

*Borough of Hanover, PA
Friday, November 4, 2022*

Chapter 309. Special Events

[HISTORY: Adopted by the Borough of Hanover 7-22-2015 by Ord. No. 2226; amended in its entirety 3-25-2020 by Ord. No. 2295. Amendments noted where applicable.]

§ 309-1. Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

APPLICANT

A person or group sponsoring or organizing an event who has filed a written application for a permit and who assumes responsibility for all duties and responsibilities under this chapter.

ASSEMBLAGE

A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

BOROUGH

The Borough of Hanover, York County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Hanover, York County, Pennsylvania.

BOROUGH MANAGER

The Manager of Hanover Borough, York County, Pennsylvania.

BOROUGH SECRETARY

The Secretary of Hanover Borough Council, York County, Pennsylvania.

CHIEF OF POLICE

The Chief of Police of the Borough of Hanover, York County, Pennsylvania.

COMMUNITY EVENT

A special event, as defined herein, that has long-standing tradition in the Borough and attracts substantial participation/attendance by Borough residents, and is an event sponsored by the Borough. Events under such definition shall include, at the time of this chapter's enactment, the Memorial Day Parade to be held on Memorial Day of each year, the Liberty Day Celebration to be held on the Fourth of July of each year, the Homecoming Parade, the Walk a Mile in Her Shoes March, the Halloween Parade to be held the Thursday prior to October 31 of each year, and the Christmas Parade and Tree Lighting to be held the day following Thanksgiving of each year. The list of events classified under this designation may be modified from time to time by resolution of the Borough Council.

COST RECOVERY

Administrative and departmental costs charged by the Borough to an applicant in conjunction with an event permitted under this chapter.

EVENT

A special event, community or priority event, parade, race (e.g. a 5K, 10K, half-marathon or other run), procession, assemblage, other similar event.

HALF-MARATHON

An event that involves participants walking, running, or athletically moving in some way for a distance similar to that of 22 kilometers or 13.1 miles.

PARADE

A march or procession of any kind, in or upon any street or public park within the Borough.

PARTICIPANT

Those individuals, including but not limited to the applicant/permittee, who take part in the activities of the event.

PERMIT

Written authorization from the Borough for a special event, parade, procession, assemblage, race, etc., as required by this chapter.

PERMITTEE

A person/entity to which a permit required by this chapter is issued.

PERSON

Any person, firm, association, partnership, corporation, society, company, or organization of any kind.

PRIORITY EVENT

A special event, as defined herein, that has long-standing tradition in the Borough and attracts substantial participation/attendance by Borough residents. Events under such definition shall include, at the time of this chapter's enactment, the Dutch Festival to be held in July of each year, the Chili Cook-Off to be held during Labor Day weekend of each year, and the YMCA Half-Marathon. These events will be afforded priority in the issuance of special event permits should the applying entity meet all of the necessary application requirements and follow all of the regulations established in this chapter.

PROCESSION

A group of individuals, vehicles, animals, and/or objects moving along a street in a way that interferes with the normal movement of traffic.

RACE/RUN

An event that involves participants walking, running, or athletically moving in some way for a specific distance, no longer than 10 kilometers or 6.2 miles, for which time is usually kept.

SIGN

Posters, bills, banners, flyers, written advertisements or other written messages of any kind.

SPECIAL EVENT

A temporary event, gathering, or organized activity on a Borough street, public property or private property, or in any Borough park, building or other facility, when an organized activity is conducted involving one or more of the following factors:

- A. Closing of a public street, sidewalk, or alleyway or a portion thereof;
- B. Blocking or restricting public property or a portion thereof;
- C. Blocking or restricting access to private property of others;
- D. Use of pyrotechnics or special effects;
- E. Use of open flame, explosions, or other potentially dangerous displays or actions;

- F. Use or display of animals, vehicles, aircraft, or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;
- G. Sale or service of merchandise, food, or nonalcoholic and/or alcoholic beverages on public and private property where otherwise prohibited by ordinances;
- H. Installation of a stage, vehicle(s) of any kind, trailer, van, portable building, booth, stand, grandstand, or bleachers on public property or on private property where otherwise prohibited by ordinance;
- I. Placement of portable toilets on public property or on private property where otherwise prohibited by ordinance;
- J. Placement of "no parking" signs or barricades in a public right-of-way;
- K. Amplification of music, voices, sounds, or activities in excess of that permitted by chapter;
- L. The Borough determines that the event will result in substantial impact on Borough resources, facilities, or public safety services in response thereto;
- M. Examples of special events include but are not limited to concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, community events, half-marathons, 10Ks, 5Ks and other running events, bicycle races and tours, motorcycle rides, and other organized activity conducted for the purpose of recreation, fund-raising for profit, nonprofit fund-raising, community or organizational promotion, or charity.

