

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2376-06

**AN ORDINANCE
TO REGULATE UNATTENDED OUTDOOR DISPLAYS ON
TOWNSHIP OF MAPLEWOOD PROPERTY**

"Interpretive Statement"

This ordinance will regulate unattended outdoor displays upon Township of Maplewood property.

WHEREAS, the placement of unattended outdoor displays on public property within the Township of Maplewood may be unsafe to pedestrians and motorists and may be aesthetically undesirable; and

WHEREAS, the Township Committee of the Township of Maplewood desires to limit the placement of unattended outdoor displays on public property within the Township of Maplewood, including street rights of way, in order to specifically address public safety and aesthetic concerns; and

WHEREAS, the Township Committee of the Township of Maplewood has determined that it is economically advantageous annually to create a winter holiday display; and

WHEREAS, the Township Committee of the Township of Maplewood has identified Ricalton Square, located on Maplewood Avenue within the commercial area known as the Maplewood Village in the Township of Maplewood as the appropriate location for the annual winter holiday display; and

WHEREAS, the Township Committee of the Township of Maplewood has determined to exercise its right to exclusive use of Ricalton Square to ensure that the winter holiday display is safe and well-coordinated and promotes specific government interests, including: (1) to promote and develop tourism and recreation within the Township of Maplewood; (2) to encourage, promote, simulate, and assist in the development of the Maplewood Village business economy; and (3) to maintain, develop, and increase employment opportunities for those who live, work, and may consider moving to the Township of Maplewood; and

WHEREAS, the Township Committee of the Township of Maplewood desires to create a process which requires an application by potential display sponsors/contributors for placement

of unattended outdoor displays at Ricalton Square to be reviewed for approval by the Police Department, Fire Department, Health Department, Department of Public Works and Recreation Department for health and safety issues and Code compliance; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, as follows:

FIRST: Definitions

Designated Location

Ricalton Square, located on Maplewood Avenue in the Township of Maplewood, State of New Jersey, shall be the designated location for placement of unattended outdoor displays on public property.

Display

A statue, figure, model, symbol or pictural representation relating to the winter holiday season, which shall be accompanied by a sign no larger than one foot by two feet identifying the sponsor/contributor of the display.

For purposes of this Ordinance, the term "display" shall not mean any sign, structure or device other than a sign, structure or device which accompanies a statue, figure, model, symbol or pictural representation.

Winter Display Period

The period of time which commences the Wednesday before Thanksgiving and concludes on January 10 of the following calendar year.

SECOND: Permit Required

(A) No display by any person or organization shall be permitted on property owned by the Township of Maplewood except in the designated location during the winter display period as hereinafter provided.

(B) No person or organization shall place a display on Township Property without first having obtained a permit from the office of the Township Clerk, which permit shall set forth the approved location of such display and the approved duration of such display by specific reference to date or dates, including set-up and break-down.

(C) All permits shall be applied for and obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be on an approved form, a copy of which is attached, and be accompanied by a non-refundable application fee in the amount established by this Ordinance.

(D) A permit shall be valid to maintain a display for the period of time specified in the permit.

(E) There can be no change in the approved dates and times once a permit has been issued.

THIRD: Issuance of Permit

(A) No permit shall be issued by the Township Clerk unless applied for at least thirty (30) days prior to the scheduled date of the proposed set-up of the display; provided however, that the Township Clerk may waive the thirty (30) day period if, in his/her judgment, the applicant has obtained all relevant approvals.

(B) As a condition for granting the permit, the applicant must sign an agreement that: (1) the applicant shall indemnify and hold the Township harmless against all claims arising from or relating to the display; (2) the Township shall have no responsibility for the display and the applicant waives any claim against the Township for damages to the display; (3) the applicant shall assume responsibility for all damages and loss to Township property which may be caused by the display; (4) the applicant shall include signage stating the applicant's name as the sponsor of the display, at the applicant's sole cost; and (5) the applicant shall promptly remove or make arrangements for removal of the display upon the expiration of the permit.

(C) No permit shall be issued unless the applicant has provided the Township Clerk with satisfactory proof of insurance coverage for bodily injury and property damage in an amount of not less than one million (\$1,000,000.00) dollars per occurrence, together with a Certificate of Insurance naming the Township as an additional insured and containing a provision giving the Township thirty (30) days notice prior to cancellation.

