

**WHITEMARSH TOWNSHIP**

**ORDINANCE NO. 917**

**AN ORDINANCE OF THE TOWNSHIP OF WHITEMARSH, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING SPECIAL EVENTS ON MUNICIPAL PROPERTY AND PUBLIC ROADS AND ON PRIVATE PROPERTY WHEN SUCH EVENTS IMPACT TRAFFIC AND TOWNSHIP SERVICES, REQUIRING PERMITS FOR NON-EXEMPT EVENTS, IMPOSING FEES FOR NON-EXEMPT EVENTS AND PROVIDING FOR ENFORCEMENT OF VIOLATIONS**

**WHEREAS**, the Board of Supervisors of the Township of Whitemarsh, a Pennsylvania home rule municipality, finds that the public interest, convenience and necessity require adoption of an ordinance regulating the conduct of special events such as parades, assemblies, fairs, etc., upon the Township streets or other rights-of-way and on Township property, and, in some instances, private property, providing procedures for the issuance of permits for special events, providing exemptions for certain special events from the permit requirements, providing for administrative fees and reimbursement of Township expenses, where applicable, and providing penalties in the event of violations; and

**WHEREAS**, the Board of Supervisors desires to prevent any unauthorized events that obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic or do not comply with traffic laws and controls.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted as follows:

**Section 1: The Code of the Township of Whitemarsh is amended to include new Chapter 84, "Use of Streets or Other Public Property for Special Events" to read as follows:**

**1. Definitions.**

A. *Definitions.* As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT** – any person or any sponsoring organization seeking a special event permit from the Township Manager in order to conduct or sponsor an event governed by this Ordinance. This term shall include, in the case of an organization applying for a special event permit, an individual designated by such organization as the responsible contact person.

**ASSEMBLY** - a gathering, meeting or rally of twenty-five (25) or more people without vehicles, which interferes with the movement of vehicular or pedestrian traffic on any street or sidewalk or other public property.

**BLOCK PARTY** – a festive gathering of the residents on a residential street requiring a closure of a street or a portion thereof to vehicular traffic and use of the street for social and/or entertainment purposes.

**FIRST AMENDMENT ACTIVITY** – all expressive and associative activity that is protected by the United States and Pennsylvania Constitutions, including speech, press, assembly, and/or the right to petition. For purposes of this Ordinance, commercial advertising that is regulated by the Whitemarsh Township Zoning Ordinance or elsewhere in The Code of the Township of Whitemarsh is excluded from this definition.

**PARADE** - a march or procession or motorcade consisting of persons, animals or vehicles, or any combination thereof, upon any public street, sidewalk, alley or other street right-of-way in the Township, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

**PERMITTEE** – any person or any sponsoring organization to whom a special event permit is issued by the Township Manager.

**PERSON** – any individual, firm, partnership, association, corporation, society, company or organization of any kind.

**RIGHT-OF-WAY** – a public street, alley or crosswalk, including bike and pedestrian paths.

**SPECIAL EVENT** – a parade, assembly, athletic event, street fair, art and craft show, carnival, soap box derby, rally, or other special event or activity that occurs on a Township street, sidewalk, alley or other street right-of-way and that obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls, but excluding a block party. The term “event” shall also include indoor or outdoor concerts, displays, fairs and athletic events occurring on private property and designed to attract large crowds such that the event will interfere with normal traffic flow.

**SPECIAL EVENT PERMIT** – any written authorization issued as required by this Ordinance for the conduct or performance of a Special Event.

**TOWNSHIP** – the Township of Whitemarsh, Montgomery County, Pennsylvania, a home rule municipality.

**TOWNSHIP MANAGER** – the Township Manager of Whitemarsh Township, or his designee.

B. *Word usage.* The present tense includes the future tense. The singular includes the plural and the plural includes the singular. The masculine includes the feminine and the neuter.

**2. Permit Required.**

Any person or organization seeking to conduct or sponsor a special event in Whitmarsh Township shall first obtain a special event permit from the Township Manager. A special event permit shall not be required for the following:

- A. Funeral processions.
- B. Any special event sponsored by the Township, whether or not occurring exclusively on Township property.
- C. Any activity held solely on private property that does not require for its successful execution the provision and coordination of Township services to a degree equal to and/or over and above that which the Township routinely provides.
- D. First Amendment Activity on Township streets or sidewalks (including Township parks) that will not likely result in the obstruction of Township streets or sidewalks nor compromise the ability of the Township to respond to a public safety emergency.
- E. Wedding processions.
- F. Students going to and from school or other classes or educational activities, provided that such activity is under the immediate direction and supervision of the proper school authorities.
- G. Activities of governmental agencies.
- H. Permits issued by the Township Manager for a block party.

