

**TOWNSHIP OF LOWER MAKEFIELD
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 447

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY,
PENNSYLVANIA, ESTABLISHING REGULATIONS AND GUIDELINES FOR
SPECIAL EVENTS WITHIN THE TOWNSHIP; PROVIDING FOR PENALTIES AND
ENFORCEMENT; TO REPEAL INCONSISTENT PROVISIONS, AND TO
ESTABLISH SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the Township of Lower Makefield, Bucks County (“Township”) is a Township of the Second Class, organized and existing in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township, in the exercise of its corporate powers, has the authority to enact, amend, repeal and establish ordinances and regulations designed protect the public health, safety, and welfare of the citizens of the incorporate area of Township and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

WHEREAS, the Township recognizes that certain events which occur on private property or on public streets within the Township require and need special services as provided by the Township, such as police, traffic control, special parking requirements, ambulance, fire or other emergency services; and

WHEREAS, the Township has determined that the health, welfare and safety of residents and visitors to the Township are best served by regulating these certain special events.

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

I. SHORT TITLE

This chapter shall be known as the Lower Makefield Township “Special Events” Ordinance.

II. PURPOSE

The purpose of this Chapter is to provide for the health, safety and welfare of its residents and visitors to the Township by regulating special events occurring on private property or on public streets which require or need special services provided by the Township, such as police, emergency services, fire services, parking and/or traffic controls or other special services, to regulate the registration of special events, and to provide for the health, safety and welfare of persons attending such events, and to further provide for the health, safety and welfare of the Township residents, neighbors or other persons affected by said special events.

III. DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context. Singular shall include plural, and masculine shall include feminine, unless specified otherwise:

Amusement ride means any device that carries or conveys passengers along, around or over a fixed or restricted route or course, or within a defined area for the purpose of giving its passengers amusement, pleasure, excitement or thrills.

Carnivals or circus or fair means any enterprise consisting in whole or in part of temporary amusement rides, or forms of entertainment and amusement such as shows, clowns, feats of daring, sideshows, funhouses, games of skill or chance, and other activities of like or similar character.

Host means owner(s) of property, or person(s) responsible for the real estate upon which the special event is held or planned to be held.

Person means any natural person, partnership, corporation, association, firm, joint venture, organized group, organization or entity.

Special event means a planned or organized outdoor activity, event or contest that will draw a group of 50 persons or more, or estimated participants or attendees, or both, to a defined geographical location or area, and for which special services are required. The term, “special event”, shall include, but is not limited to, assemblies, carnivals, circuses, contests, fairs, festivals, open air concerts, seasonal events, parades, sporting events, political events, races, tradeshows, other organized events for common or collective use, and similar events held within the Township.

Special services shall mean any services provide by the Township for such special event, including but not limited to, traffic control, special parking, crowd control, no parking signs or provisions, closure of streets for parades or other activities on public rights of way, police services, ambulance or other emergency medical services, fire protection, sanitary facilities, illumination, noise control and abatement, and any other special service, other than listed above, which a particular special event might need.

Sponsor means the person responsible for organizing, promoting, conducting or causing to be conducted a special event or amusement.

Tradeshow means any enterprise or activity denoted to the exhibition of products of agriculture, industry, education, science, building, home products, automobiles, boats or the like, having no amusement rides, entertainment or amusements within the definition of carnival, circus or fair.

IV. PERMIT, REGISTRATION AND FEES

A. It shall be unlawful for any person to conduct a special event without registering such special event with the Township at least thirty (30) days in advance of the special event.

B. For registration of special event, the sponsor or host holding or conducting the special event, including the operation of any amusement rides, shall obtain a permit from the Township's Community Development Department for a fee in the amount as set forth by the Township.

C. No permit, permitting a special event, shall be issued by the Township without the applicant having first provided to the Township a written application detailing:

1. The name, mailing and street address and daytime and emergency number or numbers of the sponsor or host of the event;
2. The primary contact for the special event;
3. The proposed dates and times when the special event is to be held or conducted;
4. The exact location of the property to be used for the special event, including the street address and tax map parcel number;
5. The name, address and telephone number of the record owner of the property upon which the event will occur;
6. The organization, society, or club, if any, for whose benefit the event is to be held;
7. The nature of structure and devices to be used during and for the special event;
8. A detailed description of all activities being planned as part of the special event;
9. The estimated minimum, probable and maximum participants and attendees expected to attend the special event;

10. A schedule including the duration of the event, and periods when higher levels of traffic are expected;

11. A request detailing each special service, as defined above, to be provided by the Township

12. Proof that notification of the special event has been provided to the following agencies in advance, of not less than ten (10) business days of the special event: Township police, fire company covering the area of the event, Township emergency medical services. Submission of a fire safety evacuation or other similar emergency response plan shall be provided to the Township.

