

BOROUGH OF BLAIRSVILLE
INDIANA COUNTY, PENNSYLVANIA

ORDINANCE # 698 SPECIAL EVENTS PERMIT

AN ORDINANCE OF THE BOROUGH OF BLAIRSVILLE, INDIANA COUNTY, PENNSYLVANIA, TO ENACT A "SPECIAL EVENTS," TO PROVIDE FOR THE REGULATION AND PERMITTING OF SPECIAL EVENTS, TO ALLOW FOR EXEMPTIONS, TO ESTABLISH APPLICATION PROCEDURES AND FEES, INSURANCE REQUESTS, LIMITATIONS ON THE NUMBER OF SPECIAL EVENTS, TO PROVIDE FOR THE REVOCATION OF PERMITS, AND TO ESTABLISH AN APPEAL PROCEDURE, PENALTIES FOR VIOLATION OF THE ORDINANCE AND THE EFFECTIVE DATE.

Section 1. The Borough Council of the Borough of Blairsville, Indiana County, hereby enacts a "Special Events," Ordinance to read as follows:

SPECIAL EVENTS

Purpose

This Ordinance establishes the permit requirements and regulations for Special Events to be held in Blairsville Borough in order to properly provide for public health, safety and welfare.

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 Borough 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.

Facility – Any auxiliary lighting, portable toilet, first aid station, cooking structure, food or beverage location, inflatable, generator, tent, canopy or removable structure.

Special Event – Any outdoor event not more than three (3) days in duration:

- A. Where one hundred (50) or more individuals are gathered;
- B. That utilizes Borough Public Facilities; or
- C. Which may interfere with normal traffic flow.

Any event more than three (3) days in duration shall require a separate permit for each additional day. “Special Event” shall not include private events held at a property being used for a residential purpose unless they are commercial in nature or involve more than 50 people.

Borough Manager – The Borough Manager of the Borough of Blairsville or his/her designee.

Permit Required

No Special Event may be conducted without first having obtained a Special Event permit from the Borough of Blairsville

Permit Fee

The permit fee shall be established by Resolution in the amount determined by the Borough Council.

Application for Permit

Any person or organization intending to conduct or sponsor a Special Event shall apply to the Borough with a Special Event Permit at least sixty (30) days prior to the date of the next Borough of Blairsville Council Meeting. The following information shall be included in the application and subject to review by the Borough Manager, Borough Council, Fire Chief, Police Chief, and/or any Borough official the Borough Manager deems necessary:

- A. Description of Special Event, including: (i) the nature and purpose of the Special Event; (ii) any Facilities; and (iii) any outdoor music, amplified sounds, and/or similar activity;

- B. Name, address and cell phone number for the point person of contact for the Special Event of the sponsoring organization or individual;
- C. Proposed date(s), location and hours of operation;
- D. Schedule of proposed Special Event;
- E. The estimated number of participants or spectators;
- F. A site plan including, but not limited to, the location of the Special Event including its boundaries, the locations of any facilities, sound amplification equipment, emergency exits, vehicular entrances and exits, locations of traffic cones or barricades, all parking locations and shuttle bus routes, and parade or race routes (including organizing and disbanding areas);
- G. Signage Plan including, but not limited to, the location, type, and removal date of each sign to be placed in the Borough.
- H. A narrative outlining security, traffic, crowd control measures, emergency vehicle access, emergency evacuation or shelter in place plan and such other necessary preparations as the event might require;
- I. PLCB written approval, if required;
- J. A letter from the property owner authorizing such activity, if the owner is not the sponsor of the Special Event.
- K. PA Department of Agriculture* temporary food facility license, if applicable (Note: if event is a 3 or fewer days it is exempt from licensure).
- L. A certificate of insurance along with all required endorsements, naming the Borough as additional insured from the sponsor and each vendor participating.
- M. Any supplemental information deemed necessary to determine whether a Special Event permit shall be issued.
- N. The applicable permit fee.
- O. Any other permits as required by the Borough.
- P. All Special Events requesting the use of Fireworks shall be approved by Borough of Blairsville Council only

Indemnification Agreement

Prior to the issuance of a Special Event, the permit applicant and an authorized officer of the sponsoring organization, if any, must sign an agreement to reimburse the Borough of Blairsville for any costs incurred by it in repairing damage to Borough property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. The agreement shall also provide that the permittee shall defend the Borough against and indemnify and hold the Borough 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 who was under the permittee's control insofar as permitted by law. Persons who merely join in a parade event are not considered by that reason alone to be under the control of the permittee