**3. Special Events for Commercial Purpose Prohibited.**

No permit shall be issued authorizing the conduct of a special event intended to be held for the sole purpose of advertising any products, goods, wares, merchandise, or event, or designed to be purely for private profit.

**4. Application for Permit.**

Any person or organization intending to conduct or sponsor a special event shall apply to the Township Manager for a special event permit at least forty-five (45) days in advance of the date of the proposed event. The Township Manager may in his discretion consider any application for a permit to conduct or sponsor a special event not filed within the time frame required by this section, for good cause shown. The application for such permit shall be made in writing on a Special Event Permit Application Form

provided by the Township Manager. The Township Manager shall forward a copy of the application to the Chief of Police, the Director of Public Works and the Director of Parks and Recreation, each of whom shall provide comments, in writing, to the Township Manager no later than five (5) days following receipt of such copy of the application. In order that adequate arrangements may be made for the proper policing of the special event and for other Township services, the application shall contain the following information and documentation:

- (a) The name, address and telephone number of the applicant, the sponsoring person or organization, and the special event chairman or other alternative contact person.
- (b) The nature and/or purpose of the special event, the proposed date and location, the estimated starting and ending time.
- (c) A description, where applicable, of the individual units which will be participating in the special event and a description of any sound amplification equipment to be used.
- (d) The estimated number of participants or spectators.
- (e) An indemnification agreement, signed by the applicant, pursuant to which the applicant agrees to reimburse the Township for any costs incurred in repairing damage to Township property occurring in connection with the permitted event and proximately caused by the permittee, its officers, employees or agents or any person under the permittee's control insofar as permitted by law, and, further, that the permittee shall defend the Township against, and indemnify and hold the Township harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person under the control of the permittee insofar as permitted by law. For purposes of this requirement, persons merely joining in a parade or event are not considered by that reason alone to be under the control of the permittee.
- (f) A certificate of insurance, along with all required endorsements, naming Whitemarsh Township, its officers, employees and agents as additional insureds, to be filed no less than ten (10) days prior to the scheduled event, indicating that the applicant possesses or will obtain public liability insurance in the form of a comprehensive general liability insurance policy with the following minimum limits:
  - (i) \$500,000.00 for each person for bodily injury;  
\$1,000,000.00 for each occurrence of bodily injury; and  
\$250,000.00 for each occurrence of property damage; OR

- (ii) \$1,000,000.00 for each occurrence of combined single limit bodily injury and property damage; AND
  - (iii) If food or nonalcoholic beverages are to be sold or served at the event, such policy shall also include an endorsement for products liability in an amount not less than \$500,000.00. If alcoholic beverages are to be sold or served at the event, the policy shall also include an endorsement for liquor liability in an amount not less than \$500,000.00.
- (g) Such other information as the Township Manager may deem necessary, including, but not limited to, the following:
- (i) The type and estimated number of vehicles, animals and structures that will be used at the event and whether water aid stations or first aid stations will be provided;
  - (ii) The provisions made for sanitary facilities for persons participating in or attending the event;
  - (iii) Whether food or beverage or alcoholic beverages will be sold at the event and, if so, the applicant shall obtain a temporary food license in accordance with Township requirements;
  - (iv) The provisions made for monitors of the event;
  - (v) Parking needs for the event;
  - (vi) If the special event is a parade, organizing and disbanding areas, the proposed route to be traveled and the proposed times when the event and any meeting or rally connected therewith are to be held, the portion of the streets to be occupied by the parade, the number, type and size of each float, the intervals of space to be provided between individual units in the parade, and the maximum size and material of any signs or banners to be carried along the parade route; and
  - (vii) Any supplemental information deemed by the Township Manager to be reasonably necessary to determine whether a special event permit shall be issued.

**5. Issuance or Denial of Permit.**

- (a) The Township Manager shall issue special event permits for First Amendment Activity on a content-neutral basis to the extent required by law, and shall evaluate applications for such special events no later than

two (2) business days following receipt of such applications, when such First Amendment Activity is intended to respond to current events and depends for its value on a timely response. The Township Manager shall impose only those conditions on such permit relating to time, place and manner of the proposed activity that are reasonably related to the Township's significant interests and shall impose only such administrative fee as necessary to defray the cost of evaluation and scheduling of the event.

