

ORDINANCE NO. 2017 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE IN CHAPTER 13 - PART 13 "SPECIAL EVENTS".

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1:

Chapter 13, Part 13 "Special Events" of the Code of Ordinances of the Borough of Phoenixville is hereby amended to repeal the text in Chapter 13, Part 13 "Special Events" and replace it with the following:

§ 13-1301 Purpose.

The Borough Council finds that streets, public places and private facilities within the Borough are from time to time temporarily closed and used as sites for races, festivals, shows, neighborhood celebrations and other public events which are privately sponsored but open to the public. Events of this kind serve to improve the quality of life of the residents of the Borough and often result in large numbers of people congregating within the confines of the temporarily closed street, public places and private facilities, and the resulting crowd conditions create concerns for police and fire access and other control concerns related to health, safety and welfare of the public and of persons and property in the designated area. It is therefore essential that a policy be established for governing these Special Events which shall facilitate control over them by the sponsor and by the Borough to safeguard persons and property.

§ 13-1302 Definitions.

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

APPLICATION

A form required to be filed and approved by Borough Council for any Community Event or Temporary Community Event.

BOROUGH

The Borough of Phoenixville ("Phoenixville"), Chester County, Pennsylvania.

COMMUNITY EVENT

Any Borough-recognized event identified in the Community Event List which list may be expanded to include future events as recognized by the Borough Council:

COMMUNITY EVENT LIST

A listing of Borough-recognized Community Events. The Borough may, from time to time, by resolution, amend the Community Event List as deemed necessary and appropriate by the Borough Council.

COUNCIL

The Borough Council of the Borough of Phoenixville.

EVENT COORDINATOR

A contact person, designated by the sponsor of the Community Event or Temporary Community Event who acts as the coordinator between the Borough and the sponsor of the event.

MOBILE VENDOR

Shall mean and include a food service establishment not more than eight feet in width and 18 feet in length attached to wheels and which is capable of moving under its own power or be a self-contained unit readily moved. Such mobile vendor must contain a wash basin and provide napkins and have all utilities and facilities contained within it or capable of hookup thereto in order to serve persons present at its location.

TEMPORARY COMMUNITY 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 people, 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, for the purpose(s) of entertainment, celebration, amusement, cultural recognition, arts and craft displays and/or sales, special sport competition, block parties or similar activities generally considered recreational in nature.

SPECIAL EVENT

Any approved Community Event or Temporary Community Event.

SPONSOR

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

SUPPORT SERVICES

Those which can or must be provided by the Borough 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, crowd management and control, traffic management and solid waste management.

§ 13-1303 Borough Staff Review.

1. Upon receipt of an Application, the purpose of the Borough staff review is to provide a mechanism which will allow the Borough 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 planners to plan and manage the event within the context of the established terms and conditions.
2. The Borough staff review of Special Events may involve input from the following personnel (which can be reduced or increased to include other personnel at the Borough Manager's discretion):
 - A. Borough Manager.
 - B. Police Chief.
 - C. Fire Chief.
 - D. Public Works Director.
 - E. Codes Director.
3. The Sponsor of any Special Event shall provide the name and contact information of the Event Coordinator as part of the Application.
4. Responsibilities of the Borough staff review. The staff members participating in the Borough staff review of the Special Event are charged with the responsibility of reviewing, evaluating and recommending to the Borough Council, the approval/disapproval of any request for a Special Event, including an estimate of the cost of support services as needed, in addition to any other duties determined to be needed by the Borough Manager.

§ 13-1304 Borough Responsibility.

The Borough is responsible for determining whether to issue permits and licenses for Special Events and establishing guidelines for the safe and proper conduct of such events. To fulfill these responsibilities, the Borough must determine if such events can be safely and properly conducted and the terms and conditions under which an approved event may be conducted.

§ 13-1305 Sponsor Responsibility.

It is the sponsor's responsibility to make application to conduct any Special Event which is planned for a large number of participants, and also to furnish any additional information that may be requested for a thorough Borough staff review. It is the sponsor's responsibility to abide by all of the terms and conditions established as part of the approval process. It shall be the sponsor's responsibility to provide for the protection of the safety, health, property and general welfare of those attending and participating in the special event.

§ 13-1306 Application and Application Fees.

The sponsor must submit an application to the Borough at least 60 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 insure that the Special Event receives the required Borough approvals. The application must be submitted in writing and must include the sponsor's name, lead contact person, telephone number, site location, dates, times, estimated participants, and any other information that would assist in the approval process. All Special Event Applications require a non-refundable Application Fee. The Application Fee and any additional fees shall be set forth in the Master Schedule of Fees.

