

ORDINANCE 2021-15

SPECIAL EVENTS ORDINANCE

WHEREAS, the City of Hazleton desires to regulate, control, and otherwise ensure the safe and orderly performance of all special events, parades, and public gatherings within the municipality; and

WHEREAS, it is the intention and purpose of this Ordinance to ensure the safety of the citizens of the City of Hazleton and individuals who patronize and wish to conduct special events, parades, and/or public gatherings within the City.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Council of the City of Hazleton, as follows:

SECTION 1

TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the “Special Event Ordinance”. The purpose of the application is not to exclude communication of a particular content, but to coordinate multiple uses of limited space, to assure preservation of the street, park and public facilities, to prevent uses that are dangerous, unlawful, or impermissible and to assure financial accountability for damage caused by the event.

SECTION 2

DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

Business District- any roadway located in CC, CH, LI, GI, PI, OS, as defined in the zoning ordinance.

CITY - The City of Hazleton, a municipality.

City Owned Property- Property owned by or under the control of the City of Hazleton including but not limited to any park, playground, parking lot, building, facility, or structure.

CHIEF OF POLICE – The Chief of Police of the City of Hazleton, or designee.

COUNCIL – *The City Council of the City of Hazleton.*

DEMONSTRATION – *Any public display or expression of group feelings toward a person or cause.*

Employee Cost- *Any cost associated with an employee of the City of Hazleton including but not limited to contractual overtime minimums.*

Exclusive Use – *The approved use of any venue or space of a venue closed to the Public.*

Family / Personal Events- *any special event that is not organized by a recognized organization and does not involve any financial commerce.*

Financial Commerce- *transferring of currency or anything of value in exchange for goods or services.*

Fundraiser- *any special event that is organized with the purpose of raising money or anything of monetary value.*

MAYOR – *The Mayor of the City of Hazleton, Pennsylvania, or designee.*

PARADE – *Any gathering which utilizes a Roadway for any purpose, including but not limited to a march, procession, or demonstration.*

PROCESSION – *A group of individuals moving in a manner other than for normal pedestrian or vehicular traffic.*

Recognized Organizations- *A legally created organization by means of License, EIN or Charter.*

Reserving - *The approved use of any venue or portion of a venue.*

Residential Districts- *any roadway located in R1, R2, R3, as defined in the zoning ordinance.*

SPECIAL EVENT- *Any Parades, Processions, Gatherings, or Sporting Events that are held on City owned property, pedestrian walkways, roadways within City limits, or on private property that may require the assistance of the City, obstruct traffic or walkways, or other considerations from the City.*

Roadway – *A public right-of-way or portion thereof intended for public use to provide means or travel for vehicles and pedestrians. Including but not limited to street, avenue, road, highway, thoroughfare, way, drive, lane, court, cul-de-sac, and alley but shall not include driveway or sidewalk.*

Vested Interest- a person or group having a personal stake or involvement in the location being closed.

SECTION 3

APPLICATION REQUIRED

No special event, parade, and/or public gathering shall be conducted by any person upon any Roadway, park, or public area in the City of Hazleton without obtaining approval from the City. No person shall participate in a special event, parade, and/or public gathering prior to full compliance with the provisions of this ordinance. Approval shall be obtained through the Recreation Office by way of the Mayor's signature. Approval shall not constitute an endorsement of the applicant by the City of Hazleton.

SECTION 4

SPECIAL EVENT CATEGORIES

Requests will be broken down into three (3) categories each containing subcategories:

- 1. Parades and Processions*
- 2. Gatherings*
- 3. Sporting Events*

1. PARADES AND PROCESSIONS

A. Utilizing a Pedestrian Walkway

- 1. Utilizing the public sidewalk whereas no property, parking lanes or driving lanes are being utilized.*
- 2. Must follow all pedestrian laws.*

B. Utilizing Driving Lanes (of City owned Roadways)

1. *Requirements:*

I) Must have a lead vehicle equipped with Emergency Lights. The City will make a City Vehicle available if needed, and the same must be operated by an approved employee of the City. Applicant may be responsible for employee cost.

