

On December 8, 2020, at 6:30 P.M. prevailing time, at the East Bradford Township Building, 666 Copeland School Road, West Chester, Pennsylvania, the Board of Supervisors of East Bradford Township will hold a public hearing to consider and thereafter act upon an Ordinance amending the Code of the Township of East Bradford, as amended, by adding a new chapter 81 entitled Private Special Events. The purpose of the new chapter is to plan for private gatherings and organized activities that, due to their size and/or special requirements, place demands on Township Support Services or pose a danger to public health, safety and welfare, and necessitate that the Township receive advance notice of these events and be compensated for services required for the event that go beyond usual operations. A complete copy of the Ordinance may be examined on the East Bradford Township website at www.eastbradford.org and at the Daily Local News, 390 Eagleview Blvd., Exton. If any person who wishes to attend the hearing has a disability and/or requires an auxiliary aid, service or other accommodation to observe or participate in the proceedings, he or she should contact the Township Manager at (610) 436-5108, to discuss how those needs may be accommodated.

NOTE: Due to the current COVID-19 crisis, meetings and hearings may be held by video or teleconference. Please check the Township website (www.eastbradford.org) in advance for the status of any meeting and to obtain information as to how to join such a video or teleconference meeting. Log in links and dial in numbers will be posted at <https://www.eastbradford.org/government/boards-commissions/>. Any interested persons may attend the meeting by teleconference. If a meeting is conducted via teleconference, public comments and questions may be emailed in advance to the Township Manager, Mandie Cantlin at mcantlin@eastbradford.org.

Mandie Cantlin
Township Manager / Secretary

Do not publish below this line
Publish one time on November 24, 2020

**EAST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. _____ – 2020**

AN ORDINANCE AMENDING THE EAST BRADFORD TOWNSHIP CODE OF ORDINANCES BY ADDING A NEW CHAPTER 81 ENTITLED PRIVATE SPECIAL EVENTS. EFFECTIVE FIVE (5) DAYS FROM ENACTMENT.

The Board of Supervisors of East Bradford Township, Chester County, Pennsylvania hereby enacts and ordains as follows:

Section 1. The East Bradford Township Code of Ordinances is amended by adding a new Chapter 81, “Private Special Events”, to read as follows:

1. Purpose – To plan for private gatherings and organized activities that, due to their size and/or special requirements, place demands on Township Support Services or pose a danger to public health, safety and welfare, and necessitate that the Township receive advance notice of these events and be compensated for services required for the event that go beyond usual operations.
2. Definitions
 - A. Sponsor – Person, association, firm, corporation, group or other entity responsible for organizing, hosting or paying for the event.
 - B. Community Event – Any public event officially sponsored or officially organized by the Township from time to time.
 - C. Landowner – The legal owner or owners of land on which the Private Special Event is to take place.
 - D. Private Special 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 persons, proposed to be held on private property or on a roadway, and requiring the use of Support Services. Private Special Event shall include, but not be limited to, races, festivals, shows, neighborhood celebrations, parades, galas, fundraisers, public events which are privately sponsored but open to the public, or similar activities generally considered to be recreational or social in nature. The term shall not include the normal operations, activities or affairs taking place on the land of any duly established educational, recreational or religious organization located in the Township, an event venue otherwise approved by the Township (e.g. Bed and Breakfast Estate), an event whose estimated total attendance of all participants is anticipated to be less than 200 people, to any Community Event or to an event where West Chester University is the Sponsor.

- E. Support Services – Those services provided by the Township, or the Township’s designated emergency services providers, 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. These services include, but are not limited to, fire protection, ambulance services, police protection, crowd management and control, traffic and parking management, and solid waste management.
- F. Township – The Township of East Bradford.
- G. Township Manager – The Township Manager of East Bradford or their designee.

