

**BOROUGH OF WAYNESBORO
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN
COUNTY, PENNSYLVANIA AMENDING CHAPTER 178 OF THE CODE OF THE
BOROUGH OF WAYNESBORO TO PROVIDE FOR THE REGULATION AND
PERMITTING OF SPECIAL EVENTS.**

WHEREAS, the Borough of Waynesboro (the “Borough”) is governed by Pennsylvania’s Borough Code, 8 Pa.C.S. § 101, *et seq.* (the “Borough Code”); and

WHEREAS, the Borough Code empowers Borough Council to enact, revise, repeal and amend ordinances and resolutions, not inconsistent with the laws of the Commonwealth, as it deems beneficial and to provide enforcement of the same; and

WHEREAS, Borough Council deems it in the best interest of the health, safety, and general welfare of its residents to amend Chapter 178 of the Code of the Borough of Waynesboro (the “Code”) to establish regulations and require permits for special events to be conducted in the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, as follows:

SECTION 1. The above recitals are incorporated herein as if set forth at length.

SECTION 2. The title of Chapter 178 shall be amended to be entitled “Parades and Special Events”.

SECTION 3. Chapter 178, Section 178-1 of the Code is hereby amended to add the following terms and their definitions:

PERSON IN CHARGE OF PROPERTY

The owner and/or an agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property in the Borough of Waynesboro.

SPECIAL EVENT

All assemblies of people for the purpose of business or public amusement or entertainment, reasonably anticipated to number 100 or more participants or spectators for a continuous period of 30 minutes or more, where participants or spectators at the special event will use public roads or public property.

SPONSOR

Any natural person, association, partnership, firm, corporation, joint venture, or other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, or causes to be advertised, a Special Event.

SECTION 4. Chapter 178, Section 178-5 of the Code is hereby amended by deleting this Section in its entirety and marking this Section as “Reserved”.

SECTION 5. Chapter 178 of the Code is hereby amended to add the following sections, which shall read as follows:

§178-6 Special Event Policy.

- A. Permit Required. It shall be unlawful for any sponsor or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a Special Event, unless a Special Event Permit has been obtained pursuant to this Part.
- B. Overall Goal. In planning and conducting Special Events, every reasonable effort shall be made to protect the health, safety, and welfare of Borough of Waynesboro residents and visitors, to preserve the peace and tranquility of the community, and to preserve and protect the natural environment.

§178-7 Special Event Permit Requirements.

- A. No Special Event may be held within the boundaries of the Borough of Waynesboro, Franklin County, Pennsylvania, unless the sponsor and the person in charge of the property upon which the event will be conducted jointly apply for and be granted a Special Event Permit as herein provided.
 - (1) Special Event Permit Required for Each Event. A separate Special Event Permit shall be required for each Special Event for the period of time designated by the Special Event Permit.
 - (2) Duration of Event. No Special Event Permit shall be available for a time of more than 48 hours duration unless the application requests and the Special Event Permit specifically allows for an extension of that period.
 - (3) Age of Applicant. Applicant shall be not less than 21 years of age.
 - (4) Transfer of Special Event Permits. No Special Event Permit may be transferred or assigned.

- (5) Attendance Estimate. In case of a dispute over the number of people reasonably anticipated to attend the Special Event, the decision of the Borough Council of the Borough of Waynesboro shall control. For an event where the expected attendance within a defined geographic area is 10,000 people or more, including staff and participants, the plan must be submitted to the Pennsylvania Emergency Management Agency through the Borough of Waynesboro Emergency Management Official.

§178-8 Special Event Application.

- A. Application Schedule. Written application for each Special Event shall be made to the Borough Council of the Borough of Waynesboro according to the following schedule:
 - (1) For an event expected to attract 100 - 500 persons, at least 45 days prior to the first day upon which the event is to commence.
 - (2) For an event expected to attract 501 - 3,000 persons, at least 60 days prior to the first day upon which the event is to commence.
 - (3) For an event expected to attract 3,001 or more persons, at least 90 days prior to the first day upon which the event is to commence.
- B. Application Contents. Applications shall contain at least the following information:
 - (1) Sponsors. The full legal name, address and telephone numbers of all Sponsors.
 - (2) Property Owners. The full legal name and address of the owner and person in charge of the property to be utilized for the Special Event. If the sponsor-applicant is a partnership or joint venture, then all parties thereto shall be shown and sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, by-laws, and corporate resolution authorizing the application may be required.
 - (3) Location. The location and address of the property to be utilized for the Special Event.
 - (4) Program. The program for the Special Event, or if no program is prepared, a narrative statement as to the extent and the purpose for which the event is to be conducted.