II) Must have a tail vehicle equipped with Emergency Lights. The City will make a City Vehicle available if needed, and the same must be operated by an approved employee of the City. Applicant may be responsible for employee cost.

2. *Length Limitations:*

I) Time length- No special event utilizing driving lanes shall exceed Sixty (60) minutes in duration from approved scheduled starting time.

II) Distance length- No Special Event utilizing driving lanes shall exceed Two (2) Miles, (10,560 feet), in distance from the approved starting location.

3. *Blocking of Traffic, Roadways, and Intersections.*

I - Vehicle Only Special Events

- Each Intersection of all streets that will impede normal flow of traffic conditions and / or right of ways (example- opposing stop signs or traffic lights), involved in a vehicle only Special Event shall be blocked, barricaded, and/or have a crossing guard stationed.

II – Combined Vehicle and Non-Vehicle Special Events

- Each intersection of all streets involved in a Combination Vehicle and Non-Vehicle Special Event shall be blocked, barricaded, and/or have a crossing guard stationed.

III - Non-Vehicle Special Events

- Each intersection of all streets involved in a non-vehicle Special Event shall be blocked, barricaded, and/or have a crossing guard stationed.

2. *GATHERINGS*

A. Public Property

1. Protests

2. Fundraisers/financial commerce

3. Family/personal events

A) Locations:

a) Special Events that require a roadway to close

- 1) Applicant must have a “vested interest” in requested area of closure*
- 2) Business Districts- Roadway closure shall be limited to a maximum closure of two (2) city blocks, closure of one (1) cross street, and must have approval of a majority of the occupied residences and operating businesses within the requested area.*
- 3) Residential Districts- Roadway closure shall be limited to a maximum closure of one (1) city block, no cross street shall be closed, and must have approval of a majority of the occupied residences and operating businesses within the requested area.*
- 4) Parking Restrictions- the requested area of closure will posted with emergency “no parking” signs.*

b) Special Events that Do Not require a roadway to close

1) Reserving of a venue

- a) Fees for Reserving of any venue space for an approve Special Event may be set, updated, and listed on the City’s Fee Schedule.*
- b) Event Coordinators shall have the right to call 911 to enforce any interference with an approved Special Event.*

2) Exclusive Use of a venue

- a) Fee for an Exclusive Use of any venue space for an approve Special Event may be set, updated, and listed on the City’s Fee Schedule.*
- b) The fee for Exclusive Use shall include onsite police presence (not available for seasonal sporting events).*
- d) Venue or space of a venue may be posted as CLOSED or RESERVED for Private Event.*

B) Limitations:

Time limitations- Each Special Event shall last no more than 24 hours from set up to clean up, if a Special Event requires additional time the applicant may file an additional application.

B. Private Property (No Application Required)

1. Fundraisers/financial commerce

A) Limitations:

- 1. Parking- See current City Ordinance*

2. Noise- See current City Ordinance

B) Requirements

3. Outside Vendors- See current City Ordinance

4. Alcohol- See State Regulations

2. Family/personal events with no financial commerce (No application required)

A) Limitations:

1. Parking- See current City Ordinance

2. Noise- See current City Ordinance

B) Requirements

1. Outside Vendors- See current City Ordinance

3. SPORTING EVENTS

A. Short Term

1. Single Event

a. Requirement:

Exclusive Use of Venue application

B. Long Term

1. Multiple Year Agreement

a. Requirement:

1. Fully Executed Agreement with the City

2. Seasonal Event

a. Requirement:

1. Fully Executed Agreement with the City.

SECTION 5

EXCEPTIONS

This Ordinance shall not apply to:

- (1) Funeral processions*
- (2) Wedding processions*
- (3) Parades/Events Sponsored or Co-Sponsored by the City of Hazleton*

SECTION 6

APPLICATION

A person seeking to hold any category of special event shall file an application with the Hazleton Recreation Department on forms provided by the City.

Filing period. An application for a special event shall be filed with the City, not fewer than twenty-eight (28) days in advance of the proposed event. No fee shall be charged for the application. Where good cause is shown, the City shall have the authority to consider any application hereunder which is filed fewer than twenty-eight (28) days in advance of the proposed event date.