3. Requirements

- A. No Sponsor shall conduct a Private Special Event in the Township without first obtaining a permit from the Township.
- B. The Sponsor and Landowner shall be jointly and severally responsible for the payment of the Support Services necessary for a Private Special Event, as determined by the Township.
- C. Township approval to conduct a Private Special Event by this process does not relieve the Sponsor, the Landowner or any participants from the responsibilities of applying for any other permits or licenses, complying with federal or state law, or meeting any other requirements of the Township’s ordinances that may be applicable.
- D. The Sponsor shall obtain liability insurance for the Private Special Event with minimum coverages and amounts as determined by the Township. The insurance shall name the Township, its officials, employees, agents and designated emergency providers as additional insureds. The Sponsor shall submit a certificate of insurance evidencing the minimum coverages and amounts to the Township in advance of the event.
- E. All required permits, licenses, security deposits, fees, insurance policies, or any other conditions of the permit so indicated on the permit shall be obtained no later than ten (10) days prior to the Private Special Event.
- F. The Sponsor and the Landowner shall be jointly and severally responsible to the Township for any cost, expense or damage sustained to the Township caused by participants during the Private Special Event. This includes, but is not limited to Township buildings and facilities, roads, bridges, and signs. Such additional costs, expenses or damages shall be paid to the Township within five (5) days of receipt of an invoice.
- G. The Sponsor and the Landowner shall be jointly and severally responsible for the cost of any Support Services required, at the sole discretion of the Township, to

address specific unindicated circumstances by the Sponsor, or where the nature of the Private Special Event is not consistent with the event as applied for by the Sponsor. Such unanticipated circumstances may include, but are not limited to, crowd control and emergency response. Such additional costs and expenses shall be paid to the Township or other appropriate Support Service provider within five (5) days of receipt of an invoice.

4. Application for Permit.

- A. The application for a permit for a Private Special Event shall be submitted by the Sponsor to the Township no less than 90 days prior to the Private Special Event. Depending on the nature of the Private Special Event, additional information may be required by the Township (e.g. approvals from other agencies).
- B. Payment of the application fee, the amount of which is to be set by resolution of the Board of Supervisors from time to time, shall be submitted along with each permit application.
- C. The Township Manager may waive the requirement of the 90 days' advance notice for spontaneous Private Special Events for celebrations important to the Township, the Commonwealth of Pennsylvania and the nation, including but not limited to the celebration of local sports teams and the end of wars or pandemics or other occurrences of national significance.

5. Application Review

- A. Township review of Private Special Event applications may involve input from a variety of personnel and departments. In reviewing a proposed Private Special Event, personnel shall review, evaluate, and estimate the cost of the Support Services that will be charged to the Sponsor or the Landowner.
- B. Township review of the application will involve consideration of various criteria and factors, including but not limited to the following:
 - (1) Does the Township, or the Township's designated emergency services providers, have the ability to provide, if needed, the required Support Services regardless of who bears the cost?
 - (2) Will the proposed Private Special Event adversely affect the normal and necessary functions of the Support Services to the Township?
 - (3) Will the proposed Private Special Event adversely affect neighboring or nearby property owners?
 - (4) Does the proposed Private Special Event conflict with any other proposed events or activities?

- C. Any personnel conducting the Township review shall recommend either approval or disapproval of a proposed Private Special Event, submit the conditions required if approved, and submit an estimate of costs of Support Services and any other related issues to the Township Manager in a timely manner so as not to delay the planning process.
 - D. The Township Manager may require additional conditions not mentioned herein as may be necessary to maintain peace and order or to protect the health, safety and general welfare of the citizens of the Township or any neighboring property.
 - E. A final decision on the approval of a permit for the Private Special Event proposed, along with all costs and conditions attached, shall be made by the Township Manager, except those applications which require road closures and anticipate more than 300 participants; then, in such case, a final decision shall be by the Township Board of Supervisors at a public meeting.
6. **Notification of Decision on Application.** The Township Manager shall notify the sponsor of a Private Special Event whether an application is approved or denied. If the notification is an approval, it shall include any costs and/or conditions attached to the approval. If the notification is a denial, it shall include the reasons for denial.
7. **Charges for Support Services.**
- A. The anticipated costs of Support Services for each individual Private Special Event shall be calculated by the Township and set forth in the permit. No later than ten (10) days prior to the Private Special Event, the Sponsor or the Landowner shall secure the costs associated with Support Services according to the following schedule:
 - (1) Events with estimated Support Services costs of less than \$2,500 shall provide financial security in the amount of 25% of costs.
 - (2) Events with estimated Support Services costs between \$2,500 and \$7,500 shall provide financial security in the amount of 50% of costs.
 - (3) Events with estimated Support Services costs over \$7,500 shall provide financial security in the amount of 100% of costs.
 - B. Security may be in the form of a cash escrow or other financial security in a form acceptable to the Township.
 - C. Within thirty (30) days of the close of the Private Special Event, the actual cost of Support Services, including services arising for unanticipated circumstances, shall be calculated by the Township. If the actual costs exceed the amount of security held by the Township, additional payment shall be made by the Sponsor or

