

WEST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 5-2019

AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST GOSHEN TOWNSHIP TO ADD A NEW CHAPTER 82 TITLED, "SPECIAL EVENTS" TO ADD REGULATIONS FOR SPECIAL EVENTS ON PUBLIC AND PRIVATE PROPERTY WITHIN WEST GOSHEN TOWNSHIP; REQUIRING PERMITS FOR NON-EXEMPT EVENTS; IMPOSING FEES FOR NON-EXEMPT EVENTS; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE SPECIAL EVENTS REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors finds that the public interest, convenience, and necessity require adoption of an ordinance regulating the conduct of special events on public and/or Township property and in some instances, private property, providing procedures for the issuance of permits for special events, providing for exemptions of certain special events from the permit requirements, providing administrative fees and reimbursement of Township expenses pertaining to such special events, and providing penalties in the event of violations; and

WHEREAS, the Board of Supervisors desires to prevent any unauthorized events that obstruct, delay, and/or interfere with the normal flow of pedestrian or vehicular traffic or which do not otherwise comply with the Township Code and/or traffic laws and controls;

NOW, THEREFORE, be it, and it is hereby **ORDAINED**, by the Board of Supervisors of West Goshen Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

1. Part 2 of the Code of Ordinances of West Goshen Township is amended to add a new Chapter 82, titled, "Special Events" which shall provide as follows:

"Chapter 82. SPECIAL EVENTS

§82-1. Legislative Intent.

This chapter is established for the following purposes:

A. To regulate special events on public and private property within the Township of West Goshen.

B. To ensure public safety for special events.

§82-2. 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 Township in order to conduct or sponsor an event governed by this Chapter. 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 temporary, preplanned gathering, meeting, and/or rally with or without an admission fee, which interferes with the movement of vehicular or pedestrian traffic on any street or sidewalk or other public or private property. The term shall not apply to the normal operations, activities or affairs of any duly-established municipal, recreational or religious organization or institute (including schools) located within the Township or to any weddings or funerals that occur at a religious institution or establishment, a commercial use whose principal business is hosting special events such as weddings (such as Greystone Manor) or cemeteries/burial grounds.

BLOCK PARTY

A festive gathering of the residents on or around 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.

MEDIA PRODUCTION

Any and all aspects of producing audio and video content that is used in commercials, movies, online, radio, and/or in other realms.

PARADE

A temporary, preplanned march, procession, and/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 Township, which (or has the reasonable likelihood to) obstructs, delays, and/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 West Goshen Township.

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 temporary, preplanned assemblage, meeting, gathering, parade, athletic event, street fair or festival, art and craft show, carnival, race, rally, Block Party, Assembly, shows or other special event or activity, with or without an admission fee, whose estimated total attendance of all participants is anticipated to total seventy-five (75) or more people, that occurs on public and/or Township property, streets, sidewalks, alleys or other street right-of-way and that (or has the reasonable likelihood to) obstructs, delays or interferes with the normal flow of pedestrian and/or vehicular traffic or does not comply with traffic laws and controls. The term "Special Event" shall also include product releases, Media Productions, indoor or outdoor concerts, displays, fairs, and athletic events occurring on private or public property, which are designed to or have the potential of attracting large crowds and/or gatherings.

SPECIAL EVENT PERMIT

Any written authorization issued as required by this chapter for the conduct or performance of a special event.

§82-3. Applicability.

Except as provided by law or in this Chapter, any non-exempt Special Event shall be in strict compliance with the regulations contained in this Chapter.

§82-4. Enforcement.

This Chapter shall be enforced by the person or agency specifically so directed in any provision hereof and/or by the Township Manager.

§82-5. Permit Required; exceptions.

Any person or organization seeking to conduct or sponsor a Special Event within West Goshen Township shall first obtain a Special Event Permit from the West Goshen Township Code Department. A Special Event Permit shall not be required for the following:

- A. Funeral processions (including cemetery burials);
- B. Protected First Amendment activity, preempting the Township regulation thereof;
- C. Any Special Event sponsored by the Township, whether or not occurring exclusively on Township property; and
- D. Activities of governmental agencies.

§82-6. Application For Permit.

