

POCOPSON TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 OF 2018

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA, CREATING A NEW CHAPTER "SPECIAL EVENTS" WHICH PROVIDES FOR DEFINITIONS, PERMITS, A PROCEDURE FOR APPLICATION AND TOWNSHIP REVIEW, REQUIREMENTS, FEES AND COSTS, REVOCATION OF A PERMIT, APPEALS, VIOLATIONS AND PENALTIES, RECORDS, AND MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pocopson Township that a new Chapter "Special Events" of the Pocopson Township Code, shall be created to read as follows:

SECTION 1. A Chapter titled "Special Events" shall be created to read as follows:

1. Definitions.

For the purpose of this ordinance, the following terms shall have the following meanings indicated:

Community Event: Any public event officially sponsored or officially organized by the Township from time to time.

Outside Support Services: Those services which can or must be provided by non-Township entities 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 police protection and emergency services.

Owner: The individual, corporation, or entity who owns the property on which the event is proposed to held on.

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, or on private property but impacting public property or roadways, 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 be recreational in nature. The term shall not include the normal operations, activities or affairs of any duly established municipal, recreational, educational or religious organization or institutions located in the Township, an event whose estimated total attendance of all participants is anticipated to be less than one hundred (100) people, or any Community Event. Activities with significant commercial emphasis, including the sale, marketing and/or promotion of

products or services to be consumed, utilized or provided outside of the Special Event, may be subject to regulation as a commercial activity under the Zoning Chapter.

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 crowd management and control, traffic management and waste management.

2. Permits Required.

No Sponsor or Owner shall conduct any Special Event or Community Event in the Township without first having obtained a permit from the Township.

3. Application.

- A. The Township shall develop an application for a Special Event or Community Event permit. The Township application for a permit for a Special Event or Community Event shall be submitted by the Sponsor to the Township's Code Enforcement Officer or his designee no less than 60 days prior to the Special Event or Community 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.
- B. The Township Codes Enforcement Officer or his designee may waive the application fee and/or the requirements of sixty (60) days advance notice for spontaneous Special Events or Community 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.
- C. The application shall be further accompanied by an application fee and such other information as may be required by the Township Codes Enforcement Officer or his designee. Community Events shall not be required to pay an application fee.

4. Township Review.

- A. Township review of the application is to provide a mechanism which will allow the Township to plan, evaluate and coordinate any Special Event or Community 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 and Community Events shall involve input from the following Township personnel:
 1. Township Codes Enforcement Officer

2. Public Works Director
 3. Township Secretary
 4. Additional Township personnel may be involved at the discretion of the Township Codes Enforcement Officer or his designee. The Township Codes Enforcement Officer or his designee may waive review by any of the listed Township officials.
 5. Township review will also include consultation with the Pennsylvania State Police and the local fire and emergency services who provide services within the Township companies, regarding Outside Support Services that may be necessary for the event.
- C. The personnel participating in the Township review of the Special Event or Community Event are charged with the responsibility of reviewing, evaluating and recommending to the Township Codes Enforcement Officer or his designee the approval/disapproval of any Special Event or Community Event on its own merits.
- D. In reviewing a proposed Special Event or Community Event, personnel shall also review, evaluate and estimate the cost of the Support Services required for the Community Event or, in the case of a Special Event, the cost of the Support Services that will be charged to the Sponsor. 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?
 5. Compliance with Section 6 criteria.
- E. The personnel conducting the Township review shall recommend either approval or disapproval of a proposed Special Event or Community Event, submit the conditions required if approved and submit an estimate of costs of Support Services and any other related issues to the Township Codes Enforcement Officer or his designee in a timely manner so as not to delay the planning process.
- F. The Township Codes Enforcement Officer or his designee may require additional conditions not herein mention 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.

- G. Final approval of a permit for the Community Event or Special Event proposed along with all costs and conditions attached shall be made by the Township Codes Enforcement Officer or his designee, except those applications which require street closures of Township roads, then in such case, final approval shall be by the Township Board of Supervisors at a public meeting of the Township Board of Supervisors.