A. Application Contents. The following information shall be included on application.

- (1) Name, address and telephone number of the Applicant.*
- (2) If the special event is proposed to be conducted for, on behalf of or by any organization, the name, address and telephone number and contact person of the recognized organization.*
- (3) The name, address and telephone number of the person or persons who will be in charge of and who will be responsible for its conduct*
- (4) Classification of Special Event.*
- (5) The date when the special event is to be conducted, a rain date, set up time, and expected completion of clean up.*
- (6) If applicable, the route to be traveled, the starting point and the termination point including a map depicting the course of the parade or the location of the parade.*
- (7) If applicable, the venue or location to be utilized.*
- (8) The location by streets of any assembly (formation and disbanding) areas for a parade including time at which units of the parade will begin to assemble.*
- (9) The approximate size and length of the special event including the approximate number of persons and vehicles in the parade including number and types of animals (if any).*
- (10) In relation to parades, a description of the vehicles and names of vehicle operators along with the names of those individuals tasked with barricading roadways.*
- (11) Any additional information which the City shall find reasonably necessary to complete application process.*

B. Restrictions.

- 1. Only Recognized Organizations will be permitted to hold a Financial Commerce Event on City property.*

SECTION 7

LIMITATIONS ON EVENTS

Each City Owned Property shall have a list of approved usages. If a proposed usage is silent, it shall be the discretion of the Mayor to determine the eligibility of a particular use at a location. (List of approved usages is available upon request)

No event approval issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the City of Hazleton liable for any injury, or damage committed and/or caused.

The City shall have the authority to designate an alternate date, time, venue, duration, or course for any special event. This authority shall be exercised to accommodate competing demands on the use of public areas, parks and roadways. In addition, the City may adopt any reasonable conditions to better protect the public and ensure compliance with this ordinance. Any time, place, and manner limitations will not be based on the content of the message and will be narrowly tailored to serve a significant governmental interest, and will leave open ample alternatives for communication.

SECTION 8

APPLICANT COSTS

The Mayor, Chief of Police, Chief of the Fire Department, or Director of Public Works shall have the authority to determine the necessary personnel, supplies and equipment for the special event.

Under this Ordinance there is no application fee. However, the sponsor will be informed of any potential costs prior to approval. The holding of the events shall constitute acceptance of all costs.

Potential Costs: See Rate Schedule

- 1. Street closure*
- 2. Vehicle operator*
- 3. Refuse removal*
- 4. Electrical cost*
- 5. Traffic control*
- 6. Parking convenience (impact) fee per vehicle*

7. *Rental Rates- See current schedule*
8. *Excess trash and / or clean up (applicant may be charged for excess trash removal or cleanup)*
9. *Lost revenue from parking spaces, parking meters, and / or parking garage*

The City is not required to close roadways for security purposes and is not required to provide police for security purposes at the special event. Security and safety for the special event is always the responsibility of the applicant (example- protection of the applicant or the special event related to their actual or proposed message).

A Security Deposit of up to Five hundred (\$500.00) dollars may be required and will be refunded if the location of the special event, is clean and free of litter, and damage and City services costs are paid. The security deposit must be paid with a separate check so that it can be placed in escrow for easy return if applicable.

SECTION 9

INSURANCE

Each applicant filing an application may be required to provide the City with a Certificate of Insurance covering the specific event. The amount and adequacy of said insurance to be determined by the City. If required, the Certificate of Insurance shall name the City of Hazleton as an additional insured and shall be provided by an insurance company authorized to do business in the Commonwealth of Pennsylvania and acceptable to the City.

