

**THE BOROUGH OF YEADON
THE COUNCIL OF THE BOROUGH OF YEADON
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-1393

**AN ORDINANCE AMENDING CHAPTER 101 OF THE YEADON BOROUGH CODE
TO ADD A CHAPTER ON SPECIAL EVENTS**

§ 101-1 Short title.

This chapter shall be codified under the title "Special Events" and shall be known as the Yeadon Borough Special Events Ordinance.

§ 101-2 Purpose.

The purpose of this chapter is to provide for the health, welfare and safety of residents and visitors to the Borough by regulating special events which require or need special services provided by the Borough, such as police, traffic control, special parking requirements, ambulance, fire or other emergency services, or other special services, to regulate the registration of such special events, so to provide for the health, safety, and welfare of persons attending such events, and to further provide for the health, safety and welfare of the residents of the Borough, neighbors or other persons affected by the special events.

§ 101-3 Findings.

The Borough Council finds and declares as follows:

- A. There are many locations and occasions for the holding of special events within the Borough which may draw large numbers of people to attend, such as parades, block parties and promotional gatherings.
- B. Such events often require or need certain services provided by the Borough, such as traffic

control, police protection, special parking regulations, ambulance, fire safety, closing of streets to public traffic, and other municipal, quasi-municipal or other emergency or special services to protect the health, safety and welfare of participants and residents of the Borough, neighbors or other persons who may be affected by such event.

- C. It is necessary that the Borough be made aware in advance of such special events so that such special services can be provided, and so that the appropriate municipal, police, fire, ambulance and other services are aware of such special events to provide the services needed.
- D. The required or necessary services provided by the Borough for such special events entail costs which should be borne by the sponsors or hosts of such special events.
- E. That it is deemed expedient and necessary for the proper management, care and control of the Borough and its finances and maintenance of peace, good government and welfare of the Borough and its residents to require all sponsors or hosts of special events to register such events, to arrange in advance for all necessary special services, to provide for the payment of all costs or expenses incurred by the Borough for the delivery of such special services, and to provide the necessary insurance performance bond to protect the Borough, its residents and other persons who may be affected by such special events.

§ 101-4 Definitions.

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

HOST

The owner or owners of any property, or persons responsible for the real estate upon which the special event is held or planned to be held.

PERSON

Any natural person, partnership, corporation, association, firm, joint venture, organized group, organization or entity.

SPECIAL EVENT

A planned or organized outdoor activity or contest that will draw a group of 20 persons or more known or estimated participants or attendees, or both, to a defined geographical location or area, as a result of which special services shall be required. The term "special event" shall include, but is not limited to, assemblies, carnivals, contests, fairs, festivals, open air concerts, parades, sporting events, tradeshow, promotional events, other commercial organized events for common or collective use, and similar events held within the Borough. Special events shall not include:

- A. Noncommercial recreational uses or events customarily incidental to a permitted use such as company picnics or company holiday parties;
- B. Private residential social gatherings such as graduations, birthday parties or other similar private affairs, not open to the general public;
- C. Private residential commercial activities such as garage sales or flea markets;
- D. Funeral processions;
- E. Events that are sponsored by the Borough or for which a permit has been issued under another ordinance.

SPECIAL SERVICES

Include any services provided by the Borough for such special event, including but not limited to traffic control, crowd control, special parking or no parking signs or provisions, closure of streets for parades or other activities on public rights-of-way, police services, ambulance or other emergency medical services, fire protection, sanitary facilities, clean up, waste disposal, illumination, food, water, camping or trailer facilities, communication, noise control and abatement, and any other special service, other than listed above, which a particular special event might need.

SPONSOR

The person responsible for organizing, promoting, conducting or causing to be conducted a special event.

§ 101-5 Permit, registration and fees required.

- A. It shall be unlawful for any person to conduct a special event without first obtaining a permit from the Borough Manager in advance of the special event. Written applications for a special event shall be submitted to the Borough at least 90 days but no more than 180 days in advance of the scheduled special event. Applications shall be considered complete only upon submission of all information and documentation as required by the form to be approved by the Borough Manager. Application for a series of special events may be made at one time, and one permit may be issued for the entire series. The Borough Manager, may, in its sole discretion, waive or modify the time restrictions set forth herein if such waiver or modification is determined to be in the best interest of the community nor present a hazard to the community.

