

ORDINANCE NO. 2017-2

AN ORDINANCE RELATING TO THE CONDUCT OF SPECIAL EVENTS; ESTABLISHING APPLICATION AND PERMIT STANDARDS, FEES, AND PROCEDURES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES; AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Second Class Township Code provides township of the second class with the authority and power to promote and protect the public safety and health of its citizens and to regulate the conduct of places for entertainment, amusement, and recreation; and

WHEREAS, Swatara Township has been, and may be in the future, requested to permit the mass gathering of people for the purposes of entertainment, amusement, and recreation of various designations, whether such gatherings be held on private property or property dedicated to general public assemblage; and

WHEREAS, the Board of Supervisors of the Township recognizes that a public gathering of persons may create hazardous conditions, including but not limited to, excessive vehicular and pedestrian traffic, failure to have proper solid waste disposal, sanitation and sewage disposal facilities, excessive noise, disorderly or lewd conduct, and other illegal conduct or acts, all of which constitute a direct threat to public health, safety, and welfare; and,

WHEREAS, the Board of Supervisors of the Township has determined that an ordinance which prescribes the procedure and rules and regulations for conducting a Special Event is necessary to protect the health, safety, and welfare of the citizens of the Township and desires to enact an ordinance to accomplish these objectives;

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Swatara Township, Lebanon County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

1. The following provisions regarding Special Events held within Swatara Township shall be added as Chapter 13, Licenses, Permits and General Business Regulations, Part 2, Special Events, of the Swatara Township Codified Ordinances:

SECTION 1. Title.

This Ordinance shall be known and cited as the "Swatara Township Special Event Ordinance."

SECTION 2. Definitions.

APPLICANT Any person, entity and/or any sponsoring organization who or which seeks a Special Event permit from the Township to conduct or sponsor an event governed by this

chapter. Any entity or organization shall designate an individual person as the the responsible contact person.

ATHLETIC EVENT An occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public or private property or on a Township street, sidewalk, alley or other street right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls. Athletic events shall include, without limitation, bicycle and foot races. This shall not include regularly scheduled leagues, such as little league baseball, soccer, etc., approved by the Township.

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 the street for the festivity, including, without limitation, barbecues, picnics, music or games.

BOARD OF SUPERVISORS The governing board of Swatara Township

CONCERTS A gathering of people to listen to, or observe, live music or amplified recorded music, a theatrical performance, a dance performance, a comedian, magician or lecturer or similar performer.

PERSON IN CHARGE OF PROPERTY The owner of the premises or his agent or such other person who has possession or control of the property in the Township on which the Special Event is to occur.

PARADE A march or procession consisting of persons, animals or vehicles or any combination thereof on any public or private property or on any Township street, sidewalk alley or other street right-of-way.

PERMIT APPLICATION FEE The fee paid by the Special Event applicant at the time the application is filed with the Township.

PERMITTEE Any person, entity and any sponsoring organization which has been issued a Special Event permit by the Township.

POLICE DEPARTMENT The Pennsylvania State Police or other Police Department that is the primary police force serving the citizens of Swatara Township.

RIGHT-OF-WAY Public streets, alleys, sidewalks and crosswalks, including bike and pedestrian paths.

SECURITY PERSONNEL The hired security force that will be required to be on hand for permitted Special Events.

SIDEWALK The portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SPONSOR(S) Any natural person, association, partnership, firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, or causes to be advertised a Special Event.

SPECIAL EVENT All temporary gatherings or organized activities on any public or private property or on any Street, alley or sidewalk or private property in the Township involving one, some or all of the following factors, which would or could cause the gathering to result in a substantial impact on Township resources, facilities or services or would or could create public safety, health or welfare concerns:

1. Closing or partial closing of a public right-of-way; Blocking or restricting access to a public right-of-way, public or private property;
2. Use of special effects including open flame or other potentially dangerous displays;
3. Installation of a stage, band shell, rolling or movable stands and stages, such as flatbed trailers, portable building, toilet, grandstand or bleacher on any public right-of-way or any private property where otherwise prohibited by ordinance;
4. Placement of temporary directional, promotion or other signs or barricades on a public right-of-way;
5. Obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic and/or does not comply with traffic laws and controls;
6. A gathering at which 50 or more persons are likely to attend; or
7. A determination by the Board of Supervisors or appropriate Township Code Official designated by the Board of Supervisors that the event will result in substantial impact on Township resources, facilities or services.