- (5) Plot Plan. A diagram of the proposed site of the Special Event showing the locations, and dimensions, where appropriate, of the proposed: service roads, entrances and exits to/from public roads, portable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, security personnel sites, and food storage facilities, as well as projected plans for enclosure, if necessary, of the proposed site. The plan shall be drawn at an appropriate scale to provide ease of review, but at no less than one inch equals 100 feet. The plan shall show property lines of adjacent properties, together with the land use of such adjacent properties and names of such property owners.
- (6) Expected Attendance. A statement of the number of persons expected to attend such Special Event and the duration of such attendance.
- (7) Plan of Actions. The specific details relating to:
 - (a) Hours of operation.
 - (b) Sanitary facilities including:
 - (i) Name(s) of sanitary/refuse contractors.
 - (ii) Number and location of temporary toilets and dumpsters.
 - (iii) Frequency of emptying toilets and dumpsters.
 - (c) Security and protection for surrounding areas, including specific reference to the number of marshals assisting in the control of traffic and supervision of those attending.
 - (d) Adequate emergency medical resources as determined by the Borough Fire Chief.
 - (e) Emergency management plans including routes to and from off-site medical facilities, such plans to be approved by the Chief of Police, Fire Chief, Borough Manager, and Borough EMA officials.
 - (f) Control of noise and other nuisances that would disturb the peace.
 - (g) Food and drink.
 - (h) Transportation and parking facilities.

- (i) Janitorial services and post-gathering trash removal and site restoration.
 - (j) Water supply.
- (8) Permits and Licenses. Evidence that all permits and licenses as required by federal, state and county statues and rules and regulations enacted thereunder have been obtained, or will be obtained.
- (9) Bonding. A certified copy of the bond or verified evidence of other suitable financial arrangements, as set forth below, must be attached to the application.
- (a) The applicants shall submit with their application a cash deposit, or a corporate bond of indemnity in a form approved by the Borough Solicitor to save and protect Borough streets, pavements, bridges, road signs and all other Borough property from any and all damage that might be caused by vehicles, employees, or participants in the Special Event, and to be used, if necessary, to restore the premises where such Special Event is held to a sanitary condition and pay all charges and losses to the Borough for damages to streets, pavements, bridges, and all other Borough property.
 - (b) Should the permitted Special Event necessitate that the Borough deploy or employ additional personnel, beyond the standard number of personnel offered by the Borough, as a direct result of the Special Event, such added expense shall be recoverable from applicant. The cash deposit or its balance will be returned to the applicant upon final audit of the Borough as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessitated.
 - (c) The corporate bond of indemnity or cash deposit shall be in an amount as established from time to time by resolution of Borough Council.
 - (d) The property owner or person in charge of the property making application shall sign as an additional indemnitor, to insure against damage to streets, pavements, bridges, road signs, and all other Borough property, to meet costs of the Borough for deploying or employing personnel directly attributable to the conduct of the

public gathering, and to insure that the property will be restored to a sanitary condition.

- (10) Insurance. Proof of general liability insurance to cover the entire duration of the event. The Applicant shall provide a certificate of insurance in a form satisfactory to the Borough, naming the Borough of Waynesboro as an insured, which insurance shall be non-cancelable, except upon thirty (30) days prior written notice to the Borough. All policies shall be on an occurrence basis. If the event will include alcohol, proof of liquor liability insurance coverage must also be provided. The required insurance shall be maintained in the following amounts:

- (a) For an event expected to attract 100 – 500 persons (whether participants or spectators):

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$250,000.00	\$500,000.00
Property Damage	\$25,000.00	\$50,000.00

Notwithstanding the foregoing, if an event is to involve animals, alcohol, fireworks, pyrotechnics, discharge of weapons (whether blanks, powder or otherwise), or automobiles (including watercraft, aircraft or motorcycles) insurance shall be maintained in the amounts set forth in (b) below.

