

**LANSDALE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-1893

AN ORDINANCE OF THE BOROUGH OF LANSDALE, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING SPECIAL EVENTS ON MUNICIPAL PROPERTY AND PUBLIC ROADS AND ON PRIVATE PROPERTY WHEN SUCH EVENTS IMPACT TRAFFIC AND BOROUGH SERVICES, REQUIRING PERMITS FOR NON-EXEMPT EVENTS, IMPOSING FEES FOR NON-EXEMPT EVENTS AND PROVIDING FOR ENFORCEMENT OF VIOLATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Borough Council of the Borough of Lansdale finds that the public interest, convenience and necessity require adoption of an ordinance regulating the conduct of special events such as parades, assemblies, fairs, etc., upon the Borough streets or other rights-of-way and on Borough property, and, in some instances, private property, providing procedures for the issuance of permits for special events, providing exemptions for certain special events from the permit requirements, providing for administrative fees and reimbursement of Borough expenses, where applicable, and providing penalties in the event of violations; and

WHEREAS, the Borough Council desires to prevent any unauthorized events that obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic or do not comply with traffic laws and controls;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Lansdale Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section 1: The Code of the Borough of Lansdale is amended to include new Chapter 88, "Special Events" to read as follows:

1. Definitions.

A. *Definitions.* As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT – any person or any sponsoring organization seeking a special event permit from the Borough Council in order to conduct or sponsor an event governed by this Ordinance. This term shall include, in the case of an organization applying for a special event permit, an individual designated by such organization as the responsible contact person.

ASSEMBLY - a gathering, meeting or rally of twenty-five (25) or more people without vehicles, which interferes with the movement of vehicular or pedestrian traffic on any street or sidewalk or other public property.

BLOCK PARTY – a festive gathering of the residents on a residential street requiring a closure of a street or a portion thereof to vehicular traffic and use of the street for social and/or entertainment purposes.

BOROUGH – the Borough of Lansdale, Montgomery County, Pennsylvania.

BOROUGH COUNCIL – the governing body of the Borough of Lansdale.

BOROUGH MANAGER - the Borough Manager of the Borough of Lansdale, or his designee.

FIRST AMENDMENT ACTIVITY – all expressive and associative activity that is protected by the United States and Pennsylvania Constitutions, including speech, press, assembly, and/or the right to petition. For purposes of this Ordinance, commercial advertising that is regulated by the Lansdale Borough Zoning Ordinance or elsewhere in The Code of the Borough of Lansdale is excluded from this definition.

PARADE - a march or procession or motorcade consisting of persons, animals or vehicles, or any combination thereof, upon any public street, sidewalk, alley or other street right-of-way in the Borough, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

PERMITTEE – any person or any sponsoring organization to whom a special event permit is issued by Borough Council.

PERSON – any individual, firm, partnership, association, corporation, society, company or organization of any kind.

RIGHT-OF-WAY – a public street, alley, sidewalk or crosswalk, including bike and pedestrian paths.

SPECIAL EVENT – a parade, assembly, athletic event, street fair, art and craft show, carnival, soap box derby, rally, or other special event or activity that occurs on a Borough street, sidewalk, alley or other street right-of-way and that obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls, but excluding a block party. The term “special event” shall also include indoor or outdoor concerts, displays, fairs and athletic events occurring on private property and designed to attract large crowds such that the event will interfere with normal traffic flow. For purposes of this Ordinance, a special event regulated elsewhere in the Code of the Borough of Lansdale, including those on Lansdale parks, are excluded from this definition and this Ordinance.

SPECIAL EVENT COMMITTEE – a group of individuals comprised of Borough employees designated to review all applications for a special event and make recommendations to Borough Council regarding approval of same.

SPECIAL EVENT PERMIT – any written authorization issued as required by this Ordinance for the conduct or performance of a special event.

B. *Word usage.* The present tense includes the future tense. The singular includes the plural and the plural includes the singular. The masculine includes the feminine and the neuter.