Examples of a Special Event may include both indoor or outdoor events occurring on any private or public property or on any public right-of-way which are designed to attract crowds and may or may not charge admission such as concerts, parades, athletic events, fairs, festivals, flea markets, arts and craft shows, carnivals, circuses, block parties, soap box derbies, rallies, tradeshow, expositions and displays, excluding:

1. Regularly scheduled Day of Worship Religious Services
2. Lawful picketing
3. Fire Company Fund Raising Activities
4. A funeral procession
5. Private parties not open to the public such as weddings or birthday parties

A Special Event is not intended to include the routine operation of a lawful business, such as a restaurant, bar, social club or nightclub, not including any large special event that may be held at any thereof, which may constitute a Special Event under the terms hereof.

SPECIAL EVENT PERMIT A written, signed authorization to hold a Special Event issued by the Board of Supervisors or the appropriate Township Code Official designated by the Board of Supervisors.

TOWNSHIP Swatara Township, Lebanon County, Pennsylvania acting through the Board of Supervisors or their designees.

SECTION 3. Prohibited Activity.

It shall be unlawful for any sponsor, owner of property, or person in charge of a property to initiate, organize, promote, permit, conduct or cause to be advertised a Special Event, unless a permit has been obtained pursuant to the Swatara Township Special Event Ordinance. A separate permit shall be required for each Special Event for the period of time designed by the permit.

SECTION 4. Permit Requirements.

No Special Events shall be held within the boundaries of the Township, unless the sponsor(s) and the owner of the property, or the person in charge of the property upon which the Special Event will occur, jointly apply for and are granted a permit as hereinafter provided:

1. No permit shall be granted for a Special Event beyond normal event hours unless the application specifically requests, and the permit specifically allows an extension of that time period.
2. No applicant shall be under twenty-one (21) years of age.
3. No permit shall be transferred or assigned.

SECTION 5. Application.

- A. Any sponsor, owner or person in charge desiring to hold a Special Event, which is not exempted as previously defined in section 2, shall apply for a permit by filing an application with the Township on the designated form provided.
- B. All applications shall be submitted not less than 45 days before the promotion and advertising takes place, or date of the Special Event, whichever is first.
- C. Upon a showing of good cause, the Township shall consider an application that filed after the filing deadline if there is sufficient time to process and investigate the application and obtain certification of required facilities for the event and if good cause can be demonstrated by the applicant, by showing that the circumstances that gave rise to the permit application did not reasonably allow the participant to file within the time prescribed.
- D. Applications shall be made on forms provided by the Township and shall contain, at least the following information:
 1. The full legal names, addresses, at least one telephonic contact number, and e-mail addresses (if existing) of all sponsor(s).
 2. The full legal name, address, at least one telephonic contact number, and e-mail address (if existing) of the owner and the person in charge of the property to be utilized for the Special Event.

3. The full legal name, address, at least one telephonic contact number, and e-mail address (if existing) of the person who will be present and in charge of the Special Event on the day of the event.
4. If the sponsor(s) is (are) a partnership or joint venture, all partners and parties to the joint venture shall sign as applicant. If the sponsor(s) is (are) a corporation, a copy of the Articles of Incorporation and a corporate resolution authorizing the application shall be made a part of the application.
5. The location and address of the property and/or route to be utilized for the Special Event.
6. The dates, days, and times when set-up, the Special Event, tear down and clean-up will be conducted,
7. An estimate of the number of persons expected to attend the Special Event including all participants as well as staff, volunteers, vendors and others involved in production of the event.
8. The program for the Special Event, or if no program is prepared, a narrative statement as to the purpose for which the Special Event is to be conducted.
9. The security and protection that will be provided by the applicant including specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending, and providers thereof.
10. Describe whether the Special Event is a public or private event, whether admission will be charged.
11. Maps detailing the proposed site and/or route of the Special Event together with written descriptions describing each of the following, to the extent applicable:
 - a. Amplification devices to be used outdoors and the purpose;
 - b. Areas for spectators or person attending the event;
 - c. All structures existing and to be constructed;
 - d. Copies of certificates and licenses for possession and ownership of animals as required by State and Federal regulations.
 - e. Proposed transportation and parking facilities;
 - f. Sanitary and waste disposal facilities and providers, thereof;
 - g. On-site medical facilities and providers thereof;
 - h. Facilities for food and beverage storage, preparation and service;
 - i. Proposed event and directional signage;
 - j. Lighting and other utility services;
 - k. Show start and finish areas for parades and athletic events;
 - l. Show the emergency access for emergency fire and medical equipment and vehicles;
 - m. Show the location of and fully describe special effect displays together with a fire safety plan; and
 - n. The location and a brief description of all vendors known at the time of the application