- B. The Police Chief, following a review pursuant to § 101-6 of this chapter, may recommend to the Borough Manager that additional special services be provided, and the cost for such additional special services shall be charged to the applicant. A good faith estimate of such charges (which include, but are not limited to, man hours, hourly wages, all employee benefits associated therewith and equipment costs) will be provided at the time the permit is issued, accompanied by a description thereof; provided, however, that the applicant shall be required to reimburse the Borough for all special services provided and such amount shall not be limited to the amount set forth in the good faith estimate.
- C. A permit will be denied if the required insurance is not presented, or any other requirement of the ordinance or statute is violated or if the event would adversely affect the health, safety and welfare of the community or would violate any provision of the Borough Code.
- D. An application will be reviewed and returned to the applicant within 10 business days from the date of the Manager either approves the special event, or denies the special event. The Borough Manager may impose reasonable conditions as it deems necessary to protect the health, safety and welfare of the community. A permit will be issued only after the applicant satisfies all conditions precedent to issuance of the permit. In the event of a denial, an appeal of the denial may be made to the Borough Council. The appeal must be filed with the Borough Manager. The Borough Council shall act upon the appeal at its next scheduled voting meeting following receipt of the notice of appeal.
- E. The person responsible for presentation and operation of any special event shall pay a permit fee in an amount to be established by the Borough Council for each day that the

special event is scheduled, said fee representing the minimum cost for permit issuance and any other Borough services not specifically designated as special services for the event. The person responsible for presentation and operation of any special event shall separately pay the cost of all special services within 30 days of issuance of an invoice by the Borough for such services.

- F. The Borough Council, in its sole discretion, upon application, may waive or reduce the required permit fees or the requirement of payment for special services, where the proceeds of the event are to be applied purely to charitable uses.

§ 101-6 Approval of special services.

Upon receipt of the permit application and completed information at least 90 days prior to the special event (or such other time as may be permitted by Borough Council), the Chief of Police or his designee shall review the information and permit application with the applicant. The purpose of the review shall be to ascertain what, if any, special services shall be necessary or required to protect the health, welfare and safety of the expected participants and attendees of the event, the residents of the Borough, neighbors and any others who may be affected by the special event.

§ 101-7 Police authority to revoke permit.

The Chief of Police, or his designee, shall have the authority prior to or during a permitted special event to revoke the permit issued by Council if the Chief of Police, or his designee, in his or her sole discretion, determines that the event is not consistent with the information provided in the permit application or that the event poses a threat to the health, safety or welfare of the community. In the event of such revocation, the permittee shall immediately discontinue the

event. Failure to comply with this requirement shall subject the permittee, host and sponsor to appropriate citations and the penalties set forth herein.

§ 101-8 Responsibilities of permittees, sponsors and hosts.

- A. Any person permitted to conduct a special event shall comply in full with all ordinances of the Borough and statutes of the Commonwealth of Pennsylvania; take all necessary action required to prevent the use of loud or noisy devices or activities or the occurrence of any disorderly conduct by patrons, attendees or employees of the permittee, sponsor or host. Any person permitted to conduct a special event shall ensure, as a condition to retention of the permit, that the special event closes no later than the time set forth in the permit.
- B. Any person permitted to conduct a special event shall not engage in any illegal activities or engage in any conduct which violates any ordinance, statute, law or enactment of Yeadon Borough or the Commonwealth of Pennsylvania.
- C. Participants in any special event shall not engage in any loud, boisterous conduct or allow loud noise, talk or music to a degree that causes annoyance to the residents of the Borough as set forth in the Borough's ordinance regulating noise.
- D. Any and all temporary lighting for such special event shall be directed away from the abutting streets and properties using shielding devices to prevent unreasonable glow beyond property lines.
- E. Any permittee, sponsor or host of a special event shall be obligated to comply with the Emergency Medical Services Act, Act of 1985, July 3, P.L. 164, as amended (35 P.S. § 6921 et. seq.) and the regulations of the Pennsylvania Department of Health, 28 Pa. Code

§ 1013.1 et seq. as they are now or may hereafter be amended.

F. The individual or organization sponsoring or conducting the special event shall be responsible to the Borough for damage caused to Borough property by the participants, attendees and employees of the event.

G. Failure of any permittee, sponsor or host to comply with the requirements of this section shall be grounds for immediate revocation of the permit previously issued.

§ 101-9 Insurance requirements.

For all special events the permittee, sponsor or host issued a permit for the staging of any special event as defined by this section shall supply the Borough with a valid, prepaid policy of bodily injury and property liability insurance, insuring the permittee, sponsor or host and the Borough, for all manner of bodily injury, death or like occurrences and property damage liability in an aggregate amount of \$2,000,000. Such policy shall name the Borough as an additional insured.

§ 101-10 Borough not liable.

The Borough, directly or indirectly, is not the guarantor of the safety of any special event, and the Borough retains all attributes of sovereign immunity with regard to the activities of its officials and employees with respect to the permitting of any special event.

§ 101-11 Indemnification of Borough.

The applicant for permit, as a condition precedent to acceptance of the permit, shall indemnify and save harmless the Borough, its officials, employees, and agents, from any claim for damages resulting from the operation of any special event for which a permit has been issued.

§ 101-12 Penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 a day for every day that the violation exists plus the costs of prosecution, and in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

ENACTED AND ADOPTED by the Council this 16 day of October, 2019.

ATTEST:

COUNCIL OF THE BOROUGH OF YEADON

Marcia Pusswood

Secretary

By: Rafaya Monroe

President of Council

APPROVED, this 16th day of October, 2019, by the Mayor of the Borough of Yeadon.

ATTEST:

MAYOR OF THE BOROUGH OF YEADON

Marcia Pusswood

Secretary

By: Rohan H. Ideph

Mayor