ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF CUMRU, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING AN ORDINANCE TO REGULATE PUBLIC GATHERINGS OCCURRING WITHIN THE TOWNSHIP.

WHEREAS, the Township of Cumru (the "Township") Board of Commissioners (the "Board") desires to establish regulations regarding public gatherings within the Township; and

NOW, THEREFORE, the Board hereby enacts and ordains as follows:

1. Title. This Ordinance shall be known as and cited as the "Township of Cumru Public Gathering Ordinance."

2. Definitions.

As used in this chapter, unless the context compels otherwise, the following terms shall have the meanings indicated:

APPLICANT — Any person, entity and/or any sponsoring organization who or which seeks a public gathering permit from the Township to conduct or sponsor an event governed by this chapter. Any entity or organization shall designate an individual person as the responsible contact person.

ATHLETIC EVENT — An occasion on which a group of persons collectively engage in a sport or form of physical exercise on a Township street, sidewalk, alley or other street right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls. Athletic events shall include bicycle and foot races.

BLOCK PARTY — A festive gathering of the residents on a residential street requiring a closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.

TOWNSHIP ENGINEER — The Cumru Township Engineer or his/her designee.

PARADE — A march or procession consisting of persons, animals or vehicles, or any combination thereof, on any Township street, sidewalk, alley or other street right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic and/or does not comply with traffic laws or controls.

PERMIT APPLICATION FEE — The fee to be paid by the public gathering permit applicant at the time the application is filed with the Township.

PERMITTEE — Any person, entity and any sponsoring organization which has been issued a public gathering permit by the Township.

PERSON IN CHARGE OF PROPERTY — An agent and his principal, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property in the Township on which the public gathering is to occur.

PUBLIC GATHERING —

A. All temporary gatherings or organized activities on private property in the Township at which attendees are expected to exceed or will exceed seventy-five (75) persons, and involving one or more of the following factors:

(1) Closing or partial closing of a public right-of-way.

(2) Blocking or restricting access to a public right-of-way or public or private property.

(3) Use of pyrotechnics or special effects, including open flames, explosions, or other potentially dangerous displays.

(4) Installation of a stage, bandshell, vehicles of any kind, portable building, toilet, grandstand or bleacher on any public right-of-way or on any private property where otherwise prohibited by ordinance.

(5) Obstruction, delay or interference with the normal flow of pedestrian or vehicular traffic and/or does not comply with traffic laws and controls.

(6) The Codes or the Police Department determines that the event will result in substantial impact on Township resources, facilities or services.

B. All temporary gatherings or organized activities on any street, alley or sidewalk in the Township, and involving one or more of the following factors:

(1) Closing or partial closing of a public right-of-way.

(2) Blocking or restricting access to a public right-of-way or public or private property.

(3) Use of pyrotechnics or special effects, including open flames, explosions, or other potentially dangerous displays.

(4) Installation of a stage, bandshell, vehicles of any kind, portable building, toilet, grandstand or bleacher on any public right-of-way or on any private property where otherwise prohibited by ordinance.

(5) Obstruction, delay or interference with the normal flow of pedestrian or vehicular traffic and/or does not comply with traffic laws and controls.

(6) The Codes or the Police Department determines that the event will result in substantial impact on Township resources, facilities or services.

C. Examples of public gatherings may include both indoor or outdoor events occurring on any public right-of-way or on private property, which are designed to attract crowds, such as concerts, parades, athletic events, fairs, festivals, flea markets, art and craft shows, carnivals, circuses, block parties, soap box derbies, expositions, displays, and athletic events. The following are excluded as public gatherings:

(1) A public gathering for bona fide, day-of-worship religious services.

(2) A public gathering for purposes of lawful demonstrations.

(3) A public gathering sponsored in whole or in part by the Township.

(4) A funeral procession by a licensed mortuary.

D. A public gathering is not intended to include the routine operation of a business, such as a restaurant, dance hall, bingo parlor, bar, nightclub or reception hall, provided that such businesses may be deemed to have public gatherings if operated in a manner that causes any of the conditions set forth in Subsection A(1) through (6) to occur. Notwithstanding the foregoing, if a business is already able to accommodate seventy-five attendees pursuant to the Fire Code, then any indoor event held by such business in routine operation of such business shall not be considered a public gathering and not require a permit.

PUBLIC GATHERING PERMIT — A written, signed authorization to hold a public gathering, issued by the Township Manager and approved by the Codes Enforcement Official and Police Chief.

