

**UNION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-03**

**AN ORDINANCE OF THE TOWNSHIP OF UNION AMENDING THE CODE OF THE TOWNSHIP OF UNION, CHAPTER 137 ENTITLED “PARKS AND RECREATION AREAS” TO ADD A NEW ARTICLE III TO BE ENTITLED “RENTAL OF TOWNSHIP PARK FACILITIES”, TO ADD A NEW SECTION 137-17 TO BE ENTITLED “DEFINITIONS”, TO ADD A NEW SECTION 137-18 TO BE ENTITLED “PERMIT REQUIRED” TO REQUIRE A PERMIT TO CONDUCT, FACILITATE, PROMOTE, MANAGE, AID OR SOLICIT ATTENDANCE AT A SPECIAL EVENT, TO ADD A NEW SECTION 137-19 TO BE ENTITLED “APPLICATION FOR PERMIT” TO ESTABLISH THE APPLICATION FOR A SPECIAL EVENT PERMIT, TO ADD A NEW SECTION 137-20 TO BE ENTITLED “APPLICATION REVIEW” TO ESTABLISH THE REVIEW PROCEDURE FOR A SPECIAL EVENT PERMIT, TO ADD A NEW SECTION 137-21 TO BE ENTITLED “REGULATIONS AND REQUIREMENTS” TO SET FORTH REGULATIONS AFTER OBTAINING A SPECIAL EVENT PERMIT; TO ADD A NEW SECTION 137-22 TO BE ENTITLED “COSTS AND FEES” TO ESTABLISH THE COSTS AND FEES FOR A SPECIAL EVENT PERMIT, AND TO ADD A NEW SECTION 137-23 TO BE ENTITLED “PENALTIES” TO ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE**

**WHEREAS**, the Township of Union, Berks County, is organized as a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, as a Second Class Township in the Commonwealth of Pennsylvania, the Township is governed by the Second Class Township Code of Pennsylvania; and

**WHEREAS**, Section 2203 of the Second Class Township Code, 53 P.S. §67203, provides that the Board of Supervisors of a township may prescribe rules for the use of township parks; and

**WHEREAS**, the Township owns, regulates and operates parks and recreational areas within the Township; and

**WHEREAS**, the Township, by Ordinance, has established rules and regulations regarding Township parks and recreational areas, which are codified in the Code of the Township of Union at Chapter 137, entitled “Parks and Recreation Areas”; and

**WHEREAS**, the Township has been and may in the future be requested to permit the rental of Township park facilities; and

**WHEREAS**, the Board of Supervisors desires to amend Chapter 137 entitled “Parks and Recreation Areas” to add a new Article III to be entitled “Rental of Township Park Facilities” to establish regulations regarding the rental of Township park facilities.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Union, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. The Code of the Township of Union, Chapter 137 entitled “Parks and Recreation Areas” is amended to add a new Article III entitled “Rental of Township Park Facilities”.

SECTION 2. The Code of the Township of Union, Chapter 137 entitled “Parks and Recreation Areas”, Article III entitled “Rental of Township Park Facilities” is amended to add a new Section 137-17 to be entitled “Definitions” which shall read in its entirety as follows:

As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**SPECIAL EVENT.**

A preplanned single event or series of events that, because of its nature, interest, location, promotion or any combination of similar influences, is expected to draw a large number of persons, proposed to be held on public property, and/or requiring the use of public support services. “Special event” shall include, but not be limited to, races, festivals, shows, neighborhood celebrations, public events which are privately sponsored but open to the public, or similar activities generally considered to be recreational in nature.

**SPONSOR.**

The person, group, corporation or other entity responsible for organizing the event.

**SUPPORT SERVICES.**

Those services which can or must be provided by the Township to ensure that an event is conducted in such a manner as to protect the rights, safety, health, property and general welfare of its citizens. This includes but is not limited to fire protection, police protection, crowd management and control, traffic management and solid waste management.

SECTION 3. The Code of the Township of Union, Chapter 137 entitled “Parks and Recreation Areas”, Article III entitled “Rental of Township Park Facilities” is amended to add a new Section 137-18 to be entitled “Permit Required” which shall read in its entirety as follows:

- A. No sponsor, person, association, firm, corporation, or other entity shall shall conduct, facilitate, promote, manage, aid or solicit attendance at a special event unless a permit has been approved by the Township Board of Supervisors and issued by the Township Manager.
- B. No special event permit may be transferred or assigned.
- C. This Section shall not apply to the following:
  - (1) Normal operations, activities or affairs of any duly established municipal, recreational or religious organization located in the Township.

- (2) An event whose estimated total attendance of all participants is anticipated to be less than 50 people.
- (3) The lawful exercise of free speech and right to assemble where all laws, ordinances and regulations are obeyed including but not limited to lawful picketing.
- (4) Sporting events that are held in conjunction with the local school district.
- (5) Sporting events that are held in association with youth soccer, little league, softball, midget football or other youth events that have a bona fide authorization to use fields owned or maintained by the Township or school district.
- (6) Students participating in school district sanctioned educational activities provided such conduct is under the immediate directions and supervisions of proper school authorities.