Insurance Requirements

The applicant for a Special Event Permit must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from or connected to the event. **Such insurance shall name the Borough of Blairsville, its officers, employees and agents as additional insured for the specific dates of the event.** Coverage shall be a comprehensive general liability insurance policy. The following minimum limits shall be required:

- A. One Million dollars (\$1,000,000) for each person for bodily injury; one million dollars (\$1,000,000) for each occurrence of bodily injury; and one million dollars (\$1,000,000) for each occurrence of property damage; or
- B. Two million dollars (\$2,000,000) for each occurrence of combined single limit bodily injury and property damage general aggregate.
- C. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for products liability in an amount not less than one million dollars (\$1,000,000). If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability in an amount not less than one million dollars (\$1,000,000) for each common cause limit/total aggregate.

A copy of the policy or a certificate of insurance along with all necessary endorsements, must be filed with the Borough no less than ten (10) days before the date of the Special Event.

Standards for Approval or Denial of Permit

After review of the application the Borough Council may:

- A. Approve a Special Events application in writing with possible conditions as it deems necessary; or
- B. Deny a Special Event permit for reasons including but not limited to:
 - 1. The Special Event would interrupt the safe and orderly movement of vehicular traffic on streets or commercial parking lots so as to create a real and present danger to the health, safety and welfare of the residents of Blairsville Borough or the traveling public.
 - 2. The Special event will pose a real and present danger to the general health, safety and welfare of the citizens of Blairsville Borough by preventing fire-fighting equipment, ambulance service, rescue vehicles or other public safety vehicles from reaching any person or property in Blairsville Borough.
 - 3. The Special Event will cause undue hardship to adjacent businesses or residents or will require the diversion of public employees such that their absence from their usual assignments would pose a danger to the residents of Blairsville Borough.
 - 4. The application contains incomplete or inaccurate information.
 - 5. The applicant has failed to comply with the terms of this ordinance, including failure to remit all fees.

6. The event fails to obtain the proper insurance ten (10) days before the date of the Special Event as described under insurance requirements above.

Notice to Officials

Immediately upon the issuance of the Special Event permit, The Borough Manager shall, if applicable, send a copy of the permit to the following:

- A. Borough Council
- B. Fire Chief
- C. Borough Secretary
- D. Police Chief
- E. Indiana County 911

Sanitation and Cleanup

The applicant shall have the sole responsibility of clearing the Special Event location of any rubbish and debris and returning it to its pre-event condition within forty-eight (48) hours of the conclusion of the event. If the applicant fails to do so, the Borough shall have grounds to deny future permit applications or require applicant or sponsoring organization to pay all costs from any previous event that are outstanding and post a deposit to cover estimated costs going forward.

Revocation

Reasons for revocation of a Special Event permit, include, but are not limited to:

- A. Application contains incomplete or inaccurate information
- B. Applicant fails to comply with the terms and conditions of the permit
- C. Applicant fails to arrange for or pay all the fees.
- D. Disaster, public calamity, riot or other emergency exists
- E. Non-compliance with existing Borough Codes

Appeals Procedure

Any applicant whose Special Event permit application has been denied or revoked may appeal the decision to the Indiana County Court of Common Pleas.

Violations and Penalties

Any person, firm, corporation or other entity which violates any of the provisions of this chapter shall, after a hearing before a District Justice, be subjected to a fine not exceeding \$500.00 per day for each day a violation, plus all court costs, including reasonable attorney's fees, incurred by the Borough in the enforcement of this Ordinance. Each day a Violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are

hereby authorized to seek equitable relief, including injunction, to enforce compliance with the Ordinance.

Section 2. Repealer

All ordinances, or parts of ordinances, conflicting with any provision of this Ordinance are hereby repealed insofar as the same conflict with the Ordinance.

Section 3. Severability

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the whole or any part hereof.

Section 4. Effective Date


This Ordinance shall become effective on December 1, 2019

ENACTED and ORDAINED by the Borough Council of the Borough of Blairsville, Indiana County, Pennsylvania this 15 day of October, 2019

Blairsville Borough Council



President



Vice President



Mayor

ATTEST: 

Borough Secretary