SPECIAL EVENT VENUE

Area at which a special event will be conducted and for which a permit has been issued.

STREET

The entire width between the boundary lines of every publicly maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

TEMPORARY ALLEY and/or STREET CLOSURE

Any special event, as defined herein, representing a gathering proposed to take place on a public street and/or alley within the Borough, or which require the temporary closure or blockading of a public street and/or alley for the safety of event participants, and that does not require temporary closure of intersections, including, but not limited to, for public/private auctions, street festivals, block parties, outdoor festivals, and film production. State routes are excluded from this designation.

VENDOR

A person or entity that promotes or exchanges goods or services for money from a temporary stand, booth or location or from a movable vehicle, cart or wagon while traveling on the public streets and alleys of the Borough of Hanover.

§ 309-2. Permit requirement.

- A. Except as provided in this chapter, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a parade, assemblage, procession, community event, priority event, or special event, unless a permit has been approved by Borough Council and issued by the Borough Manager.
- B. No person or entity shall be required to obtain a special event permit from the Borough to engage in the following:
 - (1) Funeral processions.

- (2) Lawful exercise of First Amendment activity such as free speech and the right to assemble on sidewalks, streets, or other public property unless such activity will likely result in the obstruction of Borough streets, sidewalks, or other public property or will likely compromise the ability of the Borough to respond to a public safety emergency, or will block, obstruct or limit access to private property.
- (3) A governmental agency acting within the scope of its authority and functions.
- (4) House moving, construction and building maintenance activities.
- (5) Students participating in school-district-sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities and does not obstruct, block or limit access to public or private property.

§ 309-3. Special event permit application process.

- A. Application. A person seeking a special event permit as required by this chapter shall obtain an application from the Borough office or via the Borough website and submit it to the Borough Secretary, including payment of an application fee of \$30 for special events or \$15 for temporary alley and/or street closures, respectively. The fees established for the applications may be adjusted by resolution passed from time to time by the Hanover Borough Council.
- B. Filing period. An application for a permit as required by this chapter shall be submitted to the Borough at least 60 days and not more than 180 days prior to the date proposed for the event. In the event that the permit involves the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the application must be submitted not fewer than 75 days before the proposed date of occurrence of the event.
- C. Late application. Hanover Borough Council, where good cause is shown, may, but is not required to, consider an application filed less than 60 days prior to the proposed event date provided all of the requirements and review can be met.
- D. Content. The application for a permit required under this chapter shall be on a form provided by the Borough which shall include but not be limited to:
 - (1) The name, address, telephone number, cell phone number, and email address of the person or entity seeking to conduct such an event.
 - (2) If the event is designed to be held by, on behalf of or for any person or entity who is not filing the application, the applicant for such permit shall file with the Borough Manager a written authorization from the person proposing to hold the event, authorizing the applicant to apply for the permit on his/her/its behalf.
 - (3) The name, address, telephone number, cell phone number, and email address of the person who will be responsible for conducting the event.
 - (4) The date when the event is to be conducted.
 - (5) The route on public roads to be traveled by event participants, as well as the starting and termination points or, if the event does not involve moving participants, the location of the event.
 - (6) The approximate number of persons likely to attend or participate in the event; the animals (if any) and vehicles (if any) which will be involved in the event; and a specific description of the nature of the event.
 - (7) The hours when the event will start and terminate.
 - (8) A statement as to whether the event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed to be traversed by pedestrian and vehicular