2. **Permit Required.**

Any person or organization seeking to conduct or sponsor a special event in Lansdale Borough shall first obtain a special event permit from Borough Council. A special event permit shall not be required for the following:

- A. Funeral processions.
- B. Any special event sponsored by the Borough, whether or not occurring exclusively on Borough property.
- C. Any activity held solely on private property that does not require for its successful execution the provision and coordination of Borough services to a degree equal to and/or over and above that which the Borough routinely provides.
- D. First Amendment Activity on Borough streets or sidewalks that will not likely result in the obstruction of Borough streets or sidewalks nor compromise the ability of the Borough to respond to a public safety emergency.
- E. Wedding processions.
- F. Students going to and from school or other classes or educational activities, provided that such activity is under the immediate direction and supervision of the proper school authorities.
- G. Activities of governmental agencies.
- H. Permits issued by the Lansdale Chief of Police for a block party.

3. **Special Events for Commercial Purpose Prohibited.**

No permit shall be issued authorizing the conduct of a special event intended to be held for the sole purpose of advertising any products, goods, wares, merchandise, or event, or designed to be purely for private profit.

4. **Application for Permit.**

Any person or organization intending to conduct or sponsor a special event shall apply to the Borough Manager for a special event permit at least ninety (90) days in advance of the date of the proposed event. In emergency situations, determined at the sole discretion of the Borough Manager, the Borough Manager may consider any application for a permit to conduct or sponsor a special event not filed within the time frame required by this section. The Borough Manager shall also issue special event permits for First Amendment Activity on a content-neutral basis to the extent required by law, and shall evaluate applications for such special events no later than two (2) business days following receipt of such applications, when such First Amendment Activity is intended to respond to current events and depends for its value on a timely response. The Borough Manager shall impose only those conditions on such permit relating to time, place and manner of the proposed activity that are reasonably related to the Borough's significant interests and shall impose only such administrative fee as necessary to defray the cost of evaluation and scheduling of the event.

The application for a special events permit shall be made in writing on a Special Event Permit Application Form provided by the Borough Manager. Upon receipt, the Borough Manager shall forward a copy of the application to the Special Events Committee for review, comment and recommendation. In order that adequate arrangements may be made for the proper policing of the special event and for other Borough services, the application shall contain the following information and documentation:

- (a) The name, address and telephone number of the applicant, the sponsoring person or organization, and the special event chairman or other alternative contact person.
- (b) The nature and/or purpose of the special event, the proposed date and location, the proposed starting and ending time.
- (c) A description, where applicable, of the individual units which will be participating in the special event and a description of any sound amplification equipment to be used.
- (d) The estimated number of participants or spectators.
- (e) An indemnification agreement, signed by the applicant, pursuant to which the applicant agrees to reimburse the Borough for any costs incurred in repairing damage to Borough property occurring in connection with the permitted event and proximately caused by the permittee, its officers, employees or agents or any person under the permittee's control insofar as permitted by law, and, further, that the permittee shall defend the Borough against, and indemnify and hold the Borough harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person under the control of the permittee insofar as permitted by law. For purposes of this requirement, persons merely joining in a parade or event are not considered by that reason alone to be under the control of the permittee.
- (f) A certificate of insurance, along with all required endorsements, naming Lansdale Borough, its officers, employees and agents as additional insureds, to be filed no less than ten (10) days prior to the scheduled event, indicating that the applicant possesses or will obtain public liability insurance in the form of a comprehensive general liability insurance policy with the following minimum limits; however the Borough may require the applicant to obtain higher insurance limits if the Borough deems it necessary, based on the activity or activities planned as part of the special event:
 - (i) \$500,000.00 for each person for bodily injury;
\$1,000,000.00 for each occurrence of bodily injury; and
\$250,000.00 for each occurrence of property damage; OR
 - (ii) \$1,000,000.00 or \$5,000,000 for each occurrence of combined single limit bodily injury and property damage; AND