- (b) For an event expected to attract 501 – 10,000 persons (whether participants or spectators):

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$1,000,000.00	\$2,000,000.00
Property Damage	\$100,000.00	\$250,000.00

- (c) For an event expected to attract 10,001 or more persons (whether participants or spectators):

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$1,000,000.00	\$5,000,000.00
Property Damage	\$100,000.00	\$500,000.00

- (d) Notwithstanding the foregoing, the Borough staff may waive the insurance requirement if the Applicant provides an affidavit of indigency certifying that:
 - (i) The costs to be imposed by the Borough for the Special Event exceed the available resources of the Applicant and the Applicant does not reasonably foresee such funds being available within a reasonable period prior to or after the events; and
 - (ii) The Applicant is not charging participation fees, sponsorship fees or other admittance fee for the event and there is no other sponsor for the event.

- (11) State Certified Flaggers. The Applicant shall be responsible for the provision of Commonwealth of Pennsylvania Certified Flaggers at the Special Event in an amount sufficient to adequately cover impacted intersections or roads, as required by the Borough. It will be a condition of Special Event permits for events requiring the use of Certified Flaggers that the Applicant shall furnish to the Borough, no less than two (2) weeks prior to the date of said Special Event, a list of individuals who are Commonwealth of Pennsylvania State Certified Flaggers to be utilized at the Special Event for the Borough's review and approval. The list of proposed Certified Flaggers shall be submitted on a form provided by the Borough and shall include all information required by the Borough set forth on said form. Substitute forms shall not be permitted. All flaggers are required to be Pennsylvania state certified and must be able to prove that they have received the requisite training in flagging and traffic control and be able to provide to the Borough certification documenting the same. All Certified Flaggers shall be required to utilize the flagging equipment provided by the Borough to ensure all flagging equipment meets Commonwealth of Pennsylvania flagging equipment requirements. Privately owned and/or substitute flagging equipment shall not be permitted unless approved in writing by an official state certified flagger instructor. The Applicant shall be responsible for the pickup of the flagging equipment from the Borough and shall be responsible for the flagging equipment's timely return to the Borough at the conclusion of the Special Event. In the event that any Borough-owned flagging equipment is returned to the Borough in a damaged condition or is not returned to the Borough, the Borough reserves the right to utilize the cash deposit or corporate bond of indemnity required under Section 178-8.B(9) to pay for the loss of or damage to Borough equipment. The Applicant shall be responsible for the

provision of plans to the Borough demonstrating that adequate lighting and illumination of all flagger stations shall be provided during hours of darkness at the Special Event, and all flagger stations must adhere to the lighting and illumination requirements as set forth in such plans and as approved by the Borough. The Borough reserves the right to:

- (a) At the sole discretion of the Borough, reject any and all names of proposed flaggers for the Special Event in the event that they do not meet the minimum requirements hereof;
- (b) Require the Applicant to furnish to the Borough names of proposed replacement flaggers, within a timeframe as designated by the Borough in its sole discretion, who are intended to replace any flaggers which have been rejected by the Borough; and
- (c) Cancel the Special Event due to:
 - (i) Applicant's failure to furnish to the Borough the required list of Commonwealth of Pennsylvania Certified Flaggers for the Special Event in the time and manner set forth in this article;
 - (ii) Applicant's failure to furnish to the Borough an updated list of Certified Flaggers following the Borough's rejection of any names of proposed flaggers set forth on the list(s) provided by the Applicant in the time and manner set forth in this article; or
 - (iii) Applicant's failure to provide, on the day of the event, the required number of Certified Flaggers.

§178-9 Conditions of Approval for Special Events.

- A. No Special Event Permits shall be issued by the Borough Council or their agent, unless all of the requirements recited herein have been satisfactorily completed.
 - (1) Sanitary facilities. The applicants shall submit written documentation as required by the Borough Manager, which may be required to indicate applicants' plan for water supply, toilet and sewage facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable state law, rules and regulations relating to the public health.