- traffic.
- (9) The location by streets of any assembly areas for such event.
 - (10) The time at which units of the event will begin to assemble at any such assembly area or areas.
 - (11) The setup, tear down, and cleanup dates and times.
 - (12) The purpose of the event.
 - (13) Maps detailing the proposed site locations and/or routes along with written descriptions of the following: amplification devices, street closures and detours, electrical requirements, emergency medical stations, equipment, fire lanes, fireworks or pyrotechnics, litter control, portable toilets, signage, structures, and vendors.
 - (14) The cost of admission, if any, and whether the event is public or private.
 - (15) Plan for disposal of wastewater, including capture and containment, to be approved by the Borough.
 - (16) Plan for disposal of garbage and municipal waste to be approved by the Borough.
 - (17) Proof of comprehensive general liability insurance in the amount of \$1,000,000, naming the Borough of Hanover as an additional insured. In the event that the permit requires the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the applicant must also name the Pennsylvania Department of Transportation as an additional insured. This requirement is waived for those filing a temporary alley and/or street closure application.
 - (18) Any enticements, such as candy, balloons, toys, silly string, fireworks, plastic horns and poppers to be thrown or given away to onlookers.
 - (19) The following statements:
 - (a) Statement indemnifying and holding the Borough harmless executed by the applicant and the individuals or organization conducting the event.
 - (b) Statement that information set forth in application is true and correct to the best of the applicant's knowledge under penalty of law.
 - (c) Agreement to comply with this chapter and any other applicable ordinances, rules, regulations, or requirements for event.
 - (20) Such additional information as the Borough Manager shall find reasonably necessary to arrive at a fair determination as to whether a permit should be issued.
- E. Cost recovery. The Borough shall require payment of cost recovery fees for the cost of providing the services of public safety and public works for special events as set forth in written regulations enacted pursuant hereto but only if such costs reflect a good-faith estimate of actual expenses to be incurred and do not include costs associated with protecting First Amendment activity from actual or threatened harm. All sponsors of special events shall work in good faith with the Borough to achieve the least expensive alternatives available consistent with the purpose of the proposed special event. The Borough Manager shall upon receipt of the special event permit application contact the Police Chief, Fire Commissioner, Director of Public Works, and any other relevant Borough department officials in order to establish an accurate, good-faith estimate of the event's cost of Borough resources.
- (1) Pursuant to Borough Resolution No. 1051, enacted the 24th of July, 2013, the minimum rate for rental of Borough equipment, which may include barricades, is set at a rate of a minimum of four hours according to the rate established from time to time by resolution of the Borough Council.

- (2) The hourly rate for special labor, special policeman, and other such officials as may be necessary for the conduct of a special event is set by resolution from time to time by the Borough Council.
- (3) The Borough's good-faith estimate of costs will be provided to the applicant within 15 days following the first meeting of the Borough Council to occur after the applicant's submission of an application for a special events permit.
- (4) Upon issuance of a special events permit, the applicant/permittee shall be required to remit payment, in the amount estimated and requested by the Borough for the purposes of cost recovery, to the Borough office no less than 10 days prior to the date on which the event is to occur. Failure to remit the necessary payment by this deadline will result in a denial of the permit request or revocation of an awarded permit.
- (5) Within 30 days after the conclusion of the event, the Borough will provide an accurate account of the costs incurred upon its resources as a direct result of the event.
 - (a) Should the event's actual costs exceed the costs estimated by the Borough and payment remitted by the applicant, the Borough shall issue an invoice to the permittee for the balance of the costs, to be paid within 30 days of the invoice date, or face penalty herein established.
 - (b) Should the event's actual costs be less than that estimated by the Borough and payment remitted by the applicant, the Borough shall issue a refund to the permittee for the amount of the overpayment within 30 days of the calculation of the actual costs.

§ 309-4. Standards for issuance.

The Borough Manager, with the approval of Borough Council, shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may be otherwise obtained, it is found that:

- A. The conduct of the event will not unduly interfere with the safe and orderly movement of traffic travelling on roads in the vicinity of the event, nor shall the event have any adverse impact upon the access to or use of public or private properties and/or traffic circulation in the vicinity of the event.
- B. The conduct of the event will not require the diversion of so great a number of police officers of the Borough to properly police the event and/or the movement of participant and spectators at the event and/or in the areas contiguous thereto as to prevent normal police protection to the Borough.
- C. The concentration of persons, animals, and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection or ambulance service to areas contiguous to such assembly areas.
- D. The conduct of such event will not interfere with the movement of firefighting equipment en route to a fire and/or emergency medical vehicles.
- E. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay.
- F. The event is not to be held for the sole purpose of advertising any products, goods, or event, and is not designed to be held purely for private profit.
- G. All sponsor(s), participants, and attendees at events are subject to applicable federal, state and local laws, ordinances, and regulations not otherwise waived by the permit, including, but not limited to, laws, ordinances and regulations regulating noise volume, disorderly conduct, traffic and public intoxication. Police officers may order the shutdown of an event that becomes disorderly and/or hazardous to participants and/or the public.