§ 13-1307 Approval Process.

1. The staff members conducting the Borough staff review will review and recommend to the Borough Manager the approval/disapproval of each proposed Special Event on its own merits. In reviewing a proposed Special Event, staff members will also review, evaluate and determine the costs of support services required for the Special Event the cost of support services that will be charged to the sponsor. The Borough staff review will involve considering of various criteria and factors, including but not limited to, the following:
 - A. Is the proposed Special Event considered desirable for the Borough?
 - B. Does the Borough have the ability to provide, if needed, the required support services regardless of who bears the cost?
 - C. Does the proposed Special Event conflict with any other proposed events or activities?
2. The Borough staff members conducting the Borough staff review shall recommend to either approve or disapprove a proposed Special Event, submitting the conditions required if approved, submitting the costs of support services and any other related issues to the Borough Manager in a timely manner so as not to delay the planning process.
3. The final approval for the Special Event proposed, along with all costs and conditions attached, will be made by the Borough Council in a public meeting of the Borough Council. The decision of approval/disapproval made by the Borough Council will be final.
4. The Borough Council reserves the right to waive any or all fees or any part of the Application as they deem in the best interest of the Special Event or the Borough of Phoenixville.

§ 13-1308 Notification.

The Borough will notify the sponsor of a Special Event within five days of the final decision. This notification will include the approval/disapproval of the proposed Special Event along with any costs and/or conditions attached.

§ 13-1309 Requirements.

1. Approval to conduct a Special Event by this process does not relieve the sponsor or any participants, including but not limited to peddlers, vendors, mobile vendors, or exhibitors, from the responsibilities of applying for any other permits or licenses or meeting any other requirements which may be applicable in this chapter with respect to the following items:
 - A. Fireworks;
 - B. Street closings. Any requested street closure must be submitted for consideration by the Borough Council and separately approved by the Borough Council;
 - C. Peddlers/solicitation;
 - D. Flyers/postings/banners;
 - E. Vendors including mobile vendors;
 - F. Health Department; and
 - G. Distribution of advertising materials.
2. All Special Events must obtain liability insurance in the amount denoted on the application, which may change from time to time, with the Borough being named as an additional insured, or a larger amount in the discretion of the Borough. This insurance shall satisfy all insurance requirements for the Borough for holding the Special Event. The insurance policy may be subject to the review and approval of the Borough Solicitor.
3. All required permits, licenses, security deposits, fees and insurances policies must be obtained no later than 10 days prior to the Special Event. All regulations and/or requirements set forth in this Chapter 13 related to Special Events may be waived or adjusted for Special Events at the Borough Council's discretion.

§ 13-1310 Guidelines.

1. No Special Event will be permitted to operate prior to 9:00 a.m. and must conclude no later than 10:00 p.m. Actual times for the Special Event must be approved as part of the approval process.
2. Inspections by the Borough's Fire and Code Departments must be completed. This will include a pre-event inspection and any other inspection(s) deemed necessary by the Borough.
3. Site maintenance is the responsibility of the sponsor, and the site must be left in a clean condition. This may be required on a daily basis. A sufficient number of covered rubbish

containers shall be provided at each site immediately adjacent to the mobile vendor to hold material discarded by its customers, and the licensee shall cause the same to be emptied as necessary. In no case shall such containers be more than 10 feet from the mobile vendor vehicle. A licensee shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his location clean and free from paper and refuse of any kind which may be generated by the operation of the business.

4. Additional services may be provided and/or required from the Borough and charged to the sponsor of Special Event. The cost for these services could include, but not limited to any of the following:
 - A. Temporary parking signs.
 - B. Barricades.
 - C. Additional police protection.
 - D. Security.
 - E. Emergency medical services.
 - F. Utilities.
 - G. Restroom facilities.

§ 13-1311 Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or who fails to secure the license required thereby, or to renew the said license, as the case may be, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$600, plus costs, and, in default of said fine and costs, to a term of imprisonment not to exceed 30 days, or both. Each day that a violation of this Part continues shall constitute a separate offense.

Section 2.

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, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 3.

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4.

This Ordinance shall become effective upon enactment as provided by law.

ORDAINED AND PASSED by Borough Council this 8th day of August, 2017, amending Chapter 22 "Subdivision and Land Development" by deleting it in its entirety and replacing it with the attached ordinance document and incorporated maps.

By: _____
James C. Kovaleski
President, Borough Council

APPROVED by the Mayor, this 8th day of August, 2017.

By: _____
Michael J. Speck
Mayor

ENACTED, this 8th day of August, 2017.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 8th day of August, 2017.

By: _____
E. Jean Krack
Borough Manager/Secretary