

TOWNSHIP OF LONGSWAMP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 300

**AN ORDINANCE OF THE TOWNSHIP OF LONGSWAMP
RELATING TO THE CONDUCT OF PUBLIC GATHERINGS
AND SPECIAL EVENTS; ESTABLISHING APPLICATION
AND PERMIT STANDARDS AND PROCEDURES;
PROVIDING FOR ADMINISTRATION AND
ENFORCEMENT INCLUDING PENALTIES; AND OTHER
MATTERS PERTAINING THERETO.**

WHEREAS, the Second Class Township Code, as amended, provides townships of the second class with the authority and power to promote and protect the public safety and health of the citizens of Longswamp Township ("Township") and to regulate the conduct of places of public entertainment, amusement and recreation; and

WHEREAS, the Township has been and may in the future be requested to permit the gathering of substantial number of people for the purpose of public entertaining, entertaining for a profit, amusement or recreation of various designations, whether such gatherings be held on public or private property dedicated to general public assemblage; and

WHEREAS, the Board of Supervisors takes public notice that public gatherings and special events may create hazardous conditions, including but not limited to excessive vehicular and pedestrian traffic, failure to have proper solid waste disposal, impact to emergency services providers, sanitation and solid waste disposal facilities, excess noise, disorderly or lewd conduct, and other illegal conduct or acts all of which constitute a direct threat to public health, safety and welfare; and

WHEREAS, in addition to creating public health concerns, such gatherings create a burden on the public treasury by requiring the use of volunteer emergency services which are subsidized by the Township, roadway congestion requiring mitigation and general stress on the Township budget for purposes of administrative time dedicated to ensuring public health, safety and welfare concerns are addressed; and

WHEREAS, the Board of Supervisors has determined that an Ordinance that prescribes the procedure and rules and regulations for conducting public gatherings and special events to protect the public, health and safety and welfare of Township citizens, including but not limited to proper notification and staffing of local law enforcement and emergency services providers, and desires to adopt an Ordinance to accomplish these objectives; and

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Longswamp Township, Berks County, Pennsylvania, pursuant to the above mentioned authority, the following:

SECTION 1. Title. This Ordinance shall be known and cited as the "Longswamp Township Public Gathering and Special Events Ordinance".

SECTION 2. Purpose. The gathering together of large numbers of people for a common interest and/or event has the potential to disturb the safety, health, peace and tranquility of residents and visitors to the Township. It is not the intention of this Ordinance to prevent gatherings, which are legally protected under the Constitution of the United States. Rather, it is the purpose of this Ordinance to ensure that such public gatherings and special events do not disturb safety, health, peace and tranquility and to ensure that emergency services providers are properly prepared for any unforeseen safety issues that may result from such gatherings or events. Persons responsible for such gatherings or events shall be required to address specific details including but not limited to sanitary conditions, security, medical care and cleanup of garbage. Other aspects of safety, health, peace and tranquility may be addressed in other and separate Township Ordinances, including but not limited to those Ordinances addressing sound, lighting, building and zoning permits.

SECTION 3. Definitions.

Emergency Service Provider: Any provider of emergency service or safety mitigation measures including fire, police, security, ambulance, medical service, traffic control persons and/or fire police if authorized.

Employees: Persons employed by the sponsor (as herein defined).

Family Members: Person related by blood or marriage, however distant, to the sponsor (as herein defined).

Members: Persons whose memberships in the sponsor (as herein defined) predate the day upon which the public gathering or special event is to occur by at least thirty (30) days.

Parade: For the purposes of this Ordinance, a Parade means a march, procession, organized movement or motorcade consisting of persons, vehicles or a combination thereof that is 1) held with an intent to attract attention; 2) takes place upon streets within the Township; and 3) interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or does not comply with normal and usual traffic, regulations or controls.

Person in Charge of Property: An agent and his principal, occupant, lessee, contract purchaser, or person other than the Owner, having possession or control of property in Longswamp Township.

Public Gathering: An event where the public congregates, which is anticipated to number more than two hundred and fifty (250) people, regardless of whether a fee is charged, for a same or similar purpose. Such gathering can occur indoors or out of doors and need not occur at a central location. Such events include parades, concerts, festivals, jubilees, burn outs, tractor shows, use of public roadways for a specific, organized purpose and the like. A private event such as a wedding or graduation party shall not be considered a public gathering unless the same occurs at a park or similar outdoor venue. See Section 4 for further defining of a Public Gathering for permit requirement purposes.

Sanitary Sewer: For the purposes of this Ordinance, Sanitary Sewer shall be any means of sewage waste disposal including central sewerage systems, portable toilets, or the like as an approved method of sewage service for the location and for the purpose of the event or facility.