- (b) The Township Manager shall approve or disapprove all other applications for a special event permit, with modifications deemed appropriate, not less than fifteen (15) days prior to the scheduled date of the special event as shown on the application.
- (c) Standards of Issuance. The Township Manager shall issue a special event permit upon approval of the special event application and upon agreement by the applicant, in writing, to the terms and conditions of the permit, provided that the Township Manager determines that:
  - (1) The time, route and size of the special event requested by the applicant will not disrupt to an unreasonable extent the movement of vehicle traffic in or through the Township; or
  - (2) The time, route and size of the special event will not require the diversion of so great a number of police officers of the Township to properly police the parade route or event and the areas contiguous thereto that issuance of the special event permit will disrupt to an unreasonable extent police protection to the Township;
  - (3) The special event will not interfere with another special event for which a permit has been issued; and
  - (4) The applicant has complied with the requirements of this Ordinance, including without limitation those provisions pertaining to indemnification, insurance, and the payment of applicable fees and deposits.
- (d) Standards of Denial. The Township Manager shall deny an application for a special event permit and notify the applicant of such denial, in writing, if any of the following applies:
  - (1) The information contained in the application is found to be false or incomplete in any material detail.
  - (2) The applicant refuses to comply with all conditions of the permit.

- (3) The sole purpose of the event is advertising of any product, good, ware, merchandise or event and is designed to be held solely for private profit and not for First Amendment expression.
- (4) A special event permit application submitted prior in time has been approved for an event at the same time and place requested, or so close in time and place as to cause undue traffic congestion, or approval of both events will render the Police Department unable to meet the needs for police services for both events.
- (5) The proposed event will unduly disrupt the safe and orderly movement of traffic contiguous to the event site or will prevent proper police, fire or ambulance services to areas contiguous to the event site.
- (6) The size of the event will require diversion of such police resources in order to ensure the orderly conduct of the special event that protection of the remainder of the Township will be compromised.
- (7) The parade or other special event will not move from its point of origin to its point of completion in three (3) hours or less.
- (8) The location of the parade or other special event will substantially interfere with construction or maintenance work scheduled to take place on Township streets or with a previously granted permit for road work.
- (9) The special event will occur at a time when a school is in session and the route or location of the event will substantially interfere with the educational activities of the school.

The Township Manager shall have the authority, in his sole discretion, to issue a special event permit notwithstanding the applicant's failure to comply with any of the provisions of this section, provided he imposes such conditions or modifications that alter the date, time, duration, route or location of the event, and provided further that any such modification shall be the minimum necessary to achieve compliance with subsection (b) of this section.

**6. Application Fee and Deposit for Township Expenses.**

- (a) Except as provided herein, each applicant for a permit to conduct a special event shall pay an application processing fee, to defray the administrative costs of the Township in making preparations for such special event, in an

amount set forth in the Township's Fee Schedule, as amended from time to time by the Board of Supervisors.

- (b) Upon approval of the application for a special event permit, the applicant shall deposit with the Township an amount specified in the Township's Fee Schedule, in order to cover the Township's estimated expenses for the special event, including, but not limited to, the costs of police protection, fire protection, emergency medical services, sanitary services, clean-up and trash removal and other necessary services.
- (c) If a permitted special event exceeds the estimated time for the event as stated in the application by more than one-half hour, the permittee shall pay an additional fee to the Township for such excess time, as set forth in the Township's Fee Schedule.
- (d) A special event conducted by a volunteer fire company serving the Township shall be subject to the provisions of Section 2 of this Ordinance; however, the applicant fire company shall be exempt from the provisions of this section.

**7. Contents of Permit.**

In each permit the Township Manager shall specify:

- (a) The name of the permittee.
- (b) The name and telephone number of the designated contact person for the permittee.
- (c) The date and time of the special event, and whether the event is a parade or a non-parade event;
- (d) The assembly area and time;
- (e) The starting time of a parade;
- (f) The minimum and maximum speeds for a parade;
- (g) The route of a parade;
- (h) The maximum number of platoons or units which may participate in a parade and the maximum and minimum intervals of space to be maintained between units during the parade;
- (i) The maximum length of such parade in miles or fractions;
- (j) The disbanding area and approximate disbanding time for a parade;
- (k) The number of persons required to monitor the parade or assembly along a parade route;
- (l) The number and types of parade vehicles;
- (m) The material and maximum size of any sign, banner, placard or carrying device;
- (n) That the material used in the construction of floats used in the parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief;

- (o) That the permittee shall advise all participants in the parade or other special event, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or other special event;
- (p) That throwing objects, including candy, at spectators is prohibited;
- (o) That the parade shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade, except when reasonably required for the safe and orderly conduct of the parade, shall constitute a violation of the permit;
- (q) The location, time of commencement and time of termination of any meeting or rally to be held on Township property in connection with the parade or assembly;
- (r) Parking restrictions, if applicable;
- (s) Whether rides or the sale of food and/or beverages requiring licensing will take place;
- (t) That the material used in the construction of any tents or similar structures used at the event shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief; and
- (u) Such requirements or conditions as are found by the Township Manager to be reasonably necessary for the protection of persons or property.

