

ORDINANCE NO. 813-23

AN ORDINANCE OF THE BOROUGH OF HAMBURG, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6, "CONDUCT" OF THE BOROUGH CODE OF ORDINANCES BY ADDING A NEW PART 8 ENTITLED "BLOCK PARTY RULES AND REGULATIONS."

BE IT, AND IT IS HEREBY ENACTED by the Council of the Borough of Hamburg, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

WHEREAS, the Borough Council of the Borough of Hamburg believes that it is appropriate and, therefore, necessary to establish rules and regulations for residential block parties within the Borough of Hamburg.

NOW THEREFORE, the Borough Council does hereby enact and ordain the following:

SECTION 1. Amendment to Chapter 6, "Conduct," by adding a new Part 8 entitled "Block Party Rules and Regulations" in its entirety to read as follows:

PART 8

Block Party Rules and Regulations

§ 801. Purpose. The purpose of this section is to establish rules and regulations for residential block parties within the Borough of Hamburg. This shall not apply to commercial gatherings such as King Frost Parade and Our Town Foundation Hamburger Festival.

§ 802. Scope. A block party is defined as a residential party or gathering of members and households of a particular residential block within the Borough of Hamburg. It shall exclude those listed in section 801 above. The applicable street and sidewalks may be blocked during the time of an approved block party. No State Road, arterial or collector street may be used for a block party. Only local residential streets may have block parties.

§ 803. Permits. A permit must be obtained from the Borough Department of Public Works prior to the holding and conduct of any block party within the Borough. Block party permits will only be issued to a resident or residents of the street on which the party will take place. The block party must be open to all residents of the street and must be held primarily for the residents of the street. The Borough Manager shall establish a permit application form and Borough Council, by resolution adopted from time to time, shall establish a fee for said permit. The Borough of Hamburg must sign the permit before the party can be held.

§ 804. Rules and Regulations. All approved block parties shall be subject to the following rules:

1. Alcoholic beverages may only be consumed on private property. Alcoholic beverages are not permitted on the street or sidewalk. Underage drinking is strictly prohibited by law.
2. If a resident of the street wants to leave or return home, there access to the street area for ingress and egress must not be hindered. It will be the permit holder's responsibility for the safety of the attendees and the safe passage of residents.
3. Access must be provided for fire apparatus and/or other emergency vehicles in case they are needed. In no event shall picnic tables, grills, sound equipment or other large objects be placed in the street.
4. Music or public address systems must be kept at tolerable levels so as to not disturb the peace or violate any other applicable Borough ordinances or sound regulations.
5. Immediately after the party is over, the permit holder(s) must ensure that the entire area in which the party was held is free of litter, garbage and other party items. The area must be returned to its original state.
6. Fire hydrants must not be blocked.
7. Only one permit will be issued per year per block.
8. The block party must end by 11:00 p.m.
9. It is understood that the permit holder(s) will erect Borough-issued barricades to block the street and will remove them at the conclusion of the event. Barricades can be picked up at the Borough of Hamburg Department of Public Works building. They must be returned no later than 48 hours after the event. There will be no charge unless the barricades are damaged, lost, or stolen. In this event, the permit holder(s) must pay for replacement or repair.
10. The Borough of Hamburg will not be held liable for any claim of damage that may arise by reason of the issuance of this Permit.

§ 804. Penalties. This Part shall be enforced by the Police Department of the Borough of Hamburg. Whoever violates any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day, during which any person violates any provision of this Part occurs, shall constitute a separate offense. This Part and the foregoing penalties shall not be construed to limit or deny the right of the Borough to pursue such equitable or other remedies as may otherwise be available with or without process of law.

SECTION 2. Repeal of Ordinances. Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

SECTION 3. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Hamburg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.


SECTION 4. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

SECTION 5. Code of Ordinances. The Code of Ordinances, as amended, of the Borough of Hamburg, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

ENACTED AND ORDAINED this 27th day of JUNE, 2023.


ATTEST:

BOROUGH OF HAMBURG


Secretary

By: 
President

Approved as an Ordinance of the Borough of Hamburg this 27th day of June, 2023.


Mayor