

**ORDINANCE #11-3**

**BOROUGH OF FLORHAM PARK  
MORRIS COUNTY, NEW JERSEY**

**AN ORDINANCE REGULATING CARNIVALS WITHIN THE BOROUGH OF  
FLORHAM PARK**

**WHEREAS**, the Mayor and Council of the Borough of Florham Park have determined that it is in the best interest of the Borough to regulate exhibitions, shows and carnivals within the Borough in order to maintain the tranquility, health, safety and welfare of the residents of the Borough of Florham Park.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Florham Park, in the County of Morris and State of New Jersey, as follows:

**Section 1.** A new Chapter 118 of the Revised General Code of the Borough of Florham Park shall be, and hereby is adopted, which shall provide as follows:

**CHAPTER 118**

**EXHIBITIONS, SHOWS and CARNIVALS**

**§ 118-1. Carnivals prohibited; exception.**

A. No aggregation or combination of shows or exhibits traveling together from place to place commonly known as a "carnival" shall be allowed, held, produced or exhibited in whole or in part in the Borough of Florham Park, except as hereinafter set forth. As used herein the term "carnival" shall also include any show, exhibit or event open to the public and utilizing or having amusement-type activities such as rides, games, games of chance, displays, exhibits and concessions.

B. Only charitable and religious organizations may be given special permission by the Borough Council of the Borough of Florham Park to hold, produce or exhibit such shows, carnivals or exhibitions, pursuant to the terms and conditions hereinafter set forth, and under such additional rules and regulations as the Borough Council may then prescribe.

C. Carnival-type events conducted at the New York Jets facility, Fairleigh Dickinson University, or the College of St. Elizabeth are exempt from the prohibitions and requirements of this Ordinance, except that notification of the occurrence of such events must be given to the Florham Park Police Department a minimum of thirty (30) days prior to the commencement of the event, and except to the extent that the Chief of Police may deem some of the requirements set forth herein to be necessary to apply to the event in order to maintain the public safety and welfare of the community.

**§ 118-2. Rules and regulations governing operation of carnivals.**

A. Permit required. Any carnival or similar event shall not be held, conducted or advertised unless and until an application shall have been made to the governing body of the Borough of Florham Park and a permit shall have been issued. Simultaneously with such application to the governing body of the Borough of Florham Park, the applicant shall also provide the information hereinafter required to the Police Department of the Borough of Florham Park.

B. Any charitable or religious organization wishing to hold a carnival or similar event shall submit to the governing body of the Borough of Florham Park and the Police Department of the Borough of Florham Park, to the attention of the Chief of Police, a fully detailed statement of the proposed event, which will include the following:

- (1) Type and number of rides.
- (2) Type and number of games.
- (3) Proposed lighting and telephone services.
- (4) Dates and times of events.
- (5) Gate entrances, location of gate entrances and exits.
- (6) Perimeter fencing.
- (7) Names and such other information as is required in order for the Florham Park Police Department to conduct criminal background checks of all employees and volunteers who will be associated with the carnival. The Florham Park Police Department may use information obtained during such background checks to either deny the permit, or to preclude any employee or volunteer from involvement with the carnival, as permitted by law.
- (8) Any other relevant information which will be beneficial to the Borough Council and the Police Department in assisting and assuring the safety of all residents, participants and patrons of the proposed event.

C. Hours of operation.

(1) Opening. If permitted by the Borough Council of the Borough of Florham Park, the hours of operation for any such carnival or event shall commence at a reasonable hour, not otherwise in conflict with any other ordinances of the Borough of Florham Park, but in no event sooner than 10:00 a.m.

(2) Closing time.

(a) The normal hour of closing shall be 10:00 p.m. It is understood and agreed that to ensure compliance with 10:00 p.m. closing, those responsible for administering and operating the carnival shall cease the sale of tickets at 9:00 p.m. and any lines of attendance for rides or games shall be similarly closed at 9:30 p.m.

(b) The responsible parties operating or otherwise administering the carnival or other event shall prominently post information with respect to time of closing and the related rules on the sale of tickets and closure of lines so that the same are visible to all those attending the carnival or event.

(3) Where appropriate, application may be made to the governing body of the Borough of Florham Park for a modification of the hours of operation. The governing body may, in its sole discretion, approve or deny any such change after consultation with the Chief of Police of the township or his designee.