13. Copies of agreements or other arrangements for the payment of all special services needed or required for the special event;

14. Proof of insurance required by this chapter; and

15. All other information which reasonably may be required by the Township to ensure the responsibility of the sponsor or host of the event, and to protect the health, safety and welfare of the citizens of the Township.

D. The owner of any parcel to be used for a special event shall pay a permit fee, which shall be established by Resolution of the Board of Supervisors, for each day, or part of a day, that the event will occur.

E. The person responsible for presentation and operation of any special event shall pay a fee, which shall be established by Resolution of the Board of Supervisors, per day for each day, or part of a day that the special event is scheduled, said fee representing the minimum cost for appropriate Township inspections, permit issuance and any other Township services not specifically designated as special services for the event. Any costs for any special services as

defined in this chapter shall be paid separately in advance of the event or in accordance with any agreement or arrangement for the payment of such special services, which include but are not limited to, employee hours, hourly wages, all employee benefits associated therewith, equipment costs, and any other costs or charges incurred by the Township in providing special services shall be determined by the Township after review of the application and review of the required or requested special services.

F. The Township's governing body, in its sole discretion, upon application, may waive or reduce the required permit fees where the proceeds of the event are to be applied purely to charitable uses, or in conjunction with an application for permit by the Township.

V. APPROVAL OF SPECIAL SERVICES

Upon receipt of the permit application and other completed information at least thirty (30) days prior to the special event, the Chief of Police, or his/her designee, with the Township's Building Code Official, or his/her designee, the Director of Fire Services, or his/her designee, and such other Township administrative staff as may be required, shall review the information and permit application with the applicant. The purpose of the review shall be to ascertain what, if any, special services may be necessary or required to protect the health, safety and welfare of the expected participants and attendees of the event, the residents of the Township, neighbors and any others who may be affected by the special event.

If any special services are required or necessary, the applicant shall show proof of payment and costs for the special services to be provided by the Township.

VI. REQUIRED INSPECTIONS

Upon submission of an application for permit to hold or conduct a special event in accordance with this chapter, the Township's Building Code Official shall coordinate all

inspections at the property to ensure compliance with the Township's codes and ordinances. Such inspections shall include, but are not limited to, inspections to ensure compliance with the Township's property maintenance code, zoning code, fire code and all other applicable codes and ordinances. Said inspections shall also include all reviews by the Township to ensure appropriate, safe and adequate parking facilities for all attendees, participants and employees of the special event.

VII. REJECTION OF PERMITS; APPEALS

A. The Township's Building Code Official shall refuse to grant a permit for any carnival, circus or fair where the applicant fails to present an official affidavit prepared by a qualified inspector in accordance with the Amusement Inspection Act, 4 P.S. §407, and the Regulations of the Amusement Ride Safety Board, 7 Pa. Code §§139.1 et. seq. The Township's Building Code Official shall likewise refuse to grant any permits in any case where appropriate fees have not been paid, in full, prior to commencement of any special event, nor shall any permit be issued where the required insurance is not presented, or any other requirement of the ordinance or statute is violated.

B. If any permit shall be denied, an appeal from such denial shall be made to the Board of Supervisors, within ten (10) days of rejection of the permit, and the Township Board of Supervisors shall, within thirty (30) days of receipt of the appeal, hold a hearing relating to the application, and may order that the permit be denied, issued or issued with specific terms or conditions, as the Board of Supervisors, in its judgement, deems appropriate.

C. If any decision of the Township's Board of Supervisors shall deny the permit, the applicant may file an appeal with a court of appropriate jurisdiction in accordance with the laws of the Commonwealth of Pennsylvania, as may be amended from time to time.