**8. Appeal Procedure.**

Upon a denial or significant modification by the Township Manager of an application made pursuant to Section 5 of this Ordinance, the applicant may appeal from the determination of the Township Manager, within five (5) days of personal delivery or mailing of such determination, to the Board of Supervisors by filing a written notice of appeal and request for a hearing. Such appeal must be submitted no less than seven (7) days prior to a scheduled meeting of the Board of Supervisors in order to be considered at such meeting. The Board of Supervisors may affirm, reverse, or modify in any regard the determination of the Township Manager. The decision of the Board of Supervisors on the appeal shall be final.

In the event an application is not filed within the time required by Section 4 of this Ordinance, the applicant may request a waiver of such requirement by the Board of Supervisors at its next regularly scheduled meeting and the Board of Supervisors, in its sole discretion, may waive such requirement if it finds unusual circumstances justifying the applicant's delay.

**9. Officials to be Notified.**

Immediately upon the granting of a permit for a special event, the Township Manager shall send a copy thereof to the following:

- (a) The Chair of the Board of Supervisors.

- (b) The Police Chief.
- (c) The Director of Public Works.
- (d) The Director of Parks and Recreation.
- (e) The local Fire Companies.

**10. Change of Parade Route of Event Location.**

The Township reserves the right to change a parade route, assembling area, disbanding area and/or location of any special event from those proposed on the special event permit application to other routes and areas, at any time prior to the special event if the Township Manager determines that the safety of the public or property requires such changes. Notice of such action shall be delivered in writing to the permittee by personal service or by certified mail.

**11. Revocation of Permit.**

Any special event permit issued pursuant to this Ordinance may be summarily revoked by the Township Manager at any time when by reason of the occurrence of a disaster, public calamity, riot or other emergency, the Township Manager determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

**12. Interference with Parade or Other Special Event.**

No person shall knowingly join in any parade or other special event conducted under a permit issued by the Township Manager in violation of any of the terms of the permit, knowingly join or participate in any permitted parade or other special event without the prior consent of the permittee, or in any manner interfere with the progress or orderly conduct of any permitted parade or other special event.

**13. Parking on Parade Route.**

The Township Police Department shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the street or portion thereof which is within the route of a parade. The Police Department shall post signs giving notice of such restrictions and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

**14. Violations and Penalties.**

Any person violating any provision of this Ordinance shall be guilty of a summary offense, and upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine not in excess of One Thousand Dollars (\$1,000.00) for each offense or in default thereof, shall be sentenced to imprisonment for a term not exceeding

thirty (30) days. Such fines or penalties shall be collected as like fines or penalties are by law collected.

Any person conducting or sponsoring a special event without first providing the necessary fees and deposits as required by this Ordinance shall be billed for the actual cost to Whitemarsh Township for police and cleanup services. Failure to pay such costs billed by the Township for such services within fifteen (15) days shall result in the imposition of a ten-percent (10%) penalty and interest at the rate of one percent (1%) per month until said costs are collected.

**15. Severability.**

If any section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid or held to be unconstitutional or unenforceable, the same shall not affect the validity of this Ordinance as a whole or any part or provision hereof other than the part so adjudged or held to be invalid, unconstitutional or unenforceable, and the remaining provisions of this Ordinance shall continue in full force and effect.

**16. Repealer.**

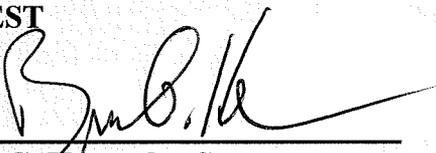
All ordinances of the Township of Whitemarsh or parts thereof which are inconsistent with this Ordinance shall be and the same are hereby repealed, but only to the extent of such inconsistency.

**17. Effective Date.**

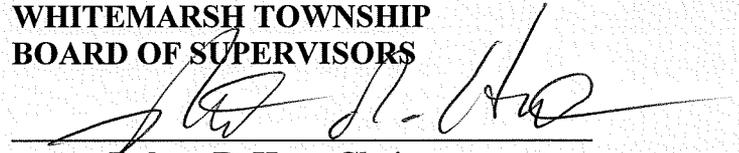
This Ordinance shall become effective on the earliest date permissible in accordance with the provisions of the Township Charter.

**ORDAINED and ENACTED** this 26 day of APRIL, 2012.

ATTEST

  
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Bruce G. Horrocks, Secretary

**WHITEMARSH TOWNSHIP  
BOARD OF SUPERVISORS**

  
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Robert R. Hart, Chair