D. Duration. The governing body of the Borough of Florham Park will have the authority to establish a limit on the duration of the carnival, based on community safety issues and other community events.

E. Limited access to the carnival or event. Entrances and exits must be limited in number and should be properly and adequately identified. Further, in order to provide a safe and secure area and prevent accident or injury to those in attendance, the area of the carnival or event must have its entire perimeter fenced. Such fencing may be of any type that will prevent unlawful entry. However, no fencing shall be allowed that would cause injury or harm to those persons present at the event. The entrances and exits shall be clearly marked as to their location at or about the perimeter of the event, and, in addition, there shall be suitable signs directing those in attendance to the location of the entrances and exits.

E. Security. The Chief of Police of the Borough of Florham Park, or his designee, shall have the authority to determine the number of police officers to be assigned to any carnival or event. This decision shall be based upon, but not necessarily limited to, past experience with events of like nature, anticipated attendance, time of year or other seasonal factors, traffic-related considerations and the like. The cost associated with such security shall be the responsibility of and paid by the person or entity administering the carnival or other event.

F. Continued authority of the Chief of Police. Once the carnival or event begins operation, the Chief of Police, or his designee, shall have the continuing authority to close the event, modify the hours of operation or impose other additional restrictions as a result of problems which may arise, such as disorderly groups of persons, disasters, noncompliance with the rules and regulations set forth herein or such other situation wherein the best interests of the public require any such action. In addition to the powers set forth herein, the Chief of Police, or his designee, shall have the additional authority to regulate the number of persons in attendance. The Chief of Police shall have the further authority to require the use of other equipment or aids necessary to ensure the safety and protection of all persons. Such equipment or other aids may include the use of flares, temporary "no parking" signs and any other equipment of like or similar nature. In the event that such equipment, supplies, signs or the like shall be required, the cost of the same shall be passed on and become the responsibility of those administering the carnival or event.

G. Additional information to be provided. The Borough Council of the Borough of Florham Park shall be provided proof of all necessary state approvals and other authority to operate the carnival or event. All mechanized rides, or the like, shall be properly certified by the State of New Jersey, or other licensing agency, as to their safety. The entity or other body proposing the carnival shall also make provision for adequate first aid and/or medical facilities in the event of accident or injury occurring on the premises.

H. Signs. Sufficient signs shall be erected in strategic locations so as to direct motorists and pedestrians to the locations of entrances and exits for the carnival or event. Such signs shall be posted in consultation with the Police Department of the Borough of Florham Park.

I. Parking. Every effort shall be made by that entity or organization administering the event to provide ample parking for workers, volunteers and the general public. A proposed plan for parking shall accompany the application for the permit. The proposed plan of parking shall be subject to the review and approval of the Chief of Police of the Borough of Florham Park and shall include provision for a reasonable number of handicapped parking spaces.

J. Upon conclusion of the carnival or event, the equipment, rides, games, displays and facilities shall be promptly dismantled and removed. No dismantling or removal of equipment will be allowed after 10:00 p.m. Any such dismantling shall be done in a manner so as to minimize noise and disruption to nearby property owners. The property shall be cleaned and restored to the condition in which it was found prior to the carnival.

K. Responsible parties. The application submitted to the governing body of the Borough of Florham Park shall be signed by the organization, group or entity hosting the carnival and shall also be signed by the carnival owners or operators. If the carnival or event is to be held on lands or premises not owned by the entity or group

sponsoring the event, then the signature of the owner of the property shall also be affixed to the application, stating consent thereto.

L. Insurance certificates must be submitted evidencing coverage sufficient in the opinion of the Borough Administrator for such event, with the Borough to be named as an additional insured under said policy coverage.

**§ 118-3. Violations and penalties.**

Any person, firm, association or corporation found guilty of violating the terms and provisions of this ordinance, including the terms and conditions of any permit issued pursuant hereto, shall be liable to a fine up to the amount of five hundred dollars (\$500.) in discretion of the Judge imposing the same. Each such day for which a violation continues unabated shall be deemed a separate and continuing violation.

**SECTION 3.** All Ordinances, or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect immediately after final passage in the manner provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on January 25, 2011, and will be further considered for adoption after Public Hearing held on February 15, 2011 at 7:00 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: January 25, 2011

ADOPTED:

---

R. Scott Eveland, Mayor

ATTEST:

---

Sheila Williams, Borough Clerk