Special Event: An event which is anticipated to number more than two hundred and fifty (250) people, where an admission fee is charged for a certain gathering or an event without fee that is intended to invite members of the public to an advertised activity regardless of whether said activity occurs on public or private property. Such events may include, but are not limited to, food festivals, races, bicycle races in or that come through the Township, competition events, wine and/or beer festivals, carnivals, assemblies, contests, exhibits, block party, recreation, community event or ceremony and the like. A special event also includes resort activities that are not closed to a private group or organization such as a conference or private party. See Section 4 for further defining of a Special Event for permit requirement purposes.

Sponsor: Any natural person, association, partnership, firm, corporation, joint venture or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised, a public gathering and/or special event.

For purposes of this Ordinance, "Public Gathering" and "Special Event" shall require the same permit submission requirements, fees and shall be governed in all respects in the same manner based upon the language set forth in this Ordinance.

SECTION 4. Further Definition of Public Gathering or Special Event for Permit Requirement Purposes.

In order to further define a Public Gathering or Special Event for purpose of this Ordinance, the event shall be considered a Public Gathering or Special Event requiring a permit, regardless of the anticipated number of people attending, if the event includes or requires one or more of the following: closing of a public street; use of a public street requiring placement of temporary "no parking" signs, temporary directional signs and/or pavement markings, or temporary traffic control on a public right-of-way; the blocking or

restriction of public property; the sale of merchandise, food, or beverages on public property or on private property where not otherwise permitted by ordinance; the installation of a stage, band shelter, trailer, portable building, grandstand, or bleachers on public property, or on private property where not otherwise permitted by ordinance; or the placement of portable toilets on public property, or on private property where not otherwise permitted by ordinance.

SECTION 5. Prohibited Activity. It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, conduct or cause to be advertised a public gathering or special event, unless a permit has been obtained pursuant to this Ordinance. A separate permit shall be required for each public gathering or special event. In the event a first amendment activity shall be held on the streets of the Township, a Permit under this Section shall be required if such Activity will likely result in the obstruction of Township streets and/or sidewalks will likely compromise the ability of the Township, or its emergency services providers, to respond to a public safety emergency.

SECTION 6. Permit Requirements.

- A. No public gathering or special event shall be held within the boundaries of Longswamp Township unless the Sponsor, the owner of property, and the Person in Charge of the Property upon which the gathering will be conducted, jointly apply for and are granted a permit as herein provided.
- B. No applicant shall be under twenty one years of age.
- C. No permit may be transferred or assigned.
- D. In the case of dispute over the number of people reasonably anticipated to attend the public gathering or special event, the decision of the Board of Supervisors of Longswamp Township shall control, based on all facts available and brought to its attention by whatever source.

SECTION 7. Exceptions:

Parades or events that are sponsored by the Township on any Township roads or in any of the Township-owned facilities shall obtain an application for a Public Gathering or Special Event Permit, but all fees and surety for the same shall be waived:

- A. The following events shall not need to apply for an application for a Public Gathering or Special Event Permit:
 - 1. Sporting events that are held in conjunction with the local school district.
 - 2. 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.

3. A public gathering at which attendance is limited solely to employees, family and members (all as herein defined) and their guests.

SECTION 8. Application.

- A. Written application for each public gathering or special event shall be made to the Board of Supervisors of Longswamp Township a minimum of sixty (60) days prior to the first day of the proposed event.
- B. Applications shall be made on forms specified by the Board of Supervisors of Longswamp Township and shall contain at least the following information:
 1. The full legal names, addresses and telephone numbers of all sponsors and/or responsible parties holding the public gathering or special event.
 2. The full legal name and address of the owner and person in charge of the property to be utilized for the public gathering or special event.
 3. The location and address of the property to be utilized for the public gathering or special event.
 4. A program for the public gathering or special event, or if no program is prepared, a narrative statement as to the purpose for which the public gathering or special event is to be conducted.
 5. A diagrammatic plan of the proposed site of the mass gathering showing the locations and dimensions of the area where the programmed entertainment, amusement or recreation is to be conducted, areas for spectators or persons attending the event, all structures existing and to be constructed, proposed parking area and service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical service, emergency service provider areas and facility, distribution of security personnel, and facilities for food and beverage storage, preparation and service, as well as camping facilities, projected plans for enclosure, shelter set up or erection.
 6. Evidence that all permits and licenses as required by State and County statutes, ordinances and regulations, including evidence of liquor control consumption, have been or will be obtained.
 7. A statement of the number of persons expected to attend the duration of event, including dates and times of attendance.