A. Any person or organization intending to conduct or sponsor a Special Event shall apply to the Township Code Enforcement Officer for a Special Event Permit at least thirty (30) days in advance of the date of the proposed Special Event. In emergency situations, determined at the sole discretion of the Codes Enforcement Officer, the Code Enforcement Officer may consider any application for a Special Event Permit to conduct or sponsor a Special Event not filed within the time frame required by this section.

B. An application for a Special Event Permit shall be made in writing on a special event permit application form, as provided by the Township Code Enforcement Officer. In order that adequate arrangements may be made for the proper policing of the Special Event and for other Township services, the application shall contain the following information and documentation:

- (1) The name, address and telephone number of the applicant, the sponsoring person or organization, and the Special Event's contact person(s) and/or authorized representative(s);
- (2) The nature and/or purpose of the proposed Special Event, the proposed date and location, the proposed starting and ending time;
- (3) 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 including the decibel levels associated with such equipment;
- (4) The estimated number of participants or spectators;
- (5) An indemnification agreement, signed by the applicant, pursuant to which the applicant agrees to reimburse the Township for any costs incurred in repairing damage to Township 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 Township against, and indemnify and hold the Township 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;

(6) A certificate of insurance, along with all required endorsements, naming West Goshen Township, its officers, employees, and agents as additional insureds, to be filed no less than ten (10) days prior to the scheduled event, confirming 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 Township may require the applicant to obtain higher insurance limits if the Township deems it necessary, based on the activity or activities planned as part of the special event:

(a) \$1,000,000 for each occurrence of bodily injury; and \$250,000 for each occurrence of property damage; and

(b) 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. 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.

(7) A certificate of insurance, if the Township deems it necessary and appropriate, from any vendors participating in the Special Event for the policies and minimum coverages listed in Subsection B(6) above.

(8) Such other information as the Code Enforcement Officer may deem necessary, including, but not limited to, the following:

(a) The type and estimated number of vehicles, animals, and structures that will be used at the event, as well as whether water aid stations or first aid stations will be provided;

(b) The provisions made for sanitary facilities for persons participating in and/or attending the event;

(c) Whether food, beverage, and/or alcoholic beverages will be sold at the Special Event and, if so, the applicant shall obtain (and adequately demonstrate to the Township acquisition of requisite)

temporary food and beverage license(s), as applicable, in accordance with Chester County Health Department and Pennsylvania Liquor Control Board requirements;

(d) The provisions made for monitors of the Special Event;

(e) Parking needs for the Special Event;

(f) 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;

(g) If the Special Event is held on private property, a letter from the property owner(s) granting permission for the Special Event must be provided with the application; and

(h) Any supplemental information deemed by the Code Enforcement Officer to be reasonably necessary to determine whether a Special Event Permit shall be issued.

(9) Should the Township 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.

(10) The applicant must provide recycling and trash containers and remove said containers at the conclusion of the Special Event.

(11) For any Special Event requiring a tent, the applicant shall make application for a tent permit to the Township Fire Marshal.

§82-7. Issuance or Denial of Permit.

A. The Code Enforcement Officer shall approve or disapprove all applications for a Special Event Permit with modifications or conditions as it deems appropriate, not less than ten (10) days prior to the scheduled date of the Special Event as shown on the application. The decision of Code Enforcement Officer shall be final. The Township

Manager, Code Enforcement Officer, Police Department, and/or Fire Marshal, at their discretion, reserve the right to disapprove, suspend, and/or cancel a Special Event if deemed necessary to protect the health, safety, morals, and/or general welfare of the community.

B. Standards of issuance. The Code Enforcement Officer shall issue a Special Event Permit upon approval of a special event application and upon agreement by the applicant, in writing, to the terms and conditions of the permit, provided it is determined 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 Township; or

(2) The time, route, and size of the Special Event will not require the diversion of so great a number of police officers so as to cause a disruption to the adequate extent of police protection to, in, and around the Township;

(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 chapter, including without limitation those provisions pertaining to indemnification, insurance, and the payment of applicable fees and deposits.

C. Standards of denial. The Code Enforcement Officer, in his or her 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 Township 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) 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.

(5) The proposed event will unduly disrupt the safe and orderly movement of traffic adjacent to the event site or will prevent proper police, fire, and/or ambulatory services to areas adjacent to and/or around the event site.