SECTION 10

DENIAL OR REVOCATION OF APPROVED EVENT

A. An Application shall be denied if:

- (1) if outstanding costs from prior events are due to the City.*
- (2) the application (including any required attachments and submissions) is not fully completed and executed;*
- (3) the applicant has not tendered the required insurance certificate, if required;*
- (4) the application contains a material falsehood or misrepresentation;*
- (5) the applicant is legally incompetent to contract or to sue and be sued;*
- (6) the applicant or the person on whose behalf the application was made has on prior occasions damaged City property and has not made full restitution, or has other outstanding and unpaid debts to the City;*
- (7) a fully executed prior application for the same time and place has been received, and approval has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy at the proposed location of the special event;*

(8) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;

(9) the proposed use or activity is prohibited by or inconsistent with the venue, classifications and uses of any street, park or other public place in the City, or part thereof;

(10) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of any street, park or other public place in the City, of City employees or of the public;

(11) the applicant has not complied or cannot comply with applicable requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services;

(12) the use or activity intended by the applicant is prohibited by law, by this Ordinance and ordinances of the City, or by the regulations of the Department of Recreation.

(13) if any of the following Safety Measures are interfered with:

(a) The conduct of the special event will not so substantially interrupt the safe and orderly movement of traffic within the City on and contiguous to the proposed route so as to create a real and present danger to the health, safety and welfare of the residents of the City.

(b) The conduct of the special event will not create a real and present danger to the health, safety and welfare of the citizens of the City by preventing fire-fighting equipment, ambulances, rescue vehicles and/or police vehicles from being able to reach any property in the City.

(c) The conduct of such special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to the City.

(d) The concentration of persons, animals and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

(e) The conduct of such special event will not interfere with the movement of firefighting equipment in route to a fire.

(f) The conduct of the special event is not reasonably likely to cause injury to person or property, to provoke disorderly conduct or to create a disturbance.

This excludes content of message.

(g) The special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

B. If an application is denied then the denial shall explain the reason(s) for the denial.

C. The Mayor, Chief of Police, Chief of the Fire Department, and Director of Public Works shall have the authority to withdraw permission to conduct the event if he or she feels that due to public safety, severe adverse weather and/or traffic conditions the event would be unsafe.

D. The Mayor, Chief of Police, Chief of the Fire Department, Director of Public Works, or their designees, may at any time, including before or during the event, revoke any permission

if there has been any breach of the terms and conditions under which the same was issued or a violation of the terms of this ordinance.

E. Local ordinances may be enforced for unauthorized uses. By way of example, an unauthorized use would occur if the Applicant conveyed on their application that food sales will occur, however, alcohol is being distributed. An additional example would be a if a speaking events is approved; however, live musical entertainment is provided.

SECTION 11

APPEALS

Any applicant that is denied shall first be afforded the opportunity to discuss the denial and possibility of an amended application with the Mayor or Mayor's designee. If the issue is not resolved after discussions with the Mayor or Mayor's designee, the aggrieved party shall have the right to appeal the denial or revocation of an application to City Council. The appeal shall be taken by sending a letter to the Council Clerk requesting that City Council hear an appeal of the decision. The letter must be sent by certified mail or hand delivered to the Office of City Council at 40 N. Church Street, Hazleton, Luzerne County, Pennsylvania.

The applicant shall pay all costs associated with a hearing before City Council, and shall pay a non-refundable fee of \$500.00 prior to scheduling the hearing. City Council must render a decision on said appeal, in writing, within 14 days after the last hearing on the appeal. If the applicant is not satisfied with the decision of City Council, then they may appeal to the Court of Common Pleas of the Eleventh Judicial District, Luzerne County Branch within 30 days of City Council's written decision.

SECTION 11

VIOLATIONS AND PENALTIES

Any person, association, organization, firm or corporation who or which shall violate any provision of this ordinance shall be charged with a non-traffic summary offense, and upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution and or to imprisonment for not more than 90 days.

The penalty provisions of this Ordinance may be amended from time to time as deemed appropriate by City Council by resolution.

SECTION 12

SEVERABILITY

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid to be

unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

***SECTION 13
EFFECTIVENESS***

This Ordinance shall become effective immediately upon enactment.

ADOPTED BY COUNCIL *this 18th day of August, 2021.*

First Reading
(August 11, 2021)

Presented Barletta
Seconded Sacco
Barletta Y
Colombo Y
Mundie Y
Sacco Y
Perry Y

Second Reading
(August 18, 2021)

Presented Barletta
Seconded Perry
Barletta Y
Colombo Y
Mundie Y
Sacco Y
Perry Y -

ORDINANCE PASSES UNANIMOUSLY ON 8/18/2021