8. A statement regarding the first day upon which public announcement, promotion, or advertising is to be made.
9. Specific information and details relating to:
 - a. Whether alcohol is to be served and proof of authorization from the Pennsylvania Liquor Control Board.
 - b. Sanitary Facilities: Written approval by the Township Code Officer and/or Sewage Enforcement Officer, as applicable, indicating that the applicant's plan for swimming, potable water supply, sanitary toilet facilities, sewage disposal facilities, washing facilities, and food preparation and service facilities conform with applicable laws, ordinances, rules and regulations.
 - c. Security: Applicants must demonstrate that a plan and means to implement the plan, exists to provide for adequate traffic control and crowd control, which plan must include (1) security person for every fifty (50) motor vehicles reasonably anticipated to be at the location and one (1) security person for the first (50) fifty persons and an additional (1) security person for each one hundred (100) persons reasonably anticipated in attendance. Identification of the security personnel, or company or persons supplying this service must be provided. An applicant may provide additional security based upon the nature of event, but the above represents a minimum amount for general safety reasons and each applicant must make an individual determination if additional security personnel are warranted due to the nature of the event.
 - d. Enclosures: Applicants must demonstrate that a plan, and means to implement the plan, exists to have the location where the public gathering or special event is to be held separated from any adjacent property containing an occupied residential structure with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height if admission is to exceed 500 persons. Such enclosures shall comply with all setback regulations for accessory buildings in the Zoning Ordinance.
 - e. Medical Services: Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the public gathering or special event. Each public gathering or special event shall have one ambulance staffed by the appropriate number of persons. In the event that the emergency services coordinator for the Township and/or the Ambulance service recommends additional medical providers be on site or on call, the same shall be a condition of the Permit.

- f. **Parking Facilities:** Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. There must be adequate parking facilities to accommodate one (1) vehicle for every three (3) persons reasonably anticipated to be in attendance.

Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one (1) week after the public gathering or special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines. All such fences shall be removed within one (1) week of a special event ending. Overflow parking areas shall be set back at least 25 feet from side and rear property lines.

- g. **Traffic Control:** There must also be provided adequate ingress and egress to and from parking areas to facilitate the movement of any vehicle at any time to or from the parking area and to permit access by emergency vehicles. No detours or signage shall be erected to control traffic or direct traffic without submitting a signage plan to the Township with the Application. A plan of sign locations and language on such signs shall be included with the request for signage.

In the event that the event requires the use of shuttles from one central parking location to the event, the traffic plan shall provide shuttle information including route schedules, parking locations, traffic control measures for parking locations and all plans to provide emergency transport for shuttle passengers who may encounter an unforeseen need to reach their vehicle.

- h. **Structures.** All facilities, including structures, stages, lighting facilities, sanitary facilities and other utilities to be specially assembled, constructed, installed, or erected for the public gathering must be in place and be approved by appropriate state and federal regulatory agencies, if their regulations apply, and by the Township or its duly appointed agent.
- i. **Other Requirements.**

- (1) Outdoor events, including those held under tents or other temporary structures are permitted. There shall be no more than 24 outdoor events in any calendar year.
 - (2) Tents or other temporary structures shall comply with all setback regulations for principal buildings in the Zoning Ordinance.
 - (3) All public gatherings or special events, whether indoor or outdoor, shall end no later than 10:00 PM, prevailing time.
 - (4) Amplified music is permitted pursuant to the limitations of the Township's Nuisance Ordinance (Ordinance 267).
 - (5) Lighting may be used for public gathering or special events for the duration of the event only and may not shine or produce glare on adjacent properties.
 - (6) All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the public gathering or special event shall be removed from the property within 24 hours after the special event has ended.
10. Documentation to support that the size of the lot is adequate to accommodate the proposed public gathering or special event.
 11. Certificates of insurance by an insurance company licensed to do business in the Commonwealth of Pennsylvania, evidencing Comprehensive General Liability, or Special Event Public Liability, in an amount of at least One Million Dollars (\$1,000,000.00) for personal injury and One Hundred Thousand Dollars (\$100,000.00) for property damages, which policies name the Township as an additional named insured.
 12. Applicant(s) statement that they shall abide by the terms and provisions of this Ordinance, and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, the County of Berks, and the Township of Longswamp.
- C. 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. The fees and expenses associated with the issuance and/or application of Public Gathering or Special Event Permits shall be established by separate Resolution of the Board of Supervisors from time to time.
- D. The Board of Supervisors, or their agent, shall have the power to deny any application for permit which does not meet the application requirements, or which

in the Board's reasonable discretion has not satisfied the criteria for approval set forth in Section 8.B. in such a manner as to adequately protect the health and safety of the Township.

- E. In the event that a permit is denied under the provisions of this Section, the same may be appealed by an applicant and afforded a local agency hearing before the Board of Supervisors of Longswamp Township, in accordance with the Local Agency Law, 2 Pa.C.S. §101 et seq. The appeal of any denial shall be filed in writing within thirty (30) days of the issuance of said denial.
- F. In the event two applications for a public gathering and/or special event are submitted for the same date and same location, the Board of Supervisors, or their agent, shall work with the parties to avoid conflict and/or shall deny the later submitted of the conflicting completed permit applications.