- (iii) If food or nonalcoholic beverages are to be sold or served at the event, such policy shall also include an endorsement for products liability in an amount not less than \$500,000.00. If alcoholic beverages are to be sold or served at the event, the policy shall also include an endorsement for liquor liability in an amount not less than \$500,000.00.
- (g) A certificate of insurance, if the Borough deems necessary and appropriate, from any vendors participating in the special event for the policies and minimum coverages listed in section (f) above.
- (h) Such other information as the Borough Manager and/or the Special Events Committee may deem necessary, including, but not limited to, the following:
 - (i) The type and estimated number of vehicles, animals and structures that will be used at the event and whether water aid stations or first aid stations will be provided;
 - (ii) The provisions made for sanitary facilities for persons participating in or attending the event;
 - (iii) Whether food or beverage or alcoholic beverages will be sold at the event and, if so, the applicant shall obtain a temporary food license in accordance with Borough requirements;
 - (iv) The provisions made for monitors of the event;
 - (v) Parking needs for the event;
 - (vi) If the special event is a parade, organizing and disbanding areas, the proposed route to be traveled and the proposed times when the event and any meeting or rally connected therewith are to be held, the portion of the streets to be occupied by the parade, the number, type and size of each float, the intervals of space to be provided between individual units in the parade, and the maximum size and material of any signs or banners to be carried along the parade route; and
 - (vii) Any supplemental information deemed by the Borough Manager and/or Special Events Committee to be reasonably necessary to determine whether a special event permit shall be issued.
 - (viii) Should any department within the Borough deem it necessary to perform an inspection(s) as a condition of a special events permit approval, applicant shall allow for the inspection and attach the inspection report to the application or amended application.
 - (ix) If more than 200 people are expected to attend a special event, the applicant must provide recycling and trash containers and remove said containers at the conclusion of event.

5. Issuance or Denial of Permit.

- (a) The Borough Council shall approve or disapprove all applications for a special event permit with modifications or conditions as it deems appropriate, not less than fifteen (15) days prior to the scheduled date of the special event as shown on the application. The decision of Borough Council shall be final. The Borough Manager in his discretion reserves the right to disapprove or cancel a special event if he deems necessary to do so.
- (b) Standards of Issuance. The Borough Council shall issue a special event permit upon approval of the special event application and upon agreement by the applicant, in writing, to the terms and conditions of the permit, provided that Borough Council determines that:
- (1) The time, route and size of the special event requested by the applicant will not disrupt to an unreasonable extent the movement of vehicle traffic in or through the Borough; or
 - (2) The time, route and size of the special event will not require the diversion of so great a number of police officers of the Borough to properly police the parade route or event and the areas contiguous thereto that issuance of the special event permit will disrupt to an unreasonable extent police protection to the Borough;
 - (3) The special event will not interfere with another special event for which a permit has been issued; and
 - (4) The applicant has complied with the requirements of this Ordinance, including without limitation those provisions pertaining to indemnification, insurance, and the payment of applicable fees and deposits.
- (c) Standards of Denial. Borough Council, in its discretion, may deny an application for a special event permit and shall notify the applicant of such denial, in writing, if any of the following applies:
- (1) The information contained in the application is found to be false or incomplete in any material detail.
 - (2) The applicant refused to comply with an inspection required by one or more Borough departments or the property proposed for the special event failed an inspection.
 - (3) The applicant refuses to comply with any and all conditions of the permit.
 - (4) The sole purpose of the event is advertising of any product, good, ware, merchandise or event and is designed to be held solely for private profit and not for First Amendment expression.