VIII. RESPONSIBILITIES OF PERMITTEES, SPONSORS AND HOSTS

A. Any person permitted to conduct a special event shall comply in full with all ordinances of the Township and statutes of the Commonwealth of Pennsylvania; take all necessary action required to prevent the use of loud or noisy devices or activities or the occurrence of any disorderly conduct by patrons, attendees or employees of the permittee, sponsor or host. Any person permitted to conduct a special event shall ensure, as a condition of retention of the permit, that the special event closes no later than 10:00p.m. unless preapproval is obtained prior to the event.

B. Any person permitted to conduct a special event shall not engage in any illegal activities or engage in any conduct which violates any ordinance, statute, law or enactment of the Township or the Commonwealth of Pennsylvania.

C. Participants in any special event shall not engage in any loud, boisterous conduct or allow loud noise, talk or music to a degree that causes annoyance to the residents of the Township.

D. Any and all temporary lighting for such special event shall be directed away from the abutting streets and properties using shielding devices to prevent unreasonable glow beyond property lines.

E. Any permittee, sponsor or host of a special event shall be obligated to comply with the Emergency Medical Services Act, Act of 1985, July 3, P.L. 164, as amended (35 P.S. §6921, et. seq.) and the regulations of the Pennsylvania Department of Health, 28 Pa. Code § 1013.1 et seq. as they are now or may hereafter be amended.

F. The individual or organization sponsoring or conducting the special event shall be responsible to the Township for damage caused to Township property by the participants, attendees and employees of the event.

G. Failure of any permittee, sponsor or host to comply with the requirements of this section shall be grounds for immediate revocation of the permit previously issued. In the event of permit revocation, any fees payable to the Township under this Ordinance shall be non-refundable and/or remain due to the Township.

IX. INSURANCE REQUIREMENTS

A. For those special events which are designated as carnivals, circuses or fairs as defined herein, or those events which provide or permit amusement rides, pony rides, or any other attraction as an amusement ride as defined in this chapter, or which event shall provide or permit the consumption of alcoholic beverages, or any special event that shall use or permit to be used fuel fire appliances, any permittee, sponsor or host issued a permit for the staging of any special event shall, as a condition of receipt of any permit, supply the Township with a valid, prepaid policy of bodily injury and property liability insurance, insuring the permittee, sponsor or host and the Township, for all manner of bodily injury, death or like occurrences and property damage liability in an aggregate amount of \$5,000,000.00, in addition to any insurance that may be required by the Pennsylvania Amusement Ride Inspection Act.

B. For all other special events not otherwise governed by subsection (A), the permittee, sponsor or host issued a permit for the staging of any special event as defined by this section shall supply the Township with a valid, prepaid policy of bodily injury and property liability insurance, insuring the permittee, sponsor or host and the Township, for all

manner of bodily injury, death or like occurrences and property damage liability in an aggregate amount of \$2,000,000.00.

X. TOWNSHIP NOT LIABLE.

A. The Township, directly or indirectly, is not the guarantor of the safety of any amusement ride, fair, carnival, circus, tradeshow or other special event, and the Township retains all attributes of sovereign immunity with regard to the activities of its officials and employees with respect to the inspection of amusement attractions, amusement rides, or any facet of any special event.

XI. INDEMNIFICATION OF TOWNSHIP.

A. The applicant for a permit, as a condition precedent to acceptance of the permit, shall indemnify and save harmless the Township, its officials, employees, and agents, from any claim for damages resulting from the operation of any special event for which a permit has been issued.

XII. NOTICE OF COMMONWEALTH VIOLATIONS

A. Any applicant for a permit shall supply the Township with copies of any notice of violation served upon the applicant by the Commonwealth of Pennsylvania pursuant to Section 410 of the Amusement Ride Inspection Act, whether received prior to commencement of such event in the Township, or during the scheduling of an event within the Township. Receipt of any violations notice from the Commonwealth of Pennsylvania, while a special event is occurring in the Township, shall be immediate grounds for termination of the event, and revocation of any and all permits.

XIII. PENALTIES

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 a day for every day that the violation exists, and in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

XIV. GENERAL PROVISIONS

A. Severability: It is hereby declared to be the intention of the Township that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

B. Repealer: All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced, except any ordinance or parts of ordinances that authorize greater remedies than this article are preserved.

C. Codification: It is the intention of the Township that the provisions of this Ordinance shall become and be made a part of the Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

D. Effective Date: This ordinance shall become effective five calendar days after approval and adoption.

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD THIS

20th DAY OF March, 2024.

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD

BY: _____


Chair

ATTESTED TO:


Township Manager