RIGHT-OF-WAY — Public streets, alleys, sidewalks and crosswalks, including bike and pedestrian paths.

SIDEWALK — That portion of a street between the curblines or lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

SPONSOR(S) — Any natural person, association, partnership, firm, corporation, joint venture, or any other legal entity whatsoever, who or which initiates, organizes, promotes, permits, conducts, or causes to be advertised a public gathering.

TOWNSHIP — Cumru Township, Berks County, Pennsylvania, acting through the Township Manager or his designee.

3. Prohibited activity.

It shall be unlawful for any sponsor, owner of property, or person in charge of property to hold or allow to be held a public gathering unless a permit has been obtained pursuant to this chapter. A separate permit shall be required for each public gathering for the period of time designated by the permit. If public gatherings are advertised or promoted prior to a permit being obtained, the advertisement or promotion shall indicate that such a public gathering is subject to Township approval.

4. Permit requirements.

A. No public gathering shall be held within the boundaries of the Township unless the sponsor(s) and the owner of the property, or the person in charge of the property upon which the public gathering will occur, jointly apply for and are granted a permit as hereinafter provided.

(1) No permit shall be granted for a public gathering of more than 15 hours' duration unless the application specifically requests, and the permit specifically allows, an extension of that period.

(2) No applicant shall be under 18 years of age. No applicant shall be under 21 years of age if alcohol will be a component of the public gathering.

(3) No permit may be transferred or assigned.

5. Application.

A. Any sponsor, owner or person in charge desiring to hold a public gathering, which is not exempted as previously defined in § 269-2, shall apply for a permit by filing an application with the Township on a form provided.

B. All applications shall be submitted not less than 60 days before the date of the public gathering.

C. Upon a showing of good cause, the Township shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain Township services for the event and if good cause can be demonstrated by the applicant by showing that the circumstances that gave rise to the permit application did not reasonably allow the participant to file within the time prescribed.

D. Applications shall be made on forms provided by the Township and shall contain, at least, the following information:

(1) The full legal names, addresses, telephone numbers, cell phone numbers, fax numbers, e-mail addresses, and website addresses or social media handles (if applicable) of all sponsor(s).

(2) The full legal names, addresses, telephone numbers, cell phone numbers, fax numbers, e-mail addresses, and website addresses or social media handles (if applicable) of the owner(s) and the person(s) in charge of the property to be utilized for the public gathering.

(3) The full legal name, address, telephone number, cell phone number, fax number, and e-mail address of the person who will be present and in charge of the public gathering on the day of the event.

(4) If the sponsor(s) is(are) a partnership or joint venture, all partners and parties to the joint venture shall sign as applicant. If the sponsor(s) is(are) a corporation, a copy of the articles of incorporation and a corporate resolution authorizing the application shall be made a part of the application.

(5) The location and address of the property and/or route to be utilized for the public gathering.

(6) The dates, days, and times when setup, the public gathering, tear-down and cleanup will be conducted.

(7) An estimate of the number of persons expected to attend the public gathering, including all participants as well as staff, volunteers, vendors and others involved in production of the event.

(8) The program for the public gathering or, if no program is prepared, a narrative statement as to the purpose for which the public gathering is to be conducted.

(9) The security and protection that will be provided by the applicant, including specific reference to the number of security personnel assisting in the control of

traffic and supervision of those attending, and providers thereof.

(10) Describe whether the public gathering is a public or private event, whether admission will be charged and, if so, the amount.

(11) Maps detailing the proposed site and/or route of the public gathering, together with written descriptions describing the following:

(a) Amplification devices to be used outdoors and the purpose.

(b) Areas for spectators or persons attending the event.

(c) All structures existing and to be constructed.

(d) Proposed transportation and parking facilities.

(e) Sanitary and waste disposal facilities and providers thereof.

(f) Location of recycling bins, name of recycling materials hauler and name of receiving facility.

(g) On-site medical facilities and providers thereof.

(h) Facilities for food and beverage storage, preparation and service.

(i) Camping facilities or other temporary overnight accommodations for individuals.

(j) Proposed event and directional signage.

(k) Lighting and other utility services.

(l) Show start and finish areas for parades and athletic events.

(m) Show the emergency access for emergency fire and medical equipment and vehicles.

(n) Show the location of and fully describe pyrotechnic/firework/explosion/flame displays, together with a fire safety plan.

(o) The location and a brief description of all vendors.