- (5) A special event permit application submitted prior in time has been approved for an event at the same time and place requested, or so close in time and place as to cause undue traffic congestion, or approval of both events will render the Police Department unable to meet the needs for police services for both events.
- (6) The proposed event will unduly disrupt the safe and orderly movement of traffic adjacent to the event site or will prevent proper police, fire or ambulance services to areas adjacent to the event site.
- (7) The size of the event will require diversion of such police resources in order to ensure the orderly conduct of the special event that protection of the remainder of the Borough will be compromised.
- (8) The parade or other special event will not move from its point of origin to its point of completion in three (3) hours or less.
- (9) The location of the parade or other special event will substantially interfere with construction or maintenance work scheduled to take place on Borough streets, sidewalks, or any other property previously granted permit approval.
- (10) The special event will occur at a time when a school is in session and the route or location of the event will substantially interfere with the educational activities of the school.

Borough Council shall have the authority, in its sole discretion, to issue a special event permit notwithstanding the applicant's failure to comply with any of the provisions of this section, provided the applicant agrees to such conditions or modifications that alter the date, time, duration, route or location of the event, and provided further that any such modification shall be the minimum necessary to achieve compliance with subsection (c) of this section.

6. Application Fee and Fees for Borough Expenses.

- (a) Except as provided herein, each applicant for a permit to conduct a special event shall pay an application fee to defray the administrative costs of the Borough in reviewing and distributing the application, and making preparations for such special event, in an amount set forth in the Borough's Fee Schedule, as amended from time to time by Borough Council.
- (b) Within five (5) days of the approval of the application for a special event permit, the applicant shall pay to the Borough an amount specified in the Borough's Fee Schedule, in order to cover the Borough's estimated expenses for the special event, including, but not limited to, the costs of police protection and fire protection. The necessity of each itemized expense shall be evaluated on a case by case basis and shall be determined at the sole discretion of the Borough Council, upon the recommendation of the Special Events Committee. If the fee required by

this paragraph (b) is not paid within five (5) days of the approval of the special event permit, the approval may be deemed to be void. Any actual costs incurred by the Borough for the special event shall be paid to the Borough by the Applicant immediately upon receipt of an invoice therefor.

- (c) If a permitted special event exceeds the estimated time for the event as stated in the application by more than one-half hour, the permittee shall pay an additional fee to the Borough for such excess time, as set forth in the Borough's Fee Schedule.
- (d) A special event conducted by a volunteer fire company serving the Borough shall be subject to the provisions of this Ordinance; however, Borough sponsored groups and reciprocal agreements shall be exempt from the fees and expenses outlined herein.

7. Contents of Permit.

Each Permit shall specify:

- (a) The name of the permittee.
- (b) The name and telephone number of the designated contact person for the permittee.
- (c) The date and time of the special event, and whether the event is a parade or a non-parade event;
- (d) The assembly area and time;
- (e) The starting time of a parade or non-parade event;
- (f) The minimum and maximum speeds for a parade;
- (g) The route of a parade;
- (h) The maximum number of platoons or units which may participate in a parade and the maximum and minimum intervals of space to be maintained between units during the parade;
- (i) The maximum length of such parade in miles or fractions;
- (j) The disbanding area and approximate disbanding time for a parade;
- (k) The number of persons required to monitor the parade or assembly along a parade route;
- (l) The number and types of parade vehicles;
- (m) The material and maximum size of any sign, banner, placard or carrying device;
- (n) That the material used in the construction of floats used in the parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief or Fire Marshall;
- (o) That the permittee shall advise all participants in the parade or other special event, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or other special event;
- (p) That throwing objects, including candy, at spectators is prohibited;
- (q) That the parade shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade, except when reasonably required for the safe and orderly conduct of the parade, shall constitute a violation of the permit:

- (r) The location, time of commencement and time of termination of any meeting or rally to be held on Borough property in connection with the parade or assembly;
- (s) Parking restrictions, if applicable;
- (t) Whether rides or the sale of food and/or beverages requiring licensing will take place;
- (u) That the material used in the construction of any tents or similar structures used at the event shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief or Fire Marshal; and
- (v) Such requirements or conditions as are found by the Borough Council, Borough Manager and/or the Special Events Committee to be reasonably necessary for the protection of persons or property.