5. Notification.

The Township Codes Enforcement Officer or his designee shall notify the Sponsor of a Special or Community Event within five days of the final decision. If the notification is an approval, it shall include any costs and/or conditions attached to the approval. If the notification is a denial, it shall include the reasons for denial.

6. Requirements.

- A. Township Ordinances. Approval to conduct a Special Event or Community Event by this process does not relieve the Sponsor, Owner or any participants, from compliance with other Township Ordinance requirements.
- B. Other Laws, Permits or Licenses. The Sponsor, Owner and their subcontractors or vendors are required to comply with all other County, State and Federal laws and obtain all other required permits or licenses.
- C. Parking. The Sponsor shall set forth in its application a plan to provide all parking for the Special Event. Such plan shall include ingress and egress of vehicles to and from the property, interior circulation of vehicles and parking, including handicapped parking. In the event the Sponsor anticipates the necessity for additional parking facilities off-site, the Sponsor shall demonstrate that it has a written agreement with the off-site location(s) for parking and there is either a shuttle service from the off-site location or safe pedestrian access to the property on which the Special Event will occur. Sponsor shall also provide information regarding how it will advise attendees of the parking plan.
- D. Traffic Control. The Sponsor shall include in its application a traffic control plan. The traffic control plan shall include a plan for traffic control on all state or township roads within close proximity to the Special Event. The Sponsor shall demonstrate that it has an agreement for traffic control with a third party entity, such as the Pennsylvania State Police, a municipal law enforcement agency, or a fire or emergency services company.
- E. Security. Where the magnitude or intensity of the event warrants security personnel, the Sponsor shall demonstrate it has an agreement for security with a third party entity, such as the Pennsylvania State Police, a municipal law enforcement agency, a fire or emergency services company, or other entity acceptable to the Township.
- F. Food. Applications for Special Events involving food vendors, food trucks, food caterers, or other provision of food items, shall provide a list of all food vendors, trucks and/or caterers proposed for the Special Event and provide a copy of the vendors' Chester County Health Department yearly license or the Chester County Health Department's Temporary Event license specific to the Special Event.

- G. Alcohol. Applications for Special Events involving alcohol served, purchased or sampled will be considered on an individual basis. If applying for an event that involves alcohol the Sponsor is required to have an approved Pennsylvania Liquor Control Board "Special Occasion Permit", or successor permit. Alcohol is not permitted on Township owned property.
- H. Waste Removal. The Sponsor shall provide sufficient trash receptacles for deposit of trash. Sponsor shall remove all trash from the property or on adjacent roadways or properties.
- I. Restroom Facilities. The Sponsor shall set forth in its application plan to provide adequate restroom facilities, including handicapped facilities. If the plan to provide facilities includes rental or provision by a vendor, the Sponsor shall demonstrate it has an agreement to provide facilities.
- J. Notification. The Sponsor shall provide written notification to all neighbors of the proposed Special Event by mailing a notice thereof to the owner, if his residence is known, or to the occupier of every lot on the same street or road within 1,000 feet of the property on which the Special Event is to be conducted, and every lot not on the same street or road but within 150 feet of the property on which the Special Event is to be conducted. Sponsors shall provide written notification to the State Police and local emergency services of the event.
- K. Subcontractors. All subcontractors of the Sponsor or Owner hired to help run the Special Event, including but not limited to, port-o-potties, trash removal, fencing, sound, inflatables, shall be listed on the application.
- L. Insurance. All Special Event Sponsors shall obtain liability insurance in the amount denoted on the application, which may change from time to time, with the Township, the Board of Supervisors, its employees and contractors named as an additional insured. 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.
- M. The Sponsor holding the Special Event and the Owner of the property upon which the Special Event occurs shall be responsible to the Township for damages sustained to Township property caused by participants in the Special Event. Such additional costs and expenses shall be paid to the Township by the Sponsor and/or Owner within five (5) days of receipt of a bill.
- N. The Sponsor holding the Special Event and the Owner of the property on which the Special Event occurs shall be responsible to the Township 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 and/or Owner within five (5) days of receipt of a bill.

