

**PENNSBURY TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019-11-20-2**

**AN ORDINANCE OF THE TOWNSHIP OF PENNSBURY, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF PENNSBURY TOWNSHIP TO ADD A NEW CHAPTER 127 TITLED, "SPECIAL EVENTS" TO ADD REGULATIONS FOR SPECIAL EVENTS ON PROPERTIES WHERE EVENTS ARE PERMITTED BY CONDITIONAL USE APPROVAL; REQUIRING PERMITS FOR EVENTS; IMPOSING FEES FOR EVENT PERMITS; 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 Pennsbury Township Zoning Ordinance permits by conditional use special events on certain properties that are classified as historic resources by the Township Historic Resources map; and

**WHEREAS**, individual or multi-day events can result in adverse impacts on neighboring properties and the health, safety and welfare of the Township and its residents and businesses; and

**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 private property, providing procedures for the issuance of permits for special events, 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 may be contrary to the health, safety and welfare of the Township, or which do not comply with applicable law.

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

**Section 1.** Part 1 of the Code of Ordinances of Pennsbury Township is amended to add a new Chapter 127, titled, "Special Events" which shall provide as follows:

## **Chapter 127.**

### **SPECIAL EVENTS**

#### **§127-1. Short Title**

This Chapter 127 shall be known as the Pennsbury Township Special Events Permit Ordinance.

#### **§127-2. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

##### **APPLICANT**

Any person 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 entity other than an individual person applying for a special event permit, the individual designated by such entity as the responsible contact person.

##### **CODE OFFICIAL**

The individual appointed from time to time by the Board of Supervisors to administer and enforce the Township Building Codes and this Chapter 127.

##### **PERMITTEE**

Any person to whom a special event permit is issued by Pennsbury Township.

##### **PERSON**

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

##### **SPECIAL EVENT OR EVENT**

A temporary, preplanned assemblage; wedding reception; social party; business, social or philanthropic meeting; seminar; rally; gathering; athletic event; arts and craft show; agricultural exhibition or farm tour; or other assembly of persons, with or without an admission fee and that may or may not provide meals or food for attendees prepared on or off the premises.

##### **SPECIAL EVENT PERMIT OR PERMIT**

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

#### **127-3. Applicability.**

Except for events that are exempt as set forth in Section 127-5, a Special Event shall be permitted and conducted in strict compliance with the regulations contained in this Chapter.

#### **§127-4. Enforcement.**

This Chapter shall be enforced by the Code Official, the Township Manager or their designees.

#### **§127-5. Permit Required; Exempt events**

A. Any Person seeking to conduct or sponsor a Special Event authorized by conditional use shall first obtain a Special Event Permit from the Pennsbury Township Code Official.

B. Normal and customary Special Events which are organized and/or conducted by and held on property owned by religious organizations; educational institutions; charitable, philanthropic, cultural and horticultural organizations; volunteer fire companies and emergency service providers; hospitals; eating/drinking establishments; golf courses and clubs; government uses; and municipal uses are exempt from the requirements of this Chapter 127, including the permit requirements.

#### **§127-6. Application For Permit.**

A. Any Person intending to conduct or sponsor a Special Event shall apply to the Township Code Official for a Special Event Permit at least sixty (60) days in advance of the date of the proposed Special Event. In emergency situations, determined at the sole discretion of the Code Official, the Code Official 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 Code Official. 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, purpose and description of the proposed Special Event, the proposed date and location, and the proposed starting and ending time (hours of operation);

(3) A description of the individuals and organizations 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) Such other information as the Code Official may deem necessary to make a determination whether the Special Event Permit should be issued, 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) Provisions for the following:

- i) Sanitary facilities for persons participating in and/or attending the Event, including toilet and hand-washing facilities.
- ii) Security and traffic control, including signage and personnel.
- iii) Parking, including amount and location.
- iv) Temporary lighting and temporary signage.
- v) Trash, waste and recycling collection and removal.
- vi) Any other temporary facility to be used in Special Event.

(c) Whether food, beverages, and/or alcoholic beverages will be provided or sold at the Special Event. If so, the Applicant, prior to the issuance of a Special Event Permit, shall obtain and provide copies to the Township of all applicable food and beverage license(s) and approvals in accordance with the rules and regulations of Chester County Health Department, the Pennsylvania Liquor Control Board and any other agency having jurisdiction.

(d) Number of employees or volunteers to be present to administer the Special Event;

- (e) Whether any sales of merchandise are proposed;
  - (f) If the Applicant is not the owner of the property proposed for the event, written authorization from the property owner for the Event.
  - (g) a site plan of the Special Event.
- (6) Should the Code Official deem it necessary to perform an inspection(s) as a condition of a Special Events Permit review, Applicant shall allow for the inspection and attach the inspection report to the application or amended application.
- (8) For any Special Event requiring a tent, the Applicant shall make application for a tent permit to the Township Fire Marshal.

## **§127-7 Insurance and Indemnification Requirements**

Prior to the issuance of a Special Events Permit, the Applicant shall provide the following:

- A. An indemnification agreement provided by the Township whereby the Applicant agrees to indemnify, defend and hold harmless the Township, its elected and appointed officials, officers, employees, consultants and contractors (hereinafter collectively the "Indemnified Parties) from and against any liability resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the Permittee, its officers, employees, agents, invitees or guests.
- B. A certificate of insurance, along with all required endorsements, naming the Indemnified Parties as additional insureds, confirming that the Applicant has 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:
  - (i) \$2,000,000 for each occurrence of bodily injury; and \$250,000 for each occurrence of property damage; and

(ii) 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 \$2,000,000.