12. Evidence that all permits and licenses as required by any federal, state and local statues, ordinances and regulations enacted thereunder have been obtained.
13. A description of the security services measures to be implemented prior to, during and after the Special Event.
14. A description of all services requested from the Township.
15. Applicants' statement that they shall abide by the terms and provisions of the Swatara Township Special Event Ordinance, and all laws, rules, and regulations of the United States, Commonwealth of Pennsylvania, County of Lebanon, the Township and the Special Event Permit
16. Any supplemental information that the Township shall find reasonably necessary, under the particular circumstances of the Special Event application, to determine whether to approve or conditionally approve a Special Event permit.

SECTION 6. Action on Application.

The Township shall approve, conditionally approve or deny any application for the grounds specified in the Swatara Township Special Event Ordinance. Such action shall be taken no later than 20 working days after receiving a completed application for a Special Event. If the application is denied or conditionally approved the Township shall inform the applicant of the grounds for denial, in writing, or the reason for a change in the date, time, route or location of the event and his/her right of appeal. If the Township relied on information about the event other than contained in the application, it shall inform the applicant what information was considered. The applicant shall be notified of any permit conditions at the time the application is approved and of his/her right of appeal of the permit conditions. Where the Board of Supervisors have delegated the duty to review and approve or disapprove applications hereunder to another designated Township Official, then appeals shall be heard by the Board of Supervisors whose decision shall be final.

SECTION 7. Grounds for denial of application.

- A. The Township shall approve an application for a Special Event permit, unless it is determined from a consideration of the application or other pertinent information that:
 1. Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
 2. The applicant failed to complete the application form after having been notified of the additional information or documents required.
 3. The sole purpose of the event is advertising of any product, good, ware, or merchandise.
 4. Another special event permit application has been received prior in time or has already been approved to hold another event at the same time and place requested by the applicant or so close in time and place as to cause undue traffic congestion or a circumstance such that police or medical services are unable to meet the needs of both events.

5. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route or disrupt the use of a street at a time when it is usually subject to great traffic congestion.
6. The concentration of persons, animals and vehicles at the site of the event or the assembly and disbanding areas around an event will prevent proper emergency services access to areas proximate to the event.
7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Township streets or a previously granted encroachment permit.
8. The event will occur at a time when a school is in session at a route or location adjacent to the school or class thereof and the noise created by the activities of the event would substantially disrupt the education activities of the school or class thereof.
9. If the gathering is to be within, or partially within, a structure, any life safety systems within the structure fail to pass a fire safety code inspection, including but not limited to the sprinkler system, alarm system, exit components and their operation, lack of or insufficient staff for control of special event mob control and private water service systems.
10. The applicant failed to submit a fire safety and evacuation plan for review by the Board of Supervisors or the appropriate Township Code Official.
11. The applicant failed to provide for adequate security measures to address the health, safety and welfare of the participants of the Special Event and/or residents of the Township.
12. Other identifiable public health or safety concerns are identified by the Township, which the applicant has not adequately addressed.

B. When the grounds for denial of an application for permit specified above can be corrected by altering the date, time duration, route or location of the event, the Township shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed Special Event as are necessary to achieve compliance with the requirement of the Swatara Township Special Event Ordinance.

SECTION 8. Conditions of Issuance.