- H. The Borough shall abide by the following additional regulations when issuing special events permits:
- (1) Those events classified herein or subsequently by the Borough as community or priority events shall be afforded priority in the issuance of a special events permit, provided that the applicant meet all of the necessary application requirements and follow all of the regulations established herein.
 - (2) In the issuance of special events permits, the Borough:
 - (a) Shall not permit more than two special events to occur within one calendar month.
 - (b) Shall permit only one run to occur within one calendar month.
 - (c) Shall permit only one half-marathon to occur within one calendar year.
 - (d) Shall not permit two special events to occur within two weeks or 14 days of one another.

§ 309-5. Notice of decision.

The Borough Secretary shall notify the applicant for a permit as to whether the application has been approved or rejected and, if approved, a good-faith cost recovery fee, within 15 days following action by the Borough Council. If the application is rejected, the notice shall be in writing and communicate the basis therefor. Should the application be approved, a permit shall be issued as set forth herein upon payment of the cost recovery fee to be paid by the applicant and execution of an indemnification and hold harmless agreement by the applicant.

§ 309-6. Denial of application for permit.

An application for an event permit may be denied if the applicant fails to satisfy or violates any of the requirements set forth in this chapter, or:

- A. Applicant has made or permitted the making of a false or misleading statement or omitted a material fact on the permit application; or
- B. Applicant has violated this chapter or has had an event permit revoked within the preceding 12 months; or
- C. The Borough believes that persons or property are at risk as a result of the activities or conduct of persons at the event; or
- D. The issuance of a special events permit would violate any of the regulations included in § 309-4, Subsection H, such as the priority afforded to community or priority events or any of the calendar restrictions.
- E. The applicant does not remit the required payment as determined by the Borough's cost recovery estimate process described in § 309-3, Subsection E, or does not execute an indemnification and hold harmless agreement or otherwise comply with the terms hereof.

§ 309-7. Appeal procedure.

Any person or entity aggrieved by the action of Borough Council shall have the right to request Borough Council to reconsider its action at its next regularly scheduled meeting by submitting a written request to Council by registered or certified mail at the Borough office. Borough Council shall consider the request to reconsider its action at its next regularly scheduled meeting after receipt of such request and shall render a decision within 15 days following its meeting. Borough Council shall consider all relevant information submitted by the applicant, Borough and other public officials and neighbors of the property

where the event is to be held and other Borough residents and businesses and shall review all relevant documents submitted. Borough Council shall mail its decision with regards to the appeal to the address provided to Council by the applicant/appellee.

§ 309-8. Notice to Borough and other officials.

Immediately upon the issuance of an event permit, the Borough Secretary shall send a copy thereof to the following:

- A. The Borough Manager.
- B. The Chief of Police.
- C. The Fire Commissioner.
- D. Public Works Director.
- E. Emergency Management Director.

§ 309-9. Contents of the permit.

Each event permit shall state the following information:

- A. Date of the event.
- B. Starting and termination times of the event.
- C. The portions of the streets to be traversed or blocked that may be occupied by the event.
- D. The approximate number of persons, animals, and motor vehicles that will be in the event.
- E. A brief description of the event.
- F. Statement of applicant agreeing to indemnify and hold the Borough harmless.
- G. Signature of the event organizer and applicant.

§ 309-10. Duties and possession of permit.

- A. Duties of permittee. A permittee shall comply with all permit directions and conditions and with applicable federal, state and municipal laws, ordinances and regulations.
- B. Possession of permit. The event Chairman or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

§ 309-11. Public conduct during event.

- A. Interference. No person shall hamper, obstruct, impede or interfere with any event or event assembly or with any person, vehicle or animal participating or used in an event.
- B. Driving through event. No driver of any vehicle shall drive between the vehicles, person, or animals involved or participating in an event when such vehicles, person, or animals are in motion.
- C. Parking on event route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof or in public parking lots constituting a part of the route or in the vicinity of the site of an event.

§ 309-12. Prohibition of direct payments.

Special event organizers are prohibited from making direct payments to Borough employees for public safety, public works, or other Borough services. All Borough employees shall instead receive compensation through the Borough payroll for any paid assistance with special events.

§ 309-13. Revocation of permit.

The Borough Manager shall have the authority to revoke an event permit issued hereunder upon violation of the standards for issuance of a permit as herein set forth, upon learning that the applicant made or permitted the making of a false or misleading statement or the omission of a material fact on the event application, or violated other applicable laws, statutes, ordinances, rules, regulations, or policies.

§ 309-14. Temporary signs for events.

