

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 36 – SPECIAL EVENTS

[HISTORY: Adopted by the Council of the Borough of Northumberland as Ord. No. 2022-C.
Amendments noted where applicable.]

General References:

ARTICLE I – ESTABLISHMENT

36.1.01. Title; purpose.

This chapter shall be known and may be cited as the "Special Events Ordinance of the Borough of Northumberland." The purpose of the permit system is not to exclude communication of a particular content but to coordinate multiple uses of limited space; to assure preservation of the street, park and public facilities; to prevent uses that are dangerous, unlawful, or impermissible; to assume financial responsibility for operating costs; and to assure financial accountability for damage caused by the event.

36.1.02. Definitions.

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

BOROUGH — The Borough of Northumberland, a municipality.

BOROUGH MANAGER — The Borough Manager of the Borough of Northumberland, Northumberland, Pennsylvania, or designee.

CHIEF OF POLICE — The Chief of Police of the Borough of Northumberland, or designee.

COUNCIL — The Mayor and Borough Council of the Borough of Northumberland.

DEMONSTRATION — Any public display or expression of group feelings toward a person or cause, or a show of force.

SPECIAL EVENT — Any parade, march, ceremony, show, exhibition, block party, carnival, pageant, or procession of any kind or any similar display in or upon any street, park or other public place in the Borough; any gathering in or upon which the streets are occupied for the purpose of a march, procession or demonstration. Gatherings on sidewalks that do not block the sidewalk are not special events.

PERMIT REVIEW COMMITTEE — Borough Manager (Chair), Police Chief, Streets Supervisor, Community Development Chair, Borough Council President.

PERSON — Any individual or group of individuals, firm, partnership, association, corporation, company or organization of any kind.

PROCESSION — A group of individuals moving along in an orderly or disorderly way in a manner other than for normal pedestrian or vehicular traffic.

PUBLIC GATHERING — Any assembly of people for the purpose of public amusement, entertainment, business purpose, community festival or event, or similar gathering in or upon any street, park, or other public park in the Borough. Gatherings on sidewalks that do not block sidewalks are not public gatherings.

SPECIAL EVENT PERMIT — A permit as required by this chapter.

STREET — A public right-of-way or portion thereof intended for general public use to provide means or travel for vehicles and pedestrians. The word "street" shall include the words "street," "avenue," "road," "highway,"

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"thoroughfare," "way," "drive," "lane," "court," "cul-de-sac," and "alley" but shall not include "driveway" or "sidewalk."

STREET SUPERVISOR – Borough employee who is in charge of maintenance of borough property and streets.

ARTICLE II – PERMITS

36.2.01. Permit required.

No parade or public gathering shall be conducted by any person upon any street, park, or other public place in the Borough without first obtaining a special event permit from the Borough through the Borough Manager, or designee. The Borough Manager shall inform the Borough Council concerning the granting and issuance of any special event permit. The granting of a special event permit shall not constitute an endorsement of the applicant by the Borough, but only an acceptance that the applicant has met all requirements set forth in this Chapter.

36.2.02. Exceptions.

Exceptions. This chapter shall not apply to:

- A. Funeral processions.
- B. Wedding processions.
- C. Parades or events sponsored by the Borough.
- D. Borough scout troops.
- E. School events.

36.2.03. Permit application.

A. The Borough Council delegates to the Borough Manager and the Permit Review Committee members the ability to promulgate reasonable rules and regulations for parades and public gatherings consistent with this chapter and to establish a special event permit application form and require such documents as may be deemed necessary.

B. Filing period. An application for a special event permit shall be filed with the Borough Manager, or designee, not fewer than 30 days in advance of the proposed event date. Where good cause is shown, the Borough Manager, or designee, shall have the authority to consider any application hereunder which is filed fewer than 30 days in advance of the proposed parade or public gathering date.

C. Application contents. The following information shall be included on said application:

- (1) Name, address and telephone number of the person seeking to conduct such parade or public gathering and requesting the special event permit.
- (2) If the parade or public gathering is proposed to be conducted for, on behalf of or by any organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