- (2) The Borough may permit Special Events where portions of said Special Event are set to occur on a combination of both private and public property, so long as the applicant can demonstrate that any portion of the Special Event that will occur on private property will meet the requirements for Special Events as set forth herein.
- (3) Streets and roads.
 - (a) The planning and operation of Special Events will provide adequate, clearly designated access ways for EMA vehicles including medical and firefighting vehicles.
 - (b) The Sponsor, Person in Charge of Property, and/or organizers of the Special Event shall be responsible for communicating to Special Event participants of road closures and applicable detours to and from the Special Event.
- (4) Public Safety. The applicants shall submit written concurrence by the Borough of Waynesboro Police Chief, Fire Chief, Borough Manager, and EMA Official and applicable law enforcement agency(ies) indicating that plans have been approved for the provision of adequate traffic control, crowd control, lighting of the site, and medical service.
- (5) Weather, Fire, and Other Emergencies. The applicants shall submit written concurrence by the Borough of Waynesboro Police Chief, Fire Chief, Borough Manager, and EMA Official indicating adequate plans have been made to address inclement weather through criteria for cancellation or suspension of the event.
- (6) Review and Concurrence. The formal review and approval of each application shall be recorded on a certificate in a form established by and acceptable to the Borough of Waynesboro.

§178-10 Fires and Burning.

- A. Open Burning. No open burning except as herein set forth shall be allowed.
- B. Open burning shall only be permitted if written approval is granted by the Fire Chief of the Borough of Waynesboro or his designee. The Sponsor shall strictly adhere to any conditions set forth in such approval.
- C. Liability. The Sponsor shall be strictly liable for any damage caused to neighboring property as a result of permitting open fires on the premises.

§178-11 Site Marking, Preparation and Inspection.

- A. Site Marking. The site shall be adequately marked out in a method approved by the Borough to ensure the Special Event follows the plans. Restricted areas will be clearly marked, and emergency access lanes clearly identified and kept open.

§178-12 Conduct of Special Event.

- A. Responsibilities. Any applicant with more than 10% proprietary interest, if any, in the Special Event, and the owner of property or person in charge of the property, or their designated agents or representatives shall be required to be in attendance at the Special Event and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any state, county, or Borough laws, rules or regulations.
- B. Preserving Order. The burden of preserving order during the Special Event is upon the permittee of the Special Events. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules or regulations, or of the terms and conditions of this Part, or other ordinances of Franklin County or of the Borough of Waynesboro, of the Special Event Permit granted hereunder may be cause of immediate revocation of the Special Event Permit by the Borough Council of the Borough of Waynesboro or by the Pennsylvania Department of Environmental Protection upon notification to the person in charge to take immediate action to correct the violation. Upon revocation of any Special Event Permit, the permittee of the Special Event shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance. Revocation of a Special Event Permit is sufficient grounds for Borough Council to deny future applications for permits.
- C. Controlled Substances. No permittee, or persons having control of the Special Event shall condone the presence of alcoholic beverages or drugs or the consumption of alcoholic beverages or drugs on the property. No person during the Special Event shall take or carry onto the property, or consume thereon, alcoholic beverages or drugs.
 - (1) Exceptions.
 - (a) Adults of legal drinking age may consume alcohol at Special Events if such consumption is authorized by, and in accordance with, the Borough's open container laws and regulations.