Pursuant to Ordinance No. 1639 (as amended by Ordinance No. 2050 and No. 2176), it is unlawful for any person to place, post, paint, erect, display, secure or maintain any sign, banner, lighting or advertisement without the prior written consent in the form of a sign permit issued by the Borough of Hanover. All event signs, banners, flyers, or advertisements of any kind shall be located within the boundaries of the event location and shall be removed within three days of the completion of the event. An event sign not removed in compliance with this section may be removed by the Borough at a fee of \$25 per sign. Said fee per sign shall be subject to modification from time to time by resolution of the Borough Council. After removal by the Borough, the Borough may store, dispose, destroy or otherwise handle the sign as it deems appropriate and shall have no liability to the applicant/permittee or the sign owner.

§ 309-15. Solicitation.

Pursuant to Chapter **240** entitled "Licensing for Public Entertainment, Peddling and Soliciting,"^[1] of the Code of the Borough of Hanover, it is unlawful for any person, firm, entity, or corporation desiring to sell or offer for sale to the consuming public, on any public highway or from house to house within the Borough of Hanover, as a huckster, peddler, hawker, street vendor, traveling merchant or agent, any goods or wares or merchandise without having first procured from the proper officer of the Borough a license to do so. Any such person desiring to engage in any of the aforementioned activities in conjunction with, at, or around a special event shall be required to procure the proper license as stated in Chapter **240** of the Code of the Borough of Hanover. Such regulations regarding such permit and its associated fees, conditions, and regulations shall be pursuant to those established in the Code and amendments, resolutions and ordinances hereafter enacted by the Borough Council. A special events permit as established herein in no way or manner exempts any person, firm, entity, etc. from the rules and regulations of Chapter **240** of the Code of the Borough of Hanover.

[1] *Editor's Note: This chapter was repealed 2-24-2021 by Ord. No. 2309; see now Ch. 240, Transient Retail Business.*

§ 309-16. Insurance required to conduct event.

An applicant for an event must provide proof of comprehensive general liability insurance in the amount of \$1,000,000 to protect the Borough against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the event. Such insurance shall name the Borough of Hanover, its officers, employees, agents and, if required, any other public entity involved in the event, as an additional insured on a separate endorsement maintained for the duration

of the event. In the event that the permit requires the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the applicant must also name the Pennsylvania Department of Transportation as an additional insured. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the Borough by the carrier and the applicant.

§ 309-17. Indemnification.

The applicant for an event shall indemnify and hold harmless the Borough, its officers, employees, agents and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the event.

§ 309-18. Condition of premises after event.

The applicant is required to return any public property upon which the event is held to its condition prior to the conduct of the event. Failure to do so may result in the applicant and sponsoring organization being prohibited from being issued a special events permit for a future event or being required to post a bond to insure compliance with the requirement to clean up after the event. In addition, the applicant will be responsible for any costs or expenses incurred by the Borough in restoring the premises to their condition prior to the conduct of the event.

§ 309-19. Unlawful conduct.

It shall be unlawful for any person to organize, present or conduct, or attempt to organize, present or conduct an event without first having obtained a permit therefor as herein provided or to otherwise violate any of the provisions of this chapter. It shall also be unlawful for any person to fail to comply with all directions and conditions of an event permit.

§ 309-20. Violations and penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof before a District Justice or other court of competent jurisdiction, be sentenced to pay a civil penalty not to exceed \$600 for each and every offense, plus the costs of prosecution and reasonable attorney fees incurred by the Borough of Hanover in enforcement proceedings. Each day in which a person is in violation of this chapter and each section of this chapter violated by a person shall be considered a separate violation hereunder.

§ 309-21. Amendments.

The Borough of Hanover reserves the right, from time to time, to adopt by resolution of the Borough Council modifications of, supplements to, or amendments to the special events permit application and the list of those events classified as community and priority events.

§ 309-22. Severability.

The provisions of this chapter shall be severable and if any provision or provisions shall be held to be unconstitutional, invalid, or void, such provision or provisions shall not affect the validity of any of the remaining provisions of this chapter. It is hereby declared that this chapter would have been adopted if such unconstitutional, invalid, or void provision or provisions had not been included herein.

§ 309-23. When effective.

This chapter and its provisions shall take effect immediately upon enactment and approval. Special events approved prior to the enactment of this chapter shall be exempt herefrom and shall not be subject the provisions and regulations established herein. Any person, corporation, entity, or organization seeking to hold a special event that has not gained prior approval by the Borough Council at the time of this chapter's enactment shall be subject to all of the rules, regulations, and provisions hereby established.