(6) The size of the Special 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 Township will be compromised.

(7) The location of the parade or other Special Event will substantially interfere with construction or maintenance work scheduled to take place on Township streets, sidewalks, or any other property previously granted permit approval.

(8) The Special Event will violate the Township sound and/or light Ordinance.

(9) The proposed Special Event will violate the Pennsylvania Vehicle Code.

D. The Code Enforcement Officer shall have the authority, in his or her 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.

§82-8. Regulations for Conduct.

Upon the grant of a permit to hold a Special Event, the person or organization holding the Special Event shall comply with the following provisions and shall advise each participant of the public gathering of such provisions, the violation of which shall be unlawful:

A. The person(s) or organization(s) holding the Special Event shall arrange for the necessary police protection to assure the safety of the participants of the Special Event and the safety and security of neighboring properties and the citizens of the Township. The person(s) or organization(s) holding the Special Event shall be responsible for reimbursing the Township for the additional expenses attributed to providing police protection and security;

B. The person(s) or organization(s) holding the Special Event shall make arrangements to provide proper and adequate sanitation facilities, refuse containers, and disposal facilities. Adequate plans for cleanup of any public property, including the streets. Township property shall be clean and free of debris within four (4) hours of the end of the Special Event.

C. The person(s) or organization(s) holding the Special Event shall make arrangements with the Police Department for necessary traffic controls and shall reimburse the Township for all additional services provided by the Township or the Fire Company as a result of the Special Event.

D. No Special Event authorized pursuant to the provisions of this Chapter shall be held or conducted between the hours of 10:00 p.m. and 7:00 a.m. Event cleanup may occur outside of these hours but shall comply with the noise ordinance.

E. No Special Event shall extend for a period in excess of two (2) consecutive days without written approval by the Township.

F. All vehicular parking shall be located on property which is contiguous to the activity sponsored by the applicant unless another suitable arrangement for parking is approved by the Township.

G. No light on any part of the premises used for the Special Event shall be permitted to shine beyond the property line or premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public. All exterior lights on the property shall be so situated or equipped with shielding devices that no unreasonable glow shall shine beyond the property line of the Special Event.

§82-9. Application Fee and Fees for Township 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 Township in reviewing and distributing the application, and making preparations for such Special Event, in an amount set forth in the Township's Fee Schedule, as amended from time to time by the Township.

B. Within five (5) days of the approval of the application for a Special Event Permit, the applicant shall pay to the Township an amount specified in the Township's Fee Schedule, in order to cover the Township's estimated expenses for the Special Event, including, but not limited to, the costs of police protection, fire protection, and public works staff. 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 Township, upon a recommendation of the Code Enforcement Officer, if any. If the fee required by this subsection 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 Township for the Special Event shall be paid to the Township by the applicant immediately upon receipt of an invoice therefor. Following the Special Event, the actual cost of the support services rendered by police protection, fire protection, and public works, including support-related services for

unanticipated circumstances and expenses, shall be calculated by the Township, with an invoice transmitted to the Permittee. The Permittee shall make additional payment, if any, for the support services, to the Township within fifteen (15) business days of receipt of an invoice for such support services from the Township.

C. If a permitted Special Event exceeds the estimated time for the event as stated in the application by more than thirty (30) minutes, the permittee shall pay an additional fee to the Township for such excess time, as set forth in the Township's Fee Schedule.

D. A Special Event conducted by a volunteer fire company or Townships-based organization, committee, and/or commissions, which serves the Township, shall be subject to the provisions of this chapter, but shall be exempt from the fees and expenses outlined herein.

§82-10. Contents of Permit.

Each permit shall specify the following, where applicable:

- A. The name of the permittee;
- B. The name and telephone number of the designated contact person and/or authorized representative(s) 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;
- E. The starting time of a parade or non-parade Special event;
- F. The minimum and maximum speeds for a parade;
- G. The route of a parade, run, race or rally;
- H. 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 Marshal;
- I. 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;
- J. That throwing objects, including candy, at spectators is prohibited;
- K. Parking restrictions;
- L. Whether rides or the sale of food and/or beverages requiring licensing will take place;

- M. Whether tents will be used during the Special Event;
- N. A site plan for the proposed Special Event; and
- O. A rain date for the Special Event shall be provided, if applicable.

