

ELIZABETHTOWN BOROUGH
Lancaster County, Pennsylvania

ORDINANCE NO. 950

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
BOROUGH OF ELIZABETHTOWN TO INCLUDE AND PROVIDE FOR
THE PERMITTING OF SPECIAL EVENTS**

BE IT ORDAINED AND ENACTED by the Borough Council of Elizabethtown, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of the Borough of Elizabethtown, Chapter 13, Part 3, §301 Parade Guidelines, is deleted in its entirety as stated and replaced with the following:

§301 Special Event Guidelines

Section 2 —Purpose. The purpose of this Ordinance is to provide for the permitting of special events, including public facility use/rental and the temporary closure or redirection of pedestrian and/or vehicular traffic on Borough streets and alleys in a safe manner to allow for such activities.

Section 3 —Definitions. As used in this Chapter, certain terms are defined as follows:

Applicant—person/group sponsoring, organizing, and responsible for an event & applying for the permit.

Block Party—one-day outdoor public event organized by residents of a neighborhood and held upon a Borough street and/or right-of-way for social/entertainment purposes. Block party can only be held between the hours of 7:00 a.m. and 9:00 p.m.

Community Event—community or neighborhood event organized for the purpose of celebrating community arts, recreation, or culture or to commemorate a holiday, seasonal, or special day to the community.

First Amendment Activity—includes all expressive and associative activity protected by the US and PA Constitutions, including speech, press, assembly, and/or the right to petition. Commercial advertising regulated by the Zoning Ordinance or elsewhere in the Elizabethtown Borough Code of Ordinances is excluded from this definition.

Parade—a march, procession, organized movement, or motorcade consisting of persons, vehicles, or combination thereof that is (1) held with an intent to attract attention; (2) takes place upon streets or public property within the Borough; and

(3) interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or does not comply with normal and usual traffic, regulations or controls.

Special Event—a parade, public assembly, performance, meeting, contest, exhibit, athletic competition or presentation, community event, block party, or ceremony, which event is to be held wholly or partially on property owned or maintained by the Borough which is designated by the Borough for First Amendment Activity or is in a traditional public forum; on a street/alley/sidewalk within the Borough and will likely result in obstruction of such streets/alleys/sidewalks or will likely compromise the ability of the Borough to respond to a public safety emergency; or on any other property, but requires for its successful execution the provision & coordination of Borough services to a degree over and above that which the Borough routinely provides. A special event is not intended to include: (1) an activity held solely on private property; (2) programmed activities provided/managed by the Borough and/or GEARS; (3) any event which falls within the definition of a special event held in a Borough park but which does not interfere with regular use of the park by the general public; and (4) First Amendment Activity on Borough streets/alleys/sidewalks, including within the park, which will not result in obstruction of streets/alleys/sidewalks nor compromise the ability of the Borough to respond to a public safety emergency.

Sponsoring Organization—an individual or group applying for the special event permit.

State Highways—a highway or bridge on the system of highways and bridges over which the PA Department of Transportation has assumed or has been legislatively given jurisdiction.

Section 3—Application.

- A. Written applications for public gatherings shall be submitted to the Elizabethtown Police Department sixty (60) days prior to the first day of public promotion/advertisement or commencement of the event, whichever occurs first. Application shall be submitted ninety (90) days prior if the event includes a proposal to close a State highway.
- B. No applicant shall be less than twenty-one (21) years of age. If an applicant is other than an individual, it shall be a legally constituted and created entity.
- C. Applications shall be submitted on the forms specified by the Borough and shall include the following when applicable:
 - a. Full legal names, addresses, telephone numbers, and e-mail addresses of all sponsors and, if an organization, proof of its legal existence.
 - b. Full legal names, addresses, telephone numbers, and e-mail addresses of all persons in charge.
 - c. The location and address of the property to be utilized for the event.
 - d. The program for the event, or if no program is prepared, a narrative statement as to the purpose for which the event is to be conducted.
 - e. A diagrammatic plan of the proposed site for the event showing locations and dimensions of the area where the programmed entertainment, amusement, or recreation is to be conducted; areas for

spectators or persons attending the event; all structures existing and to be constructed; proposed parking area; electricity source; potable water facilities; sanitary facilities; sewage disposal facilities; medical service facilities; facilities for and distribution of security personnel; facilities for food and beverage storage, preparation, and service; camping facilities and projected plans for enclosure, if necessary, of the proposed site.