(D) The Township Clerk may refuse to issue a permit whenever he/she determines, on the basis of objective facts and after review of the application and reports from the Police Department, Fire Department, Building Department, Public Works Department, Health Department, Recreation Department and other Township agencies involved, that the display, the location and/or time set forth in the application would violate any law or ordinance, unreasonably interfere with use and enjoyment of neighboring properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise adversely effect the public's health, safety or welfare.

(E) In addition to any other fees or costs mentioned in this ordinance and other Township ordinances, the applicant shall reimburse the Township for any out-of-pocket expenses, including overtime pay incurred in connection with the display or its removal.

(F) Copies of the approved permit shall be sent to the Township Committee, Police Department, Fire Department, Building Department, Public Works Department, Health Department and Recreation Department.

(G) The permittee shall take all steps to minimize interference with the free passage of pedestrians and traffic over Township Property and to comply with all lawful directions issued by the Maplewood Police Department and Maplewood Fire Department.

(H) The permittee shall set up and remove the display in such a manner as to minimize the inconvenience to neighboring property owners.

FOURTH: Appeals

Any party aggrieved by the decision of the Township Clerk in denying or revoking a permit may appeal said decision to the Township Administrator.

FIFTH: Fees and Deposits

Each application for a display permit shall be accompanied by a non-refundable fee of twenty-five (\$25.00) dollars. Each application for a display permit shall be accompanied by a deposit of \$500.00, which shall be returned to the applicant upon the removal of the display within the time required by the permit.

SIXTH: Violations and Penalties

Any person or organization violating this Ordinance or the rules and regulations promulgated thereby, or the terms of the permit, upon conviction, shall be punished by a fine not exceeding twelve hundred fifty (\$1,250.00) per day. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Additionally, any person or organization violating this Ordinance may be prohibited from securing a Display Permit in the future.

SEVENTH: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

EIGHTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

NINTH: Effective Date

This Ordinance shall take effect after final passage and publication according to law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on November 21, 2006 and that Committee met again on December 5, 2006, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk

TOWNSHIP OF MAPLEWOOD
WINTER HOLIDAY DISPLAY APPLICATION

\$25.00 FEE AND \$500.00 DEPOSIT REQUIRED

DATE OF APPLICATION: _____

APPLICATION IS TO BE SUBMITTED TO THE TOWNSHIP CLERK 30 DAYS PRIOR TO THE PROPOSED DISPLAY
(Failure to do so may result in denial of application)(An Event Application and appropriate fee also is required if elements of the display will be used for an event and particularly if a police presence or barricades are necessary.)

TYPE OF DISPLAY PROPOSED (Complete description of display, material and location proposed-attach page if needed):

SPONSORING PARTY: _____

PLACEMENT DATE: _____ REMOVAL DATE: _____

LOCATION AND METHOD OF DISPLAY PLACEMENT:
(Complete description of the proposed display- attach additional page if needed)

CERTIFICATE OF INSURANCE:
INSURANCE COMPANY NAME: _____
(Pursuant to Municipal Ordinance, a Certificate of Insurance in the amount of \$1,000,000 must accompany this application.)

CONTACT PERSON: _____

ADDRESS: _____

PHONE #(S) Home _____ Work _____ Cellular _____
E-Mail _____

The undersigned is authorized to sign this Application on behalf of the Sponsoring Party. The Sponsoring Party agrees to indemnify and hold harmless the Township of Maplewood and all of its agents, servants, and/or employees for any injury or damage which may be caused by the Sponsoring Party in connection with the display applied for, including but not limited to all costs, including attorneys fees incurred by the Township of Maplewood. Sponsoring Party agrees to assume responsibility for all damages and loss to Township property which may be caused by the display. Sponsoring Party agrees that the Township shall have no responsibility for the display and waives any claim against the Township for damages to the display. Sponsoring Party shall include signage identifying the sponsor of the display, at its sole cost. Sponsoring Party shall promptly remove or make arrangements for removal of the display upon the expiration of the permit.

Submitted by: _____
Signature / Print Name Title

OFFICIAL USE ONLY			
THE ABOVE DISPLAY APPLICATION HAS BEEN REVIEWED BY THE FOLLOWING DEPARTMENTS:			
	APPROVED	DISAPPROVED	INITIALS
POLICE DEPARTMENT	_____	_____	_____
FIRE DEPARTMENT	_____	_____	_____
HEALTH DEPARTMENT	_____	_____	_____
DPW	_____	_____	_____
RECREATION DEPARTMENT	_____	_____	_____
THIS APPLICATION HAS BEEN :	APPROVED _____	DENIED _____	
TOWNSHIP CLERK:	_____	SIGNATURE	