SECTION 9. Bond of Indemnity.

- A. As an additional condition to the issuance of a permit for a public gathering or special event as defined in this Ordinance, the Township may require, at its discretion after consideration of the application submitted, that the Applicant submit a bond, with a licensed commercial surety, letter of credit or cash as a security deposit in an amount to be determined in accord with the schedule set forth below and in a form approved by the Township Solicitor to save and protect and indemnify the Township from any loss or expense sustained as a result of (1) loss and/or damage to Township streets, pavements, bridges, road signs, and all other Township property caused by persons sponsoring, working at, or attending and participating in the event and any vehicles or other instrumentalities in their control; (2) litter, debris, clean up, including trash or the disposal of sanitary sewerage that is left behind may also cause the bond or other surety to be expended on behalf of the Township; (3) failure of persons to whom a permit was issued to perform their obligations under the permit granted by the Township including, but not limited to, such things as restoring the premises where the public gathering was held to a sanitary condition, removal of signage or providing the necessary security or traffic control; and (3) injury to persons on public thoroughfares or grounds, if insurance is not adequate; (4) loss or damage occurring on any adjacent properties.
- B. In the event a property is the subject of several public gatherings and/or special events as defined by this Ordinance the Township may agree to a singular bond that may be made for a duration of time to cover multiple events at the discretion of the Township.
- C. In the event the commercial entity is a facility that is managed by a professional management company or holds occupancy permits for use as a commercial conference facility, or a facility that holds more than three (3) events a year that

would qualify under this Ordinance, a bond need not be obtained for each event, but a single event bond may be issued each year for all events.

- D. The corporate bond of indemnity, surety or cash deposit shall be in an amount satisfactory to the Township Solicitor.

SECTION 10. Conduct of Public Gathering or Special Event:

- A. The public gathering and/or special event permittees must maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel and medical service facilities and other utilities provided in accordance with the plans submitted and approved, and in a safe and healthful manner.
- B. No permittee, or persons having control of the public gathering and/or special event, shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale, or use of intoxicating beverages or drugs.

SECTION 11. Revocation of Permit: The Township Code Officer and/or Police with appropriate jurisdiction may revoke any special event permit instantly upon violation of the conditions and standards for issuance in this Ordinance or the contents of permit conditions, which shall be provided to such officer upon request.

SECTION 12. Content Neutral Standards: Freedom of speech and association are among those precious rights guaranteed and protected by the United States and Pennsylvania Constitution. The law gives the Township the right to balance those rights with its interests in protecting its citizens and preserving Township and public property. As a municipal government, the Township may enact content neutral restrictions on the time, place and manner of such expression in order to promote such significant government interests. The purpose of this ordinance is to establish defined parameters for public gatherings and special events, regardless of content, to ensure that public health, safety and welfare concerns of the Township are satisfied and to ensure appropriate safeguards for the community. Based upon this premise, the Code Officer and/or designated permit office shall not discriminate on the basis of speech or purpose of such event.

SECTION 13. Conformance with Other Law. This Ordinance shall in no way be a substitute for, nor eliminate, the necessity of, complying with any and all federal and state laws, rules and regulations, Township ordinances which are now, or may be in the future, in effect which pertain to the conduct of public gatherings.

SECTION 14. Penalties. The Township incorporates its Civil/Criminal Enforcement Ordinance as more fully set forth. Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering or special event 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.

SECTION 15. Severability. In the event any provision of this Ordinance is declared unconstitutional or illegal, the remaining Sections of this Ordinance shall remain in full force and effect.

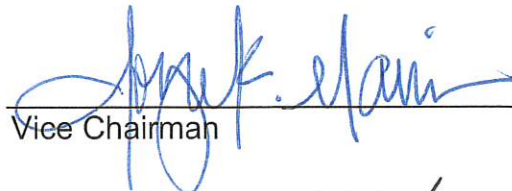
SECTION 16. Effective Date. This Ordinance shall become effective on the earliest date permitted by law.

ENACTED AND ORDAINED as an Ordinance of Longswamp Township, Berks County, Pennsylvania, this 8th day of March, 2022.

**BOARD OF SUPERVISORS OF
LONGSWAMP TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**



Chairman

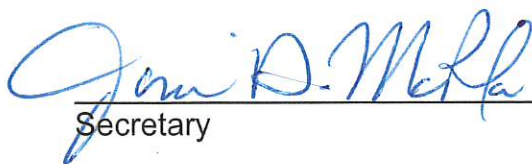


Vice Chairman



Member

ATTEST:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 300 adopted by the Board of Supervisors of Longswamp Township, Berks County, Pennsylvania at a public meeting held on March 8, 2022, pursuant to notice as required by law.

Dated: 3/8/2022

Janice Mella
Township Secretary