8. Officials to be Notified.

Immediately upon the granting of a permit for a special event, the Borough Manager shall send a copy thereof to the following:

- (a) The President of Borough Council.
- (b) The Police Chief.
- (c) The Director of Public Works.
- (d) The Director of Parks and Recreation.
- (e) The Director of Code Enforcement
- (f) Electric Superintendent
- (g) The Fire Marshal

9. Change of Parade Route of Event Location.

The Borough reserves the right to change a parade route, assembling area, disbanding area and/or location of any special event from those proposed on the special event permit application to other routes and areas, at any time prior to the special event if the Borough Manager determines that the safety of the public or property requires such changes. Notice of such action shall be delivered in writing to the permittee by personal service or by certified mail.

10. Revocation of Permit.

Any special event permit issued pursuant to this Ordinance may be summarily revoked by the Borough Manager at any time when by reason of the occurrence of a disaster, public calamity, riot or other emergency, the Borough Manager determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail. Revocation of the permit may take place up to and during the special event.

11. Interference with Parade or Other Special Event.

No person shall knowingly join in any parade or other special event conducted under a permit issued by Borough Council in violation of any of the terms of the permit, knowingly join or participate in any permitted parade or other special event without the

prior consent of the permittee, or in any manner interfere with the progress or orderly conduct of any permitted parade or other special event.

12. Parking on Parade Route.

The Lansdale Police Department shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the street or portion thereof which is within the route of a parade or special event area. The Police Department shall post signs and/or place meter bags giving notice of such restrictions and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

13. Inclement Weather

The Borough Manager may, in his sole discretion, cancel any special event due to inclement or threatening weather, or hazardous or wet site conditions.

14. Rain date

Applicant may request a Rain Date for the special event. The Rain Date **must** be scheduled the day/evening after the original scheduled event, no exceptions.

15. Refund Policy

Application fees are nonrefundable. Fees paid by the applicant for all other Borough expenses in anticipation of the special event shall be refunded to the permittee.

16. Violations and Penalties.

Any person violating any provision of this Ordinance shall be guilty of a summary offense, and upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, and in default of the payment thereof, shall be sentenced to imprisonment for a term not exceeding thirty (30) days. Such fines or penalties shall be collected as like fines or penalties are by law collected. Borough Council shall have the ability to withhold future permit approval until all fines and penalties are paid in full.

Any person conducting or sponsoring a special event without first providing the necessary fees and deposits as required by this Ordinance shall be billed for the actual cost by Lansdale Borough for police, cleanup services and other Borough services. Failure to pay such costs billed by the Borough for such services within fifteen (15) days shall result in the imposition of a ten-percent (10%) penalty and interest at the rate of one percent (1%) per month until said costs are collected.

17. Severability.

If any section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid or held to be unconstitutional or unenforceable, the same shall not affect the validity of this Ordinance as a whole or any part or provision hereof other than the part so adjudged or held to be invalid, unconstitutional or unenforceable, and the remaining provisions of this Ordinance shall continue in full force and effect.

18. Repealer.

All ordinances of the Borough of Lansdale or parts thereof which are inconsistent with this Ordinance shall be and the same are hereby repealed, but only to the extent of such inconsistency.

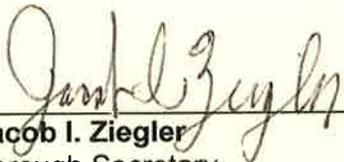
19. Effective Date.

This Ordinance shall become effective on the earliest date permissible by law.

ORDAINED and ENACTED this 16th day of November, 2016.

ATTEST:

BOROUGH OF LANSDALE

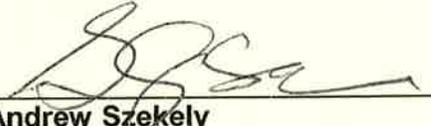


Jacob I. Ziegler
Borough Secretary

By: 

Denton Burnell
Council President

APPROVED by the Mayor of the Borough of Lansdale on this 16th day of November, 2016



G. Andrew Szekely
Mayor