SECTION 4. The Code of the Township of Union, Chapter 137 entitled "Parks and Recreation Areas", Article III entitled "Rental of Township Park Facilities" is amended to add a new Section 137-19 to be entitled "Application for Permit" which shall read in its entirety as follows:

- A. The Township shall develop an application for a special event permit and shall contain at least the following information:
  - (1) The name, address, telephone number, cell phone number and email address of the sponsor.
  - (2) The location of the event.
  - (3) The date of the event.
  - (4) The hours that the event will start and terminate.
  - (5) A description of the event.
  - (6) The anticipated number of people attending the event.
  - (7) A statement that the sponsor shall indemnify and hold harmless the Township, its officers, employees, agents and representatives against all claims of liability arising out of the event.
- B. The Township application for a permit for a special event shall be submitted by the sponsor to the Township Manager no less than 30 days prior to the special event. If the special event is planned to be marketed and promoted, the sponsor should submit the application well in advance to ensure that the special event receives the required approvals.

- C. The Township Manager may waive the requirement of 30 days' advance notice for spontaneous special events for celebrations important to the Township, the Commonwealth of Pennsylvania and the nation, including but not limited to the celebration of local sports teams and the end of wars or other conflicts of national significance. The Township Manager may waive the requirement of 30 days' advance notice if there are circumstances unique to the sponsor which justify the waiver to assure the public safety and welfare of the Township or the Township's best interest.
- D. The application shall be further accompanied by such other information as may be required by the Township Manager.

SECTION 5. The Code of the Township of Union, Chapter 137 entitled "Parks and Recreation Areas", Article III entitled "Rental of Township Park Facilities" is amended to add a new Section 137-20 to be entitled "Application Review" which shall read in its entirety as follows:

- A. Township review of the application is to provide a mechanism which will allow the Township to plan, evaluate and coordinate any special event, which will allow the establishment of terms and conditions within which the event may be conducted and will allow the sponsor or any involved event planner to plan and manage the event within the context of the established terms and conditions.
- B. Township review of special events shall involve input from the following personnel.
  - (1) Township Manager
  - (2) Fire Chief
  - (3) Code Officer
  - (4) Road Master
- C. Additional Township personnel may be involved at the discretion of the Township Manager. The Township Manager may waive review by any of the listed Township officials.
- D. The personnel participating in the Township review of the special event are charged with the responsibility of reviewing, evaluating and recommending to the Township Manager the approval/disapproval of any special event on its own merits.
- E. In reviewing a proposed special event, personnel shall also review, evaluate and estimate the cost of the support services required for the cost of the support services that will be charged to the sponsor. The personnel may also recommend to the Township Manager that costs or any portion of the costs be waived if such a waiver is in the best interest of the Township. Township review will involve consideration of various criteria and factors, including but not limited to the following:
  - (1) Is the proposed event considered desirable for the Township?

- (2) Does the Township have the ability to provide, if needed, the required support services regardless of who bears the cost?
  - (3) Does the proposed event adversely affect the normal and necessary functions of the support services to the Township?
  - (4) Does the proposed event conflict with any other proposed events or activities?
- F. The personnel conducting the Township review shall recommend either approval or disapproval of a proposed special event, submit the conditions required if approved and submit an estimate of costs of support services and any other related issues to the Board of Supervisors in a timely manner so as not to delay the planning process.
- G. The Board of Supervisors shall consider the application for a special event it at the next regularly scheduled meeting of the Board of Supervisors.
- H. The Board of Supervisors shall have the power to deny any application for a permit which does not meet the application requirements, or which the Board, in its sole discretion, has concerns for the health, safety or welfare of the Township residents, visitors or property within the Township.
- I. The Board of Supervisors may require additional conditions not herein mentioned as may be necessary to maintain peace and order or to protect the health, safety and general welfare of the citizens of the Township or any neighboring property.
- J. The Township Manager shall notify the applicant of approval or rejection of the application within ten (10) days following action by the Board of Supervisors. If the application is rejected, the notice shall be in writing setting forth the basis therefor. Should the application be approved, it shall include any costs and/or conditions attached to the approval.

SECTION 6. The Code of the Township of Union, Chapter 137 entitled "Parks and Recreation Areas", Article III entitled "Rental of Township Park Facilities" is amended to add a new Section 137-21 to be entitled "Regulations and requirements" which shall read in its entirety as follows:

- A. Approval to conduct a special event does not relieve the sponsor or any participants, including but not limited to peddlers, vendors, or exhibitors, from the responsibilities of applying for any other permits or licenses, complying with federal or state law, or meeting any other requirements of the Township's ordinances that may be applicable.
- B. All events shall obtain liability insurance in the amount denoted on the application, which may change from time to time, with the Township named as an additional insured, or a larger amount in the discretion of the Township. The insurance shall satisfy all insurance requirements for the Township for holding the special event. The insurance policy may be subject to the review and approval of the Township Solicitor.