- f. Evidence that all permits and licenses as required by State and local statutes, ordinances and regulations enacted there under have been obtained, or will be obtained. Such permits/licenses include but are not limited to the following:
 - i. PA Department of Transportation Form TE-300
 - ii. PA Department of Agriculture (Retail Food License)
 - iii. PA Liquor Control Board
 - iv. Elizabethtown Borough Transient Retail Business Permit
- g. Evidence that approvals have been secured from emergency responders as appropriate.
- h. A statement of the number of persons expected to attend said event and the duration of the event.
- i. A statement regarding the first day, upon which public announcement, promotion, or advertising is to be made.
- j. Specific details relating to:
 - i. Sanitary and waste disposal facilities and providers thereof.
 - ii. Food and drink facilities and providers thereof.
 - iii. Transportation and parking facilities.
 - iv. Security and protection relating to the event with specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending, and providers thereof.
 - v. Traffic control to include a map of detour routes and proposed signage, staffing, and required traffic control equipment; i.e., barricades & cones.
 - vi. Onsite medical facilities and providers thereof.
 - vii. Janitorial services and post-gathering trash and recycling removal and site restoration and providers thereof.
- k. 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 million for each occurrence and \$2 million aggregate for property damage, which policies shall name the Borough as an additional insured specifically for purposes of the event.
- l. Examples of proposed advertising of the event, if any.
- m. Applicant's statement that they shall abide by the terms and provisions of this Ordinance and all laws, rules and regulations of the United States Commonwealth of Pennsylvania, County of Lancaster, and Borough of Elizabethtown.
- n. An application fee may be charged, said fee to be in such amount as established, from time to time, by Resolution of Borough Council.

Section 4—Conditions of Approval.

- A. The Chief of Police and Borough Manager shall either grant or deny the application for permit. In case of denial, applicant has the right of appeal to Borough Council. Appeals must be filed within ten (10) days of date of denial for consideration.
- B. Failure to satisfy the following conditions no later than seven (7) days prior to the event shall constitute grounds for the immediate revocation of the permit by the Borough and cancellation of the event:
 - a. **Food Preparation:** Permit from the appropriate agency of the Commonwealth of Pennsylvania indicating the applicant's plan for food preparation conforms with applicable rules, regulations, and laws relating to public health.
 - b. **Security:** Applicants must provide a plan and means to implement the plan to provide for traffic control and crowd control. Identification of the security personnel or company or persons supplying this service must be provided and proof of Traffic Control Training & Safety Certification shall be submitted with each application.
 - c. **Medical Services:** Applicant must provide a plan and means to implement the plan to provide sufficient medical services to the event. Identification of the company or person supplying this service must be provided.
 - d. **Parking Facilities:** Applicant must provide a plan for parking facilities appropriate to the anticipated number of persons in attendance. Adequate ingress and egress to and from parking areas must be maintained to facilitate the movement of any vehicle at any time to or from the parking area and to permit access by emergency vehicles.
 - e. **Barricades and Obstacles:** Any area blocked off with barricades and obstacles for a special event shall not obstruct emergency and hazard vehicles responding to an emergency.
 - f. **Structures:** All facilities, including temporary and semi-permanent structures, stages, lighting facilities, sanitary facilities and other utilities to be specially assembled, constructed, installed or erected for the public gathering must be in place and be approved by appropriate state and federal regulatory agencies, if such regulations apply, and by the Borough or its duly appointed agent.
 - g. **Clean-up After the Event:** The applicant shall be responsible for removal of all litter, debris, and other material from the areas or portions thereof, used for the event which is attributable to or caused by the event.

Section 5—Conduct of Public Assembly.

- A. The event permittee must maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, and 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 person having control of the event shall condone any illegal conduct on the premises, including but not limited to disorderly conduct or illegal possession, sale or use of intoxicating beverages or drugs. Open

alcoholic containers are not permitted on public property as per Elizabethtown Borough Code, Chapter 6, Part 4.

- C. The burden of event security is solely upon the permittee. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Ordinance, or other Borough ordinances, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit, 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 permittee of the event shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.
- D. Elizabethtown Borough, its authorized agents, representatives, and the Elizabethtown Borough Police Department shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.
- E. No programmed entertainment, amusement, or recreation or use of sound amplification equipment shall be provided or permitted between the hours of 9:00 p.m. and 7:00 a.m. in accordance with Elizabethtown Borough Code, Chapter 10, Part 2.
- F. At conclusion of the event, 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 event site, with the exception of permanent residents, unless overnight camping or other facilities were approved by the Borough pursuant to the application process and this Ordinance.

Section 6—Conformance with Other Law. This Ordinance shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all federal and state laws, rules and regulations, county and Borough ordinances which are now, or may be in the future, in effect which pertain to the conduct of special events.

Section 7—Penalties. Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a special event without obtaining the permit provided in this Ordinance, or who knowingly conducts, permits or allows a special event with a permit but in violation of the terms and provisions of this Ordinance and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, shall be subject to a fee of \$300 and all Borough-related expenses to support the event. Should applicant fail to pay said fee within thirty (30) days, the matter will be remanded to the District Justice and the applicant shall be subject to a fine of not more than \$600, plus court costs, and all Borough-related expenses to support the event.

Section 8—Severability. The provisions of this 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 this Ordinance. It is hereby declared as legislative

intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

Section 9—Effective Date. This Ordinance shall become effective upon enactment.

DULY ORDAINED AND ENACTED this 15th day of August, 2013 by Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania, in lawful session assembled.

ATTEST: R. Ryan BY: A. M. H. A.
Secretary Council President

[BOROUGH SEAL]

APPROVED this 15th day of August, 2013.

BY: Ohlmt
Mayor