

Bill #

Ordinance #

Introduced by:

Passed Finally

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SHARON REGULATING PUBLIC EVENTS
OR PRIVATE EVENTS CONTEMPLATING THE
USE OF PUBLIC PROPERTY; DEFINING TERMS
REQUIRING A PERMIT FROM THE CITY;
SETTING FORTH THE APPLICATION PROCESS
AND REQUIREMENTS; PROVIDING FOR
ENFORCEMENT; AND SETTING FORTH PENALTIES
FOR VIOLATIONS

WHEREAS, the City of Sharon has seen an increase in both the number and size of public and private events being held in the City over the past ten years; and

WHEREAS, with the increase in the number and size of events the City has experienced a dramatic increase in activity ancillary to certain of those events that has required the City to expend considerable effort to protect the health safety and welfare of the City and its citizens; and

WHEREAS, this need for such substantial assistance from outside law enforcement agencies is testimony to the adverse impact some of these events is having on the health safety and welfare of not only the participants in these events, but also the general public; and

WHEREAS, City Council has determined that the City needs to be aware of the planning and happening of such events and thus proposes modest regulations designed to protect the general health, safety and welfare of residents of, and visitors to, the City of Sharon; now

BE IT ORDAINED AND ENACTED by the Council of the
City of Sharon and it is hereby ordained and enacted by
the authority of the same as follows;

SECTION 1: Defined Terms

Enclosed Structure: an "enclosed structure" is a building or similar edifice existing in such form that it allows the occupants thereof to secure it from unwelcome intrusion from the public or is constructed such that persons outside the structure are unable to easily

determine what activities are being undertaken within the structure.

Event: an "event" in the planned gathering of 100 or more people outside the confines of any building or enclosed structure:

Nonprofit applicant: a "nonprofit applicant" is a person applying for a licence pursuant to Section 3 of this Ordinance that has been in existence at least thirty six months prior to the date of the application with a verifiable history of community service or eleemosynary activity.

Person: a "Person" is any individual, trust, partnership, association, firm, corporation, LLC, estate or other entity

Public Event: a "public event" is an event that is organized such that it either contemplates or necessarily extends into, uses, or occupies public property.

Public Property: "public property" includes all roads, streets, alleys, walkways, sidewalks, navigable waters of the Commonwealth, parking lots, parking garages, and parks,

SECTION 2: Prohibition

A) No person shall conduct or participate in any event or public event not licenced by the City of Sharon pursuant to this Ordinance.

B) No license shall be issued for any event or public event which :

1) will present a reasonable risk of affecting the free flow of traffic on any State designated highway; or

2) has not received the appropriate license from the Pennsylvania Liquor Control Board; or

3) does not identify available off street parking for vehicles representing in number at least one third (1/3) of the number of participants expected to attend the event or public event;

SECTION 3: Application

Any person wishing to obtain a licence from the City of Sharon for conducting an event shall make application to the City Manager on forms prescribed by the City Manager but requiring as a minimum:

the date of the proposed event or public event

the start and end time of the proposed event or public event

the location of the proposed event or public event

the anticipated number of participants in the proposed event or public event

the purpose of the proposed event or public event

that the applicant has or will obtain general liability insurance of not less than \$500,000.00 covering the event or public event naming the City of Sharon as an additional named insured if the event or public event is reasonably anticipated to draw more than 1,000 persons

that if the event is to be a public event a description of the public property to be directly impacted by the proposed public event

that if the applicant claims to be a nonprofit applicant that sufficient information be submitted to verify its qualifications as such under this ordinance

that the applicant does or does not possess a valid license from the Pennsylvania Liquor Control Board for serving alcoholic beverages at the site of the proposed event or public

event

identification of the source and number of security proposed to be provided by the licensee.

SECTION 4: Fee

No fee shall be charged for the issuance of a licence under this Ordinance

SECTION 5: Issuance-Denial-Appeal

The City Manager shall, upon proper application, issue a licence to all applicants within 30 days of their filing of a completed application unless the City Manager can articulate, in writing to the applicant, clear and compelling evidence that the issuance of a licence would be detrimental to the health safety and welfare of any person.

Any person denied a licence by the City Manager may, within 30 days of the denial, file a written appeal with the City Clerk therein responding to the reasons advanced by the City Manager, and City Council will then decide the matter after a public hearing on both the reasons advanced by the City Manager and the applicant's response thereto.

The hearing scheduled by City Council will be held within 15 days of the applicant's appeal and a decision shall be rendered at a public meeting within 3 days of the conclusion of the public hearing.

SECTION 6: Responsibility for Costs

All costs incurred by the City of Sharon as a direct result of the happening of an event required to be licenced by this Ordinance, including public safety overtime, cleanup costs, and damage repair shall be billed to a nonprofit licensee to the extent that they exceed in total \$1,500.00. All other licensees shall be billed to the extent that such costs exceed \$1,500.00. All bills for costs shall accrue interest at the rate of 18% per annum. Failure to pay costs shall be grounds for denial of any future licence applications.

SECTION 7 Violation

Any person who shall violate any provisions of this ordinance shall be fined and required to pay not more than \$600 for each violation and/or serve a term of imprisonment not to exceed thirty(30) days for each violation. . Each day, or portion thereof, that a violation exists or continues, shall be deemed a separate offense, and punishable as such. In addition, the City shall have the right to file a Municipal Lien against any property of any applicant or licensee whose actions or inactions in violation of this Ordinance requires the expenditure of any funds, or the incurring of any costs, by the City of Sharon, said Lien to be perfected in the manner as required by General Law.

SECTION 8 Repeal

All ordinances or parts of ordinance which are inconsistent herewith as hereby repealed

SECTION 9 Severability

If any sentence, clause ,section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance.

SECTION 10. Effective date

This Ordinance shall become effective ten (10) days after passage .