- (b) The organizer shall be responsible for posting removable means of notification stating, “No Alcohol Beyond This Point” at the applicable boundaries of the consumption area. The organizer shall provide waste receptacles at these locations and is responsible for trash removal from the receptacles throughout, and at the end of the event.
 - (c) The organizer of the event shall notify the Borough Manager and Chief of Police in writing seven (7) days in advance of the event with the name, and all pertinent contact information for the vendor(s) and shall provide a Certificate of Insurance in the amount of one million dollars (\$1,000,000.00) naming the Borough of Waynesboro as an additional insured for the event.
- D. Noise Control. No firearm, pyrotechnics, or noisy items shall be discharged and no entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than 500 feet or more if deemed necessary by the Borough Council of the Borough of Waynesboro, from any schoolhouse, church, dwelling unit, or any other place of permanent human habitation. There shall be no discharge of firearms, pyrotechnics, or noisy devices, or programmed entertainment provided between the hours of 11:00 p.m. and 8:00 a.m.
- E. Inspection. The Borough Council of the Borough of Waynesboro, its authorized agents and representatives, and the representatives of the state, county and Borough departments having responsibility for approval or enforcement under this Part shall be granted access to the Special Event at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein. In addition to the penalties outlined in § 178-16 below, if inspection discloses that the terms and conditions imposed by this Part are not being followed during the event, Borough Council may, based upon the severity of the unsanitary, hazardous or other condition, suspend or revoke the Special Event Permit. Revocation of a Special Event Permit is sufficient grounds for Borough Council to deny future applications for permits.
- F. Attendance Exceeds Permit. If at any time during the conduct of this Special Event the number of persons in attendance exceeds by 10% the number of persons represented by the applicants for the Special Event Permit anticipated to be in attendance, Borough Council, the Pennsylvania Department of Environmental Protection, the Borough of Waynesboro EMS Official, or the Borough of Waynesboro Police Department shall have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.

- G. Events for Less Than 100 Persons. Special Events operating without a Special Event Permit under this Part based on a reasonable anticipation of less than 100 persons in attendance, shall limit attendance therein to 99 persons, and printed tickets, if utilized, cannot number more than 99.
- H. Firearms and Pyrotechnics. Except where firearms and/or pyrotechnics are an integral part of the Special Event, such as a Civil War battle re-enactment, firearms and pyrotechnics are prohibited except for firearms carried by duly authorized law enforcement and security personnel. Regarding Civil War battle re-enactments, live rounds of ammunition are prohibited.
- I. Refuse Handling. The storage, collection and disposal of refuse at the Special Event site shall be the responsibility of the event Sponsor and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, and shall comply with all applicable state and Borough regulations.

§178-13 Additional Requirements.

In addition to compliance with the standards and regulations set forth in this Part, Borough Council may make additional requirements as deemed necessary to protect the health, safety, morals and general welfare of the public. Such additional requirements shall be included in the plan for the Special Event and shall be complied with prior to issuance of a permit or a renewal of a permit.

§178-14 Records.

Each Special Event shall have a central on-site office for managing and supervising the Special Event. During the Special Event, this office shall be occupied by the Sponsor or designated representative, and this office will be equipped with appropriate communications capability and a copy of the operations and emergency plans for the Special Event. Such equipment, plans, and records shall be available for inspection by the authorized officers of the state, county and Borough. The Special Event Permit from the Borough shall be on display in a conspicuous place on the premises at all times.

§178-15 Variances.

Upon receipt of evidence that compliance with the requirements and standards of this Part would render undue hardship, the Borough Council may grant a variance to these requirements and standards provided that the Applicant provides an affidavit of indigency certifying that:

- (1) The costs to be imposed by the Borough for the Special Event exceed the available resources of the Applicant and the Applicant does not reasonably foresee such funds being available within a reasonable period prior to or after the events; and
- (2) The Applicant is not charging participation fees, sponsorship fees or other admittance fee for the event and there is no other sponsor for the event.

§178-16 Conformance with Other Law.

This Part shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all state laws, rules and regulations, county and Borough laws which are now, or may be in the future, in effect which pertain to the conduct of Special Events.

§178-17 Liability.

The Sponsor shall be held liable for damage caused to neighboring property by any person or participant.

§178-18 Penalties.

Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a Parade and/or Special Event without obtaining the requisite Parade and/or Special Event Permit provided in this Part, or who knowingly conducts, permits, or allows a public gathering with a Parade and/or Special Event Permit but in violation of the terms and provisions of this Part and the Parade and/or Special Event Permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 6. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Waynesboro that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause section or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8. Effective Date. The effective date of this Ordinance shall be its date of enactment.

ENACTED AND ORDAINED this _____ day of _____, 2025, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania.

ATTEST

BOROUGH OF WAYNESBORO

Secretary
(SEAL)

By:

C. Harold Mumma, Council President