Landowner to the Township within five (5) days of receipt of an invoice. Otherwise, any excess security shall be released by the Township to the Sponsor or the Landowner, as applicable.

- D. Any Support Service cost not paid on or before the due date set in this Chapter shall be collected in the same manner as other municipal claims.

8. Permit Revocation; Permit Appeals

- A. In the event that all required permits, licenses, security deposits, fees, insurance policies or any other conditions of the permit so indicated on the permit are not obtained ten (10) days prior to the Private Special Event, the permit shall be revoked by the Township.
 - B. Any violation of one or more of the regulations set forth herein or conditions of the permit shall be sufficient grounds for the Township to immediately revoke the permit and order the Sponsor and Landowner to cease and desist their activities. Should the Sponsor and/or Landowner fail to cease and desist its activities, in addition to any other remedy available to the Township at law or in equity, they shall be prevented from applying for another permit for at least two (2) years from the date of revocation.
 - C. If the violation is not discovered by the Township until the Private Special Event has ended, the Township shall suspend for two (2) years the right of the Sponsor and/or Landowner to apply for another Private Special Event permit.
 - D. A Sponsor and/or Landowner who has been denied a permit to conduct a Private Special Event, whose permit has been revoked or whose right to apply for a permit has been suspended or revoked for violation of this Chapter or contests a permit condition shall have the right to appeal said denial, suspension, revocation or condition to the Board of Supervisors, in writing, within five (5) business days of the date of the notice of said denial, suspension, revocation or condition. The Board of Supervisors shall conduct a hearing on said appeal within sixty (60) days from the date of filing of the appeal. The Board of Supervisors shall render a decision within thirty (30) days after the hearing, either upholding the denial, suspension, revocation or condition or granting the appeal and ordering the Township to grant the permit or rescind the revocation or suspension notice or remove the condition.
- 9. Indemnification.** By issuing a Private Special Event permit, the Township makes no guarantees and assumes no liability for the safety of participants in, or spectators of, the event. The Township shall require as a condition of an event permit that the Sponsor and Landowner agree to indemnify, defend, and hold the Township, its officials, employees, agents and designated emergency providers harmless for any and all costs, damages, or other liabilities related to the Private Special Event.

10. Violations and Penalties.

- A. In addition to paying for all Support Services required in association with the Private Special Event, any Sponsor or Landowner who violates or permits the violation of any of the provisions of this Chapter shall be subject to a civil penalty not to exceed \$600 per violation, plus all court costs, including reasonable attorney fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Chapter which is found to be violated. Upon a finding of liability for committing or permitting the violation in a civil enforcement proceeding commenced by the Township, the defendant shall pay the fine, plus all court costs, including attorney fees. No judgment shall be imposed until the date of determination of a violation by a Magisterial District Judge and such fines, costs and attorney fees shall be collectible before any Magisterial District Judge as like fines, costs and attorney fees are now by law collectible. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.
- B. In addition to the above-provided penalties, the Township may maintain any action or proceedings in the name of the Township in the Chester County Court of Common Pleas, at law or in equity, to compel compliance with or enforce any violation of this Chapter.
- C. All remedies of the Township shall be cumulative.

Section 2. The provisions of this Ordinance shall be severable.

Section 3. This Ordinance shall be effective five (5) days after the date of enactment.

ENACTED and ORDAINED this ____ day of _____, 2020.

BOARD OF SUPERVISORS
EAST BRADFORD TOWNSHIP

Vincent M. Pompo, Chairman

John D. Snook, Vice Chairman

Patrick Davis, Member

Mandie Cantlin, Secretary