

ORDINANCE NO. 2024- 01

AN ORDINANCE OF THE GREGG TOWNSHIP
SUPERVISORS, CENTRE COUNTY, PENNSYLVANIA,
ESTABLISHING REQUIREMENTS FOR APPLYING FOR
AND OBTAINING PERMISSION TO HOLD SPECIAL
EVENTS ON TOWNSHIP PROPERTY.

The Board of Supervisors ("Board") of Gregg Township, Centre County, Pennsylvania ("Township"), hereby enacts, adopts, and ordains the following:

Section 1: Purpose. The purpose of this Ordinance is to establish certain procedures for applying for and obtaining permission to hold special events on Township property.

Section 2: Amendment to Gregg Township Code. The Gregg Township Code shall be amended to add the following provisions as a new Part 2 to Chapter 6: Licenses, Permits and General Business Regulations. Part 2 shall be titled "Special Events" and shall state as follows:

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§ 6-201. Purpose and intent.

- a. Special events are activities that impact the ordinary allocation of Township personnel or the ordinary use of Township streets, alleys, sidewalks, rights-of-way, parks, parking lots/facilities, plazas, or other Township property. The purpose of this ordinance is to establish criteria and procedures for applying for and approval of a special event permit granted by the Township. Protecting all persons' civil liberties and constitutional rights is paramount. Nothing in this ordinance is intended to or shall interfere in any way with constitutionally protected activity.
- b. The obligation of complying with the requirements of this ordinance is upon the applicant or sponsor, and nothing contained in this ordinance is intended to be construed to create or form the basis for liability on the part of the Township, or its officers, employees or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein.

§ 6-202. Definitions.

APPLICANT — The person or entity who submits the special event permit, is issued the special event permit if approved, and is responsible for complying with all requirements of this ordinance.

PUBLIC PROPERTY — Any Township street, alley, sidewalk, right-of-way, park, parking lot, plaza, or any other property of the Township.

SPECIAL EVENT — Any festival, concert, parade, assemblage, demonstration, bike or foot races, walks, or other planned or announced public gathering upon any public street, right-of-way or property of the Township.

§ 6-203. Permit required; exceptions.

- a. No person(s) or organization(s) is to engage in, form, start, or operate a special event in or on or requiring exclusive use of or closure of public property unless a permit is obtained from the Township.
- b. This section shall not apply to the following:
 - (1) Any use of public property that is permitted by law or constitution.
 - (2) Funeral processions supervised by a licensed mortuary.
 - (3) Any local, state or federal governmental agency acting in the scope of its authorized functions.
 - (4) Any events that are exclusively held at the Old Gregg School or on the Old Gregg School property. Such events have their own authorization process.

§ 6-204. Application for permit.

- a. A person or organization seeking the issuance of a special event permit shall file an application with the Township. The application will be provided by the Township. Upon receipt of a special event application, the application will be forwarded to appropriate Township staff who will make a recommendation on the permit application as expeditiously as possible. The applicant may also be required to secure permits from the Pennsylvania Department of Transportation if the event requires the closure of a state roadway(s) or the owner of other property if any part of the special event will be held on such property. The applicant has the burden of proof of obtaining any such permission of other entities or property owners.
- b. An application shall be completed, signed, and submitted at least 45 days before the date the special event is to commence. The Township, where good cause is shown, shall have the authority to consider any application which is filed less than 45 days before the date of the event. Any required application and/or processing fee for any special event permit shall be set by resolution. If an application and/or processing fee is required, it is nonrefundable, and payment shall be made to the Township at the time the application is submitted.
- c. A person or organization shall complete all information listed on the Township's special event permit application and any other additional information which a Township official shall find reasonably necessary to make a fair determination as to whether a permit should be issued. If food and/or beverages are to be sold or distributed on public property, the applicant shall indicate as such on the application.

- d. The Township shall issue a permit for a proposed special event unless it finds any of the following:
- (1) The event would likely endanger public safety or health.
 - (2) The proposed event would seriously and unreasonably inconvenience or impact the general public's use of public property, services or facilities.
 - (3) The event would unreasonably infringe upon the rights of abutting properties.
 - (4) The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity.
 - (5) There is not sufficient qualified safety personnel or other necessary staff to accommodate the event.
 - (6) The applicant failed to complete the application form or provide other required information in a timely manner after being notified of the additional information or documents required.
 - (7) Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
 - (8) The applicant cannot meet, or is unwilling to meet, all the requirements of this ordinance or any special conditions imposed by the Township.
 - (9) Other issues in the public interest were identified by the Township.
 - (10) The applicant failed to prepay required expenses, fees, charges, deposits, insurance or bonds.
 - (11) The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class.
 - (12) The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts.
- e. Generally, the Township requires proof of liability insurance from the applicant by requiring the applicant to submit a copy of a certificate of insurance in an amount equal to the Township's liability under the Government Tort Claims Act of the state, and requires the execution of a hold harmless agreement to indemnify the Township in the event the Township is held liable for any injuries or damage as a result of the event. In certain instances, the Township does have the authority to waive the requirement for proof of insurance based on the nature of the special event.