The Township may condition the issuance of a Special Event permit by imposing reasonable requirements concerning the time, place and manner of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions include:

1. Alteration of the date, time route or location of the Special Event Proposed on the application.
2. Conditions concerning the area of assembly and disbanding of a parade or other Special Event occurring along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the Special Event to only a portion of a street traversed.

4. Requirements for the use of traffic cones or barricades.
5. Requirements for provision of first aid or sanitary facilities.
6. Requirements for use of event monitors and providing notice of permit conditions to Special Event participants.
7. Restrictions on the number and type of vehicles, animals or structures at the Special Event and inspection and approval of floats, buildings, structures and decorated vehicles for fire safety.
8. Compliance with animal protection ordinances and laws.
9. Requirements for use of garbage containers, cleanup and restoration of Township or other public property and the properties of adjoining persons which may be impacted by the Special Event.
10. Restrictions on use of amplified sound and notification to adjacent property owners that amplified sound will be employed.
11. Requirement of additional security measures to address the health, safety and welfare of the participants of the Special Event and/or residents of the Township.
12. An application for a Special Event permit to conduct a block party may be conditioned on notice to the residents of dwellings along the affected street(s).
13. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.
14. Unless advance approval is obtained, the standard hours of operation shall be as follows:

Monday through Thursday	10:00 a.m. to 10:00 p.m.
Friday and Saturday	10:00 a.m. to 11:00 p.m.
Sunday	1:00 p.m. to 10:00 p.m.

15. The good repair and operating order of all fire protection and life safety systems in accordance with the current edition of the International Fire Code to the satisfaction of the Board of Supervisors or the designated Township Code Official.
16. Written approval of the designated Township Code Official by the Board of Supervisors relating to the adequacy of the sanitary toilet facilities and sewage disposal facilities at a Special Event as described in the applicant's application.

17. Public Safety:

Sponsor(s) shall demonstrate that a plan, and means to implement the plan, exists to provide for the adequate implementation of the following facilities:

- a. Security;
- b. Medical Services;
- c. Parking Facilities;
- d. Fire and Life Safety;
- e. Illumination Plan; and
- f. Temporary structures or enclosures.

Each plan must gain the approval of the Board of Supervisors or the appropriate Township Code Official designated by the Township.

SECTION 9. Indemnification and Certificate of Insurance.

- A. Prior to the issuance of a Special Event permit, the permit applicant and an authorized officer of the sponsoring organization, if any, must sign an agreement to reimburse the Township for any costs incurred by it in repairing damage to the Township property occurring in connection with the permitted Special Event caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. The agreement shall also provide that the permittee shall defend the Township against and indemnify and hold the Township harmless from any liability to any persons resulting from any damage or injury, including attorney's fees, occurring in connection with the permitted Special Event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. Persons who merely join in a parade or event are not considered by that reason alone to be under the control of the permittee.

- B. Certificates of Insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing Comprehensive General Liability, or Special Event Public Liability, in an amount of at least \$1,000,000 (One-Million Dollard) for personal injury and property damage shall be required. In the case of event that create the possibility of special hazards, the Board of Supervisors, in consultation with the Township Solicitor and the Township insurance consultant, may require insurance with higher policy limits than set forth above. A copy of the policy or a certificate of insurance, along with all necessary endorsements, must be filed with the Township no less than 20 days before the date of the event. All such Certificates of Insurance shall list the Township as an additional insured.

SECTION 10. Conduct at Special Events.

- A. Special Event permittees shall maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, medical service facilities and other facilities and utilities provided in accordance with the plans submitted and approved and in a safe and healthful manner.
- B. No permittee, or persons having control of the Special Event shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale, or the unlawful use of intoxicating beverages or drugs.
- C. The burden of preserving order during the Special Event is upon the permittees of the Event. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of the Swatara Township Special Event Ordinance, or other ordinances of Lebanon County or of the Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit by the Township upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation.