C. 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 as determined by the Township

#### **§127-8. Approval or Denial of Permit.**

A. The Code Official 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 Official shall be final. The Township Manager, Code Official 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 approval. The Code Official 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 and size of the Special Event requested by the Applicant will not disrupt to an unreasonable extent the movement of vehicular traffic in or through the Township;

(2) The Special Event will not interfere with the peaceful enjoyment of adjacent and nearby properties;

(2) 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 the Conditional Use Decision and Order for the event space, and this Chapter, including without limitation those provisions pertaining to indemnification, insurance, and the payment of applicable fees and deposits.

C. The Code Official may impose additional conditions of approval necessary to assure compliance with this Chapter 127.

D. Standards of denial. The Code Official shall 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 representatives 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) Another Special Event permit application has been approved for an Event occurring at or near the place and time of the Event proposed by the application and the conduct of both Events would result in traffic congestion and public safety concerns, and interfere with the peaceful enjoyment of nearby properties.
- (5) The proposed Event will unduly disrupt the safe and orderly movement of traffic near the Event site or will hinder proper police, fire, and/or emergency medical services to areas adjacent to and/or around the Event site.
- (6) The size of the Special Event will require diversion of State 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 Special Event will substantially interfere with construction or maintenance work scheduled to take place on State or Township roads, sidewalks, or any other property near the Event site.
- (8) The Special Event will violate the Township Zoning Ordinance requirements applicable to noise and lighting.

E. The Code Official shall have the authority to issue a Special Event Permit notwithstanding the Applicant's failure to comply with any of the provisions of this Chapter 127, 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 this Chapter 127.

#### **§127-9. Regulations for Conduct.**

Upon the approval of a Permit to hold a Special Event, the Permittee shall comply with the following provisions, the violation of which shall be unlawful:

A. Arrange for the necessary security 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.

B. Make arrangements to assure proper and adequate sanitation facilities, refuse containers, and disposal facilities and shall reimburse the Township for any services provided by the Township as a result of the Special Event. Adequate plans for cleanup of any public property, including the streets, shall be made with the Township, and such Township property shall be clean and free of debris within twenty-four (24) hours of the end of the Special Event. The Permittee shall be responsible for the expenses of the Township for services rendered to clean up Township property and State and Township roads as a result of the Special Event.

C. At least 30 days prior to the date or dates of the Special Event, notify in writing, the Longwood Fire Company and all emergency service providers, including the Pennsylvania State Police, of the Event and the dates, times, locations and expected attendance of the Event. A copy of the notice shall be provided to the Township when sent. The emergency service providers shall notify the Permittee of any special requirements, including the necessity for fire police, and the Permittee shall be responsible for all expenses incurred by the emergency service providers resulting from the Special Event.

D. All vehicular parking shall be located on the property where the Event is conducted or on adjacent property with the written permission of the adjacent property owner; unless another suitable arrangement for parking is approved by the Township. Parking may be provided at a remote location utilizing a shuttle service.

E. No light on any part of the property used for the Special Event shall be permitted to shine beyond the property line 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 equipped with shielding devices in compliance

with the Township Zoning Ordinance.

F. The Special Event shall comply with the noise requirements of the Township Zoning Ordinance.

G. Amplified live music or amplified music, sound or voices shall not be permitted or conducted after 10:00 P.M., prevailing time.

H. The Special Event shall not be held or conducted before 9:00 A.M. or after 12:00 A.M. (Midnight), prevailing time. These restrictions shall include all activities in preparation for and in termination of the Special Event, including but not limited to set-up, clean-up and the arrival and departure of attendees of the Special Event.

#### **§127-10. Application Fee and Fees for Township Expenses.**

A. Each Applicant for a Permit to conduct a Special Event shall pay a non-refundable application fee to defray the administrative costs of the Township in reviewing and distributing the application, issuing or denying the Permit 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. Prior to the issuance of the Special Event Permit, the Applicant shall deposit with the Township an amount determined by the Code Official to pay any potential expenses of the Township related to the Event. The Township shall pay for any expenses from the deposit and return any unused amount to the Permittee within 30 days of the end of the Event. If the deposit is insufficient to pay Township expenses, the Permittee shall make additional payment to the Township within fifteen (15) business days of the date of Township invoice for such expenses.

#### **§127-11. Revocation of Permit.**

Any Special Event Permit issued pursuant to this Chapter 127 may be revoked by the Code Official at any time when by reason of the occurrence of a disaster, public calamity, riot, inclement weather or other emergency, the Code Official 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.

#### **§127-12. Violations and Penalties.**

Any person who violates or permits the violation of any provision of this Chapter 127 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. Each section or provision of this Chapter 127 that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter 127 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. All fines and penalties collected for the violation of this Chapter 127 shall be paid to the Township Treasurer.

**Section 2. Severability.**

The provisions of this Ordinance are declared to be severable In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

**Section 3. Repealer.**

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

**Section 4. Effective Date.** This Ordinance shall be effective five (5) days following its legal enactment.

**ENACTED** and **ORDAINED** this 20<sup>th</sup> day of November 2019.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
PENNSBURY TOWNSHIP**

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Kathleen Howley, Secretary

Wendell Fenton, Chairman

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Aaron McIntyre, Vice Chairman

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Charles Scottoline, Member