§82-11. Change in Special Event Term

The Township 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 Township determines that the safety of the public or property requires such changes. Where practicable, notice of such action shall be delivered, in writing, to the permittee by personal service or by certified mail.

§82-12. Revocation of Permit.

Any Special Event Permit issued pursuant to this chapter may be summarily revoked by the Code Enforcement Officer at any time when by reason of the occurrence of a disaster, public calamity, riot, inclement weather or other emergency, the Code Enforcement Officer determines that the safety of the public or property requires such revocation. Where practicable, 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 Special Event Permit may take place up to and during the Special Event.

§82-13. Refunds.

Application fees are non-refundable. Additional fees paid to the Township for expenses anticipated by the scheduled event shall be refunded to the permittee.

§82-14. Violations and Penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, any defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, any defendant may be sentenced to imprisonment in the county prison for a term of not more than thirty (30) days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

II. Severability.

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of West Goshen.

III. Repealer.

All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

IV. Effective Date. This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and ORDAINED this 23rd day of April, 2019.

ATTEST:

**BOARD OF SUPERVISORS OF
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

Robin Stuntebeck, Chairwoman

Hugh Purnell, Jr., Vice-Chairman

Mary R. LaSota, Esquire, Member

Edward G. Meakim, Jr., Member

Christopher Pielli, Esquire, Member



KRISTIN S. CAMP
p: 610.436.4400 Ext# 1050
f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

April 12, 2019

VIA EMAIL: lawlibrary@chesco.org

Chester County Law Library
201 W. Market Street
Suite 2400
West Chester, Pennsylvania 19380

Re: Proposed Ordinance amending Chapter 82 of the West Goshen Township Code, entitled,
"Special Events"

Dear Sir/Madam:

Enclosed for filing in the Chester County Law Library is a true and correct copy of the above-captioned Ordinance amendment which must be filed with your offices and be made available for public inspection prior to its adoption by the West Goshen Township Board of Supervisors on Tuesday, April 23, 2019.

Please execute a copy of this letter and email it back to my assistant, Ali Fianza, at afianza@buckleyllp.com.

Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Kristin S. Camp /af
Kristin S. Camp

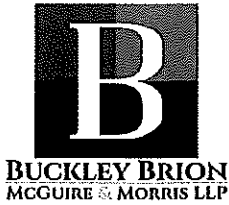
KSC/akf
Enclosure

cc: Casey LaLonde, Township Manager (*w/ encl.; via email*)

Received by Chester County Law Library on _____, 2019.

(signature)

Please Print Name _____



KRISTIN S. CAMP
p: 610.436.4400 Ext# 1050
f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

April 12, 2019

VIA EMAIL: legals@dailylocal.com

Daily Local News
307 Derstine Ave.
Lansdale, PA 19446

Re: Proposed Ordinance amending Chapter 82 of the West Goshen Township Code, entitled,
"Special Events"

Dear Sir/Madam:

Enclosed for filing in the offices of the Daily Local News is a true and correct copy of the above-captioned Ordinance amendment which must be filed with your offices and be made available for public inspection prior to its adoption by the West Goshen Township Board of Supervisors on Tuesday, April 23, 2019.

Please execute a copy of this letter and email it back to my assistant, Ali Fidanza, at afidanza@buckleyllp.com.

Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Kristin S. Camp /af
Kristin S. Camp

KSC/akf
Enclosure - NOT FOR ADVERTISEMENT

cc: Casey LaLonde, Township Manager (*w/ encl.*)

Received by Daily Local News on _____, 2019.

(signature)

Please Print Name _____

CERTIFICATION

Kristin S. Camp, Esquire, hereby certifies and attests that the attached is a true and correct copy of the complete verbatim text of an Ordinance amending Chapter 82 of the West Goshen Township Code, entitled, "Special Events", which is proposed for enactment and adoption by the West Goshen Township Board of Supervisors at a public hearing which will be held on Tuesday, April 23, 2019 at 7:00 p.m., prevailing time, at 1025 Paoli Pike, West Chester, Pennsylvania 19380.

DATE: April 12, 2019

/s/ Kristin S. Camp
KRISTIN S. CAMP, ESQUIRE
Solicitor for West Goshen Township