Upon revocation of any permit, the permittees of the Special Event shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

- D. The Township, its authorized agents and representatives, shall be granted access without charge to the Special Event at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein:
1. No entertainment, amusement, or use of sound amplification equipment shall be provided or permitted between the hours of 10:00 p.m. and 1:00 p.m. Sundays; 10:00 p.m. and 10:00 a.m., Monday through Thursday and 11:00 p.m. and 10:00 a.m. Friday and Saturday, unless otherwise permitted by the Township.
 2. Sponsor(s) of the Special Event and/or the person in charge of the property, or their designated agents or representatives, shall at all times be in attendance at the Special Event and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any Commonwealth or Township laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania and/or of Swatara Township.
 3. At the conclusion of the permitted time period for the Special Event, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the licensed premises, except permanent residents, unless temporary overnight accommodations were previously approved by the Township, in writing, pursuant to the application process of the Swatara Township Special Event Ordinance.

SECTION 11. Conformance with Other Law.

The Swatara Township Special Event Ordinance shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all United States and Commonwealth laws, rules and regulations, County and Township ordinances which are now, or may be in the future, in effect which pertain to the conduct of Special Events.

SECTION 12. Revocation of Permit.

Non-compliance with any portion of the Special Event permit or the Swatara Township Special Event Ordinance may constitute a basis for the immediate revocation of the permit by the Township or the appropriate Township Code Official designated by the Board of Supervisors.

SECTION 13. Fees.

- A. Application Fee. The application for a permit shall be accompanied by a nonrefundable permit application fee, established by Resolution, which shall cover the actual full costs, or a portion thereof, of processing and investigating applications and administering the Special Event permit program.
- B. Cleanup deposit: The applicant for a Special Event to be held on public property or on a public street, right-of-way or alley may be required to provide a cleanup deposit prior to the issuance of a Special Event permit. The cleanup deposit shall be returned after the event if the area used has been cleaned and restored to the same condition as existed prior

to the event. If the property used for the event has not been properly cleaned or restored promptly following the end of the event, the permittee shall be billed for the actual cost by the Township for cleanup and restoration, and the cleanup deposit or a portion thereof shall be applied toward payment of the bill. If the permittee disputes the bill, he/she may appeal to the Township within 10 days after the mail date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the permittee. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the Township upon billing.

SECTION 14. Penalties.

- A. Any person, association, partnership, firm, corporation, joint venture, or any other legal entity who initiates, organizes, promotes, permits, conducts, or causes to be advertised a Special Event without obtaining the permit provided in the Swatara Township Special Event Ordinance, or who knowingly conducts, permits, or allows a Special Event with a permit but in violation of the terms and provisions of the Swatara Township Special Event Ordinance or of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof by any Magisterial District Justice, shall be subject to a fine of not more than \$1,000 (One-Thousand Dollars), together with costs and attorney fees. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.
- B. Nothing herein contained shall preclude the Township from instituting proceedings at law or in equity, seeking any attorney fees and costs, to prevent and/or cease the operation of a Special Event not in conformity with the terms and provisions of the Swatara Township Special Event Ordinance.

SECTION 15. Waivers.

Any person who desires a waiver of any provision hereof or of the application of this Ordinance as a whole to any event or gathering, which may constitute a Special Event may apply to the Board of Supervisors for such relief. The Board of Supervisors may, but shall not be required to, grant any waiver requested, with or without conditions. Waiver requests may be granted, in the sole discretion of the Board of Supervisors based on a showing of: a) the positive impact of the event or gathering on the community; b) the civic or charitable nature of the event or of the event sponsor; or c) for any other reason deemed appropriate by the Board of Supervisors. In no event shall a waiver be granted if the waiver granted is likely to result in an event or gathering being unsafe or disruptive to the quality of life of the residents of the Township.

2. The provisions of the Swatara Township Special Event Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid, or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of the Swatara Township Special Event Ordinance. It is hereby declared as legislative

intent that the Swatara Township Special Event Ordinance would have been enacted has such unconstitutional, invalid, or illegal provisions not been included herein.

3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

4. The Swatara Township Special Events Ordinance shall become effective five (5) days from enactment.

ORDAINED AND ENACTED on this 12th day of January, 2017.

**BOARD OF SUPERVISORS
TOWNSHIP OF SWATARA,
LEBANON COUNTY,
PENNSYLVANIA**

By: Don R Pitches
Vice Chairman

ATTEST:

By: Jennifer Harding
Jennifer Harding, Secretary