire and Police and outside Boards, i.e., Library or Recreation, when its property is involved and an applicant representative with authority to make decisions, when at all possible.
  - (b) The Committee shall:
    - (1) Address aspects of the Rules and Regulations for Use of Public Property and other property controls, except for insurance requirements for use of meeting rooms, as they apply to requests for the use of public property.
    - (2) Deal with such requests at the staff and the applicant level to eliminate the need for each Council Committee to make reports and comments, except when the staff disagrees or is not approving all or part of the request and the applicant wishes to appeal same.
  - (c) The City Clerk is hereby designated to chair the Committee and all requests for use of public property, not controlled by an outside Board, shall go to the City Clerk's office which shall:
    - (1) Send the applicant the forms and informational request needs;
    - (2) Arrange for a meeting between the Committee and applicant;
    - (3) When an applicant has a routine/identical request from the previous year and there were no known problems with the previous event, the applicant's request will be distributed to the appropriate committee members asking if they think a meeting is necessary, and, if so, it shall be called; and
    - (4) Prepare an approval/findings/recommendations memo, copies of which shall go to the Committee members, the applicant and to the Council for formal action, as necessary.

**§ 12-1.3. Simultaneous Applications. [ Ord. No. 1869 ; Ord. No. 2207 § 3]**

In the event of two (2) simultaneous applications for the use of the same public property, or if there is other potential conflict, the City Clerk or respective Board shall grant permission to the request first received.

**§ 12-1.4. Additional Conditions and Restrictions. [ Ord. No. 1869 ; Ord. No. 2207 § 4]**

In addition to the requirements of this section, the City Clerk, the respective Board, and City departments reserve the right to impose such additional conditions and restrictions on the use of

public property, and to take such reasonable actions deemed necessary for the preservation of the public safety and safeguarding of public and private property.

**§ 12-1.5. Exceptions. [ Ord. No. 1869 ; Ord. No. 2207 § 5; Ord. No. 2355 § 2]**

- a. That the requirements of subsection 12-1.2a, Conditions, paragraph 1, shall not apply to the use of locations by the City or its Boards, including the activities of the Summit Fourth of July and Celebration Committee, Inc.
- b. That the requirements of subsection 12-1.2a, Conditions, paragraph 1, shall not apply to the Historical Society with respect to its use of the Carter House nor to the Reeves-Reed Arboretum with respect to its use of the Arboretum.

**§ 12-1.6. Appeal. [ Ord. No. 1869 ; Ord. No. 2207 § 6]**

- a. Any applicant aggrieved by the denial by the City Clerk or City Board of the permission required by this section shall have the right of appeal to the Director of Administration. The appeal shall be taken by filing with the City Clerk within thirty (30) days after the notice of the denial has been mailed to the applicant, a written statement setting forth fully the grounds for appeal along with the fee of twenty-five (\$25.00) dollars. The City Clerk shall set a time and place of hearing for the appeal, at which time the Director of Administration shall conduct a hearing and affirm, modify or reverse the action appealed from.
- b. An appeal may be made to the Common Council of the City of Summit by any applicant aggrieved by a decision of the Director of Administration. Such appeal shall be taken by filing with the City Clerk within twenty (20) days after notice of the decision has been made, a written statement setting forth fully the grounds of the appeal, along with a fee of twenty-five (\$25.00) dollars. The City Clerk shall set a time and place of hearing for the appeal, at which time the Common Council of the City of Summit shall conduct a hearing and affirm, modify or reverse the decision appealed from.