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- (3) The name, address and telephone number of the person or persons who will be in charge of and who will be responsible for its conduct.
- (4) A concise statement of the purpose of the parade or public gathering.
- (5) The date when the parade or public gathering is to be conducted and the hours when such parade or public gathering will start and terminate.
- (6) The route to be traveled, the starting point and the termination point, including a map depicting the course of the parade or the location of the parade or public gathering.
- (7) A statement as to whether the parade or public gathering will occupy all or only a portion of the width of the streets or public land proposed to be traveled.
- (8) The location, by streets, of any assembly (formation and disbanding) areas for such parade or public gathering, including time at which units of the parade or public gathering will begin to assemble. If the assembly area is on private property, the name, address and telephone number of the property owner and/or a letter of permission for the assembly or gathering.
- (9) The approximate size and length of the parade or the geographic area of the public gathering, including the approximate number of persons and vehicles involved in the parade or public gathering, including number and types of animals (if any).
- (10) Any additional information which the Borough Manager shall find reasonably necessary in order to make a determination as to whether a special event permit application is in compliance with the requirements of this chapter and the rules and regulations adopted pursuant hereto and a special event permit can be issued.

36.2.04. Limitations on permit.

No permit issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Borough liable for any damage committed or caused.

36.2.05. Permit fee.

The cost of a special event permit shall be established by resolution from time to time. In addition to any special event permit fee, a person sponsoring a parade or public gathering will be informed prior to the issuance of a special event permit that if the cost of any services provided by the Northumberland Borough Police Department, Fire Department, Street Department, or special fire police for the event exceed \$100, the person will be responsible for those costs exceeding \$100. Direct costs incurred by the Borough to control traffic as a result of a parade or public gathering shall be borne by the applicant. All costs related to other services provided by the Borough for the event, including, but not limited to, code enforcement, sanitation, and auxiliary police, shall be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Borough, such as, but not limited to, wages paid to Borough employees. No special event permit shall be issued until all costs for any prior special event permits issued to the applicant have been paid in full.

36.2.06. Insurance.

- A. Each person filing an application for a special event permit shall provide the Borough with a certificate of insurance evidencing that said person maintains insurance which will protect that person and the Borough from claims for damages for personal injury, including accidental death, as well as claims for property damages which may arise from the conduct of the parade. Excluded from any claim for damages will be

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damages related to persons objecting to the content of the proposed or actual message of the applicant. The amounts of such insurance shall be as follows: public liability insurance in an amount of not less than \$1,000,000 for injuries, including accidental death, to any one person, and property damage insurance in an amount of not less than \$1,000,000. The certificate of insurance shall name the Borough as an additional insured and shall be provided by an insurance company authorized to do business in the Commonwealth of Pennsylvania and acceptable to the Borough.

- B. If the parade or public gathering has Borough Council approval (General Reference – Borough Code Book Chapter 21 – Alcoholic Beverages) for the sale, service, or consumption of alcohol, proof of liquor liability insurance coverage in an amount of not less than \$1,000,000 per occurrence must also be provided, with such policy naming the Borough as an additional insured, with said policy being provided by an insurance company authorized to do business in the Commonwealth of Pennsylvania and acceptable to the Borough.
- C. If a public gathering is to be located at a public place other than within a street, or is a block party involving the closure of one block of a street maintained by the Borough, and the public gathering involves fewer than 300 participants or spectators and does not involve the sale, service, or consumption of alcohol, the Borough Manager is authorized to waive the insurance requirements set forth herein, in his discretion. However, in the event the insurance requirements are waived, the applicant shall provide, prior to special event permit issuance, an indemnification agreement in a form acceptable to, and established by, the Borough Manager.
- D. The special event permit will not be issued prior to receipt of the required certificate of insurance or, if permitted, indemnification agreement.
- E. If the parade or public gathering will include the sale, service, or consumption of alcohol, the Borough may require the applicant to provide private security for the event in an amount as determined to be necessary by the Chief of Police.

36.2.07. Conditions.

The Borough Manager, or designee, shall have the authority to designate an alternate date, time, duration, or course for any parade or public gathering for which a special event permit is requested. This authority shall be exercised to accommodate competing demands on the use of public streets, parks, and public places. In addition, the Borough Manager may adopt any reasonable conditions to better protect the public and ensure compliance with this chapter. Any time, place, and manner limitations must not be based on the content of the message, must be narrowly tailored to serve a significant governmental interest, and must leave open ample alternatives for communication.

- A. The Chief of Police, or a designee thereof, shall have the authority to determine the necessary personnel, supplies, and equipment for any parade or public gathering. Acceptance of the special event by the applicant shall constitute acceptance of all permit conditions. NOTE: The Borough is not required to close streets for security (i.e., protection of the applicant or the participants or spectators of the parade or public gathering related to their actual or proposed message) purposes and is not required to provide police for security purposes at parades or public gatherings.