- C. All required permits, licenses, security deposits, fees, insurance policies or any other conditions of the permit so indicated on the permit shall be obtained no later than 10 days prior to the special event.
- D. The sponsor holding the special event shall be responsible to the Township for damages sustained to Township property caused by participants in the special event. The sponsor shall also be responsible for the cost of any support services required, at the sole discretion of the Township, to address specific unanticipated circumstances occurring at the special event related to larger crowd numbers than projected by the sponsor, or where the nature of the special event is not consistent with the event as applied for by the sponsor. Such unanticipated circumstances may include, but are not limited to, crowd control and emergency response. Such additional costs and expenses shall be paid to the Township by the sponsor within five days of receipt of a bill
- E. The Township Manager may, upon showing of good cause that certain conditions or requirements as herein set forth are not applicable or would cause an unreasonable burden upon the sponsor, modify the foregoing requirements after review of the circumstances presented by the sponsor.

SECTION 7. The Code of the Township of Union, Chapter 137 entitled “Parks and Recreation Areas”, Article III entitled “Rental of Township Park Facilities” is amended to add a new Section 137-22 to be entitled “Costs and fees” which shall read in its entirety as follows:

- A. No later than 10 days prior to the special event, the sponsor shall secure, in the form of a cash escrow, the costs associated with necessary support services, as set forth in the permit, according to the following schedule:
  - (1) Events with estimated costs of less than \$2,500: 25%.
  - (2) Events with estimated costs between \$2,501 to \$7,500: 50%.
  - (3) Events with estimated costs over \$7,500: 100%.
- B. Each application shall be accompanied with a cash fee to cover the cost of inspection, investigation, issuance, and administration of the permit. No part of the permit fee is refundable. Fees for an event permit required by this Ordinance shall be by Resolution of the Board of Supervisors as amended from time to time.
- C. At the close of the special event, the actual cost of the support services and any additional costs involving inspection, investigation, and administration of closing out the permit shall be calculated and either additional payment shall be made to the Township within five days or shall be deduction from the cash escrow.

SECTION 8. The Code of the Township of Union, Chapter 137 entitled “Parks and Recreation Areas”, Article III entitled “Rental of Township Park Facilities” is amended to add a new Section 137-23 to be entitled “Penalties” which shall read in its entirety as follows:

- A. In the event that all required permits, licenses, security deposits, fees, insurance policies or any other conditions of the permit so indicated on the permit are not obtained 10 days prior to the special event, the permit shall be revoked by the Township.
- B. In the event all required costs associated with the support services have not been paid 10 days prior to the special event, the Township shall revoke the permit
- C. The Township shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance as herein set forth, upon learning that the applicant made or permitted the making of a false or misleading statement or omission of material fact on the permit application, or violated other applicable law, statute, ordinance, rules, regulations or policy, including but not limited to the park rules and regulations set forth in the Code of the Township of Union, Chapter 137 entitled "Parks and Recreation Areas", Article I entitled "Rules and Regulations".
- D. The Township incorporates its Civil/Criminal Enforcement Ordinance as more fully set forth in the Code of the Township of Union, Chapter 1 entitled "General Provisions", Article III entitled "General Penalty". Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised an event at a Township park or recreational area without a permit, or with a permit but in violation of the terms and provisions of this Ordinance or the Permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof by any District Magistrate, shall be subject to a fine of not more than One Thousand (\$1,000.00) Dollars, together with costs.
- E. In addition to the above-provided penalties, the Township may maintain any action or proceedings in the name of the Township in any court of competent jurisdiction, at law or in equity, to compel compliance with or enforce any violation of this chapter.

SECTION 9. Repeal of Ordinances and Resolutions.

Any ordinance or resolution or part of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 10. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of Union Township, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 11. Effective Date.

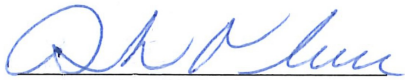
This Ordinance shall become effective five (5) days after enactment, as provided by law.

SECTION 12. Code of Ordinances.


The Code of Ordinances of Union Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of the Township of Union, Chapter 137 entitled "Parks and Recreation" upon enactment.


ORDAINED AND ENACTED into law by the Township of Union Board of Supervisors  
this 16th day of August, 2023.

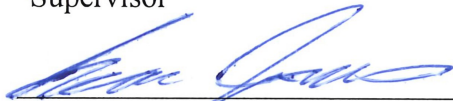
ATTEST:

  
Deborah Olivieri  
Secretary of Union Township

TOWNSHIP OF UNION  
BOARD OF SUPERVISORS

  
Chairman

  
Supervisor

  
Supervisor



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023-03 adopted by the Board of Supervisors of Union Township, Berks County, Pennsylvania, at a public meeting held on August 16, 2023, pursuant to notice as required by law.

Dated: August 16, 2023

  
Township Secretary

