

**WEST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST GOSHEN TOWNSHIP TO ADD PROVISIONS FOR REGULATING 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 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 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 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 Board of Supervisors of West Goshen Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Part 2 of the Code of Ordinances of West Goshen Township is amended to add a new Chapter 82 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 gathering, meeting or rally of 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.

### **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.

### **Media Production**

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

### **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 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 parade, assembly, athletic event, street fair, art and craft show, carnival, soap box derby, rally, or other special event or activity that occurs on Township streets, sidewalks, alleys 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. The term "special event" shall also include product releases, media production, weddings, indoor or outdoor concerts, displays, fairs and athletic events occurring on private property and designed to attract large crowds.

**SPECIAL EVENT COMMITTEE**

A group of individuals comprised of Township employees designated to review all applications for a special event and make recommendations regarding approval of the same. The committee shall include the Township Manager, Zoning Officer, Fire Marshal, and Public Works Director.

**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, 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.

**B.** Any special event sponsored by the Township, whether or not occurring exclusively on Township property.

- C. First amendment activity
- D. Wedding processions.
- E. Activities of governmental agencies.

#### **§17-6. 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 30 days in advance of the date of the proposed event. In emergency situations, determined at the sole discretion of the Codes Enforcement Officer, the Code Enforcement Officer may consider any application for a permit to conduct or sponsor a special event not filed within the time frame required by this section.

**B.** The application for a special event permit shall be made in writing on a special events permit application form provided by the Code Enforcement Officer. Upon receipt, the Code Enforcement Officer 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 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 Chairman or other alternative contact person.

**(2)** The nature and/or purpose of the 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 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 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)** Five hundred thousand dollars for each person for bodily injury; \$1,000,000 for each occurrence of bodily injury; and \$250,000 for each occurrence of property damage; or
- (b)** One million dollars or \$5,000,000 for each occurrence of combined single limit bodily injury and property damage; and
- (c)** 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 and/or the Special Events Committee 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 and whether water aid stations or first aid stations will be provided;
- (b)** The provisions made for sanitary facilities for persons participating in or attending the event;
- (c)** 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;
- (d)** The provisions made for monitors of the event;

(e) Parking needs for the 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; and

(g) The applicant has secured signatures from all affected property owners in the event of a road closure.

(h) If the special event is held within a non-residential zoning district, a letter from the property owner granting permission for the special event must be provided with the application.

(i) Any supplemental information deemed by the Code Enforcement Officer and/or Special Events Committee to be reasonably necessary to determine whether a special event permit shall be issued.

(9) Should any department within 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) If more than 50 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.

(11) 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 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 and/or Fire Marshal at their discretion, reserves the right to disapprove or cancel a special event if they deem necessary to do so.

**B.** Standards of issuance. The Code Enforcement Officer 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 the Special Event Committee 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 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 of the Township 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 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 Special Event Committee, in their 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 or ambulance services to areas adjacent to the event site.

(6) 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 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 event will violate the Township sound and/or light ordinance.

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

**D.** The Special Event Committee shall have the authority, in their 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. 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 Manager.

**B.** Within five 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 Manager, upon the recommendation of the Special Events Committee. If the fee required by this subsection is not paid within five 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 Township 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 Township for such excess time, as set forth in the Township's Fee Schedule.



D. A special event conducted by a volunteer fire company serving the Township shall be subject to the provisions of this chapter; however, Township sponsored groups and reciprocal agreements shall be exempt from the fees and expenses outlined herein.

#### **§82-9. 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 nonparade event;
- D. The assembly area and time;
- E. The starting time of a parade or nonparade 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, if applicable;
- L. Whether rides or the sale of food and/or beverages requiring licensing will take place;
- M. Whether tents will be used during the event.
- N. A site plan for the proposed special event.
- O. A Rain Date for the Special Event shall be provided if applicable.

#### **§82-10. Change in Special Event Term**

The Special Event Committee 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 Special Event Committee 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.

#### **§82-11. 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 Special Event Committee 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.

**§82-12 Refunds.**

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

**§82-13 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, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 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, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 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. This Ordinance shall be effective five (5) days following its legal enactment.

**ENACTED** and **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
WEST GOSHEN TOWNSHIP**

\_\_\_\_\_  
Casey LaLonde, Township Secretary

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Christopher Pielli, Esquire, Chair

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Robin Stuntebeck, Vice-Chair

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Mary R. LaSota, Esquire, Member

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Hugh Purnell, Jr., Member

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Edward G. Meakim, Jr., Member