36.2.08. Denial or revocation of permit.

- A. A permit shall be denied if:

- (1) The application for permit (including any required attachments and submissions) is not fully completed and executed.

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- (2) The applicant has not tendered the required insurance certificate or, if permitted, indemnification agreement.
 - (3) The application for permit contains a material falsehood or misrepresentation.
 - (4) The applicant is legally incompetent to contract or to sue and be sued.
 - (5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Borough property and has not paid in full for such damage or has other outstanding and unpaid debts to the Borough.
 - (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy at the proposed location of the parade, or part thereof.
 - (7) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Borough and previously scheduled for the same time and place.
 - (8) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of any street, park or other public place in the Borough, or part thereof.
 - (9) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of any street, park or other public place in the Borough, of Borough employees or of the public.
 - (10) The applicant has not complied or cannot comply with applicable requirements, ordinances or regulations of the Borough concerning the sale or offering for sale of any goods or services.
 - (11) The use or activity intended by the applicant is prohibited by law, or by this chapter and ordinances of the Borough.
- B. If a permit is denied, then the denial shall clearly explain the reason for the denial and what, if anything, must be done to correct the reason for the denial.
- C. The Chief of Police, or designee, shall have the authority to withdraw permission to conduct the event if he feels that, due to severe adverse weather and/or traffic conditions, the event would be unsafe.
- D. The Borough Manager or Chief of Police, or their designees, may at any time revoke any permit if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this chapter, upon giving notice to the person to whom the permit was issued of such revocation. From the time of such notice of revocation, any act done under color of such permit shall subject the person doing or allowing it to be done to the same penalty as if he or she had done such act without such permit, unless such revocation is disapproved as hereinafter provided. If a permit is revoked, then the revocation shall clearly explain the reason for the revocation and what, if anything, must be done to correct the reason for the revocation.

36.2.09. Appeals.

Any person aggrieved shall have the right to appeal the denial or revocation of a special event permit to the Borough Manager, or designee. The appeal shall be taken by sending a letter to the Borough Manager requesting that the Borough Manager hear an appeal of the decision to deny a special event permit. The letter must be sent by certified mail or hand-delivered to the Borough Office and must be received by the Borough Manager within 10 days from the date on which the applicant received notice of the denial of the application

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for a special event permit. The Borough Manager must render a decision on said appeal, in writing, within 10 days of receipt of the appeal. If the applicant is not satisfied with the Borough Manager's decision, then he or she may appeal to the Court of Common Pleas of Northumberland County within 30 days of the Borough Manager's written decision.

36.2.10. Standards for permit issuance.

The Borough Manager, provided the other requirements of this chapter are met, shall issue a special event permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is determined that:

- A. The conduct of the parade or public gathering will not so substantially interrupt the safe and orderly movement of traffic within the Borough on and contiguous to the proposed route, or at the proposed location, so as to create a real and present danger to the health, safety and welfare of the residents of the Borough.
- B. The conduct of the parade or public gathering will not create a real and present danger to the health, safety and welfare of the citizens of the Borough by preventing firefighting equipment, ambulances, rescue vehicles and/or police vehicles from being able to reach any property in the Borough.
- C. The conduct of such parade or public gathering will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Borough other than that to be occupied by the proposed line of march and areas contiguous thereto.
- D. The conduct of a parade or public gathering shall not require the diversion of so great a number of personnel as to impair normal police services within the Borough.
- E. The concentration of persons, animals and vehicles at assembly points of the parade or public gathering will not unduly interfere with proper fire and police protection or ambulance services to areas contiguous to such assembly areas.
- F. The conduct of such parade or public gathering will not interfere with the movement of emergency services en route to an emergency.
- G. The conduct of the parade or public gathering is not reasonably likely to cause injury to person or property, to provoke disorderly conduct or to create a disturbance. This excludes content of message.
- H. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route, or the public gathering will not unduly interfere with the movement of the public or emergency services.
- I. The parade or public gathering is not designed to be held primarily for private profit.

ARTICLE III – VIOLATIONS AND PENALTIES

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36.3.01. Violations and penalties.

As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.

SECTION II: REPEALER. All provisions of previous Ordinances of the Borough of Northumberland and the Code of the Borough of Northumberland which are contrary to this Ordinance are expressly repealed.

SECTION III: SAVINGS CLAUSE. In all other respects, the Code of the Borough of Northumberland shall remain as previously enacted and ordained.

SECTION IV: SEVERABILITY. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION V: EFFECTIVE DATE. This Ordinance shall take effect immediately.