- f. The persons or organization shall comply with all other applicable federal, state and local statutes, ordinances, codes, licenses, permits, rules or regulations.
- g. The persons or organizations shall also comply with all directives and instructions from the Township administration, police, fire, public works and parks and recreation personnel.

§ 6-205. Action on application.

- a. Unless extenuating circumstances exist, the Township Supervisors shall act on all special event permit applications at a regular Supervisors meeting. If there is not a regular Supervisors meeting scheduled between the time the application is submitted and the date of the special event, the Township Secretary has the authority to review and make a decision on the special event permit request. However, special event permit applications requesting alcohol sales and consumption may only be approved by Township Supervisors.
- b. The applicant shall be notified in writing of Township Supervisors' or Township Secretary's decision on the special event permit application. If the application is disapproved, the reasons therefor shall be set forth in writing.

§ 6-206. Duties of applicant.

- a. The applicant under this ordinance shall comply with all permit directions, instructions, guidelines and conditions.
- b. Arrangements must be made by the applicant for trash containers and procedures to clean the public property used for the special event. Cleanup must begin immediately after the special event and continue until completed with all refuse and recycling properly contained for collection and disposal.

§ 6-207. Payment of costs for services and equipment provided by Township or for damage to public property.

- a. The Township may impose reasonable fees and requirements upon the applicant as necessary to cover the costs of public services and equipment provided by the Township for the special event. If a fee is imposed, an estimate of the anticipated fee may be required to be paid at the time the permit is approved.
- b. If a fee is imposed and the special event is canceled without at least 48 hours' notice, the fee will still be assessed to cover the cost of labor and equipment. The assessed fee will not apply if inclement weather, disaster or other unforeseen circumstances occur that are not in the applicant's control result in the cancellation of the special event.
- c. If damage to public property occurs as a result of the special event, the applicant shall be responsible for reimbursing the Township for the material and labor cost to repair the damage.

§ 6-208. Security.

The applicant must provide adequate security for the special event as determined by the Township Supervisors, if it is determined that security is necessary.

§ 6-209. Street closures to vehicle traffic.

- a. Closing public streets to vehicular traffic can create an inconvenience for neighboring businesses, residents and the driving public. If the applicant intends to close any street to vehicular or pedestrian traffic, that request shall be included in the application. If streets are closed or impacted, the applicant must provide appropriate signage indicating the location of the event. No signage shall be posted on private property except with property owner approval. All reasonable steps shall be taken to minimize impact to private property.
- b. Notice must be provided to the owners of all properties that might be impacted by a special event. The notice shall be given via mailed letter or personal delivery to the property at least seven days prior to the event but in no event more than thirty days prior to the event. The notice shall identify the times of the event and a contact person and phone number to call in the event of a concern during the event.
- c. In addition to the street closure requirements below, all street closures must be done in accordance with PennDOT and any local regulations. The applicant is responsible for any costs associated with meeting any PennDOT or local street closing regulations.
- d. All street closure requests, especially requests to close a state roadway, will be carefully evaluated to determine if the community benefit from closing the street for the proposed special event outweighs the inconvenience or impact to the neighboring businesses, residents, and general public's use of public property, services or facilities. This evaluation can be cause for denying the street closure request.
- e. If a street closure is requested, the applicant may be required to meet with Township public works staff to discuss in detail the street closure request and to develop a traffic detour and traffic control plan.

§ 6-210. Alcohol sales and consumption.

No alcohol is allowed to be consumed on public property within the Township. Use of alcohol by the applicant or any of the applicant's guests may be cause for denying future applications.

§ 6-211. Prohibited conduct.

- a. No person shall unreasonably hamper, obstruct, impede or interfere with any special event, or with any person, vehicle or animal participating or used in any special event.
- b. The Township shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for an approved special event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

- c. Beverages shall not be sold or distributed in glass containers on public property during an approved special event.

§ 6-212. Termination and revocation of permit.

- a. A special event permit issued under this ordinance for a special event in progress may be terminated by the Township if termination is a reasonable and necessary response to imminent danger or threat to public safety.
- b. A special event permit may be revoked by the Township for failing to comply with the conditions for the issuance of the permit, violating any provision of this ordinance or other applicable ordinances and state law.

§ 6-213. Violations and penalties.

- a. Failure to obey or violation of any provision(s) of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, shall be a violation of this ordinance by the applicant and may result in the termination of the special event, revocation of the special event permit, and/or subject the violator to a fine as listed in Subsection b below. A future special event permit request may be denied based on a past violation of this ordinance.
- b. Any person failing to obey or who violates any provision of this ordinance, or any order, requirement, or condition imposed as part of the permit approval, can be subject to a fine of not less than \$300 nor more than \$1,000 plus cost of prosecution.

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Section 4: Repeal. All ordinances or resolutions or part of ordinances or resolutions, insofar as they are inconsistent herewith, be and same are hereby repealed.

Section 5: 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 of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such constitution, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

Enacted and Ordained as an Ordinance of the Township of Gregg this fourteenth day of November, 2024.

ATTEST:

Vicky Kanada
Secretary

TOWNSHIP OF GREGG:

Charles W. Stover
Chair

Bernard

Vicky Kanada