- O. All regulations and/or requirements set forth in this Ordinance related to events may be waived or adjusted for Community Events at the discretion of the Township Codes Enforcement Officer or his designee.
- P. The Township Codes Enforcement Officer or his designee 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 requirement after review of the circumstances presented by the Sponsor.

7. Fees and Costs.

- A. An application fee shall be set by resolution of the Board of Supervisors from time to time. The application fee shall be paid at the time of application.
- B. No later than ten (10) business days prior to the Special Event, the Sponsor shall secure the estimated costs associated with necessary Support Services, as set forth in the permit. Security may be in the form of a cash escrow or bond in a format acceptable to the Township.
- C. The cost of individual Support Services shall be set by resolution of the Board of Supervisors from time to time. Any additional costs set forth in the permit shall be paid no later than ten (10) business days prior to the Special Event.
- D. At the close of the Special Event, the actual cost of the Support Services, including Support Services arising for unanticipated circumstances, shall be calculated and either additional payment made to the Township within five (5) business days, or excess security released by the Township to the Sponsor at the next regularly scheduled meeting of the Board of Supervisors more than five days after the conclusion of the event.

8. Revocation of permit.

- A. In the event that all permits, licenses, security deposits, fees, insurance certificates, proof of notifications or any conditions of the permit so indicated on the permit are not obtained and provided to the Township or otherwise complied with no later than ten (10) business 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 secured ten (10) business days prior to the Special Event, the Township shall revoke the permit.
- C. Any violation of one or more of the regulations set forth herein or conditions of the permit shall be sufficient grounds for the Township to immediately revoke the permit and order the Sponsor holding the Special Event to cease and desist their activities. Upon such notice of immediate revocation, the Sponsor shall cease and desist its activities and shall be prevented from applying for another permit for at least two years from the date of revocation.

- D. If the violation is not discovered by the Township until the Special Event has ended, then the Township shall suspend for two years the right of the Sponsor conducting the Special Event to apply for another permit to conduct a Special Event.
- E. Where such violations resulting in a suspension of the right of a Sponsor to conduct a Special Event under subsection 8.C or 8.D happen on three or more occasions on the same property, the Owner shall be precluded from conducting or permitting other Sponsors from conducting Special Events their property for a period of two years.
- F. The Township may extend the suspension beyond the two year period, if, in its discretion, it is determined that Sponsor or the Owner will not conduct a future Special Event in accordance with the regulations set forth herein or the conditions set forth in the permit or will, if allowed to conduct such a Special Event, pose a threat to the public health, safety and welfare.

9. Appeals.

A Sponsor or Owner who has been denied a permit to conduct a Special Event, whose permit has been revoked or whose right to apply for a permit has been suspended or revoked for violation of this Ordinance or contests a permit condition shall have the right to appeal said denial, suspension, revocation or condition to the Board of Supervisors, in writing, within 15 of the date of the notice of said denial, suspension, revocation or condition. The Board of Supervisors shall conduct a hearing on said appeal within 30 days from the date of filing of the appeal. The Board of Supervisors shall render a decision within 45 days after the hearing either upholding the denial, suspension, revocation or condition or granting the appeal and ordering the Township to grant to the permit or rescind the revocation or suspension notice or remove the condition.

10. Violations and penalties.

Any person, corporation or entity who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution, including reasonable attorneys' fees. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense

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 Ordinance.

11. Records.

If the Township provides Support Services, the Township shall keep, an accurate record of all hours worked by all employees and consultants, and extra compensation shall be paid to each employee for all time worked beyond regularly scheduled hours.

SECTION 2. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions; sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Pocopson Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. GENERAL CODE. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Pocopson Township ordinances and/or codification and to bring the Ordinance into conformity with the Pocopson Township ordinances/codification.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective in five days.

ENACTED AND ORDAINED THIS 26th DAY OF December, 2018.

ATTEST:

Susay E. Simon
Pocopson Township
Administrative
Secretary

**POCOPSON TOWNSHIP
BOARD OF SUPERVISORS**

Ricki Stumpo
Ricki Stumpo, Chairman

Elaine DiMonte
Elaine DiMonte, Vice-Chairman

Alice J. Balsama
Alice J. Balsama, Member