(12) Evidence that all permits and licenses as required by state and county statutes, ordinances and regulations enacted thereunder have been obtained, or that all necessary permits and licenses have been applied for and will be approved prior to the occurrence of the public gathering.

(13) Examples of all proposed advertising of the event, if any.

(14) A description of all services requested from the Township.

(15) Applicants' statement that they shall abide by the terms and provisions of this chapter and all laws, rules, and regulations of the United States, Commonwealth of Pennsylvania, County of Berks, the Township and the public gathering permit.

(16) Any supplemental information that the Township shall find reasonably necessary, under the particular circumstances of the public gathering application, to determine whether to approve or conditionally approve a public gathering permit.

6. Action on application and Appeals.

A. The Township Manager shall approve, conditionally approve or deny an application on the grounds specified in this chapter. Such action shall be taken no later than 30 business days after receiving a completed application for a public gathering. If the application is denied or conditionally approved, the Township Manager shall inform the applicant of the grounds for denial, in writing, or the reason for any change in the date, time, route or location of the event, and the applicant's right of appeal. If the Township relied on information about the event other than that contained in the application, he/she shall inform the applicant of what information was considered. The applicant shall be notified of any permit conditions at the time the application is approved and of the applicant's right of appeal of the permit conditions. At the Township Manager's discretion, the Township Manager may delegate the duty to review and approve or disapprove applications hereunder to the Board of Commissioners.

B. Any appeal from a denial or conditional approval of an application by the Township shall be made within ten (10) business days of the Township providing written notice to the applicant. A hearing on such appeal shall take place within thirty (30) business days of the appeal being received by the Township. If review and approval of the application was delegated to the Board of Commissioners, then appeals shall be heard by the Township Manager, whose decision shall be final. Where the Township Manager has retained the duty to review and approve or disapprove applications hereunder, then appeals shall be heard by the Township Board of Commissioners, whose decision shall be final. A written decision shall be issued to the applicant within thirty (30) business days after the hearing.

7. Grounds for denial of application.

A. The Township shall approve an application for a public gathering permit unless it is determined from a consideration of the application or other pertinent information that:

(1) Information contained in the application or supplemental information requested from the applicant is found to be false or incomplete in any material detail.

(2) The applicant failed to complete the application form after having been notified of the additional information or documents required.

(3) The sole purpose of the event is advertising of any product, goods, ware or merchandise.

(4) Another public gathering permit application has been received prior in time or has already been approved to hold another event at the same time and place requested by the applicant or so close

in time and place as to cause undue traffic congestion or a circumstance such that the Police Department is unable to meet the needs for police services for both events.

(5) The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

(6) The concentration of persons, animals and vehicles at the site of the event or the assembly and disbanding areas around an event will prevent proper police, fire or ambulance services to areas proximate to the event.

(7) The size of the event will require diversion of so great a number of police officers of the Township to ensure that participants stay within the boundaries or route of the event or to protect participants in the event as to prevent normal protection to the rest of the Township.

(8) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Township streets or a previously granted encroachment permit.

(9) The event will occur at a time when a school is in session at a route or location adjacent to the school or class thereof and the noise created by the activities of the event would substantially disrupt the education activities of the school or class thereof.

(10) If the gathering is to be within or partially within a structure, any life safety systems within the structure fail to pass a fire safety code inspection, including but not limited to the sprinkler system, alarm system, exit components and their operation, lack of or insufficient staff for control of the public gathering or mob control and private water service systems.

(11) The applicant failed to submit a fire safety and evacuation plan for review by the Fire Chief.

(12) Other identifiable public health or safety concerns are identified by the Township which the applicant has not adequately addressed.

B. When the grounds for denial of an application for a permit specified above can be corrected by altering the date, time, duration, route or location of the event, the Township shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed public gathering as are necessary to achieve compliance with the requirements of this chapter.

8. Conditions of issuance.

The Township may condition the issuance of a public gathering permit by imposing reasonable requirements concerning the time, place and manner of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions may include:

A. Alteration of the date, time, route or location of the public gathering proposed on the

application.

B. Conditions concerning the area of assembly and disbanding of a parade or other public gathering occurring along a route.

C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the public gathering to only a portion of a street traversed.

D. Requirements for the use of traffic cones or barricades.

E. Requirements for provision of first-aid or sanitary facilities.

F. Requirements for use of event monitors and providing notice of permit conditions to public gathering participants.

G. Restrictions on the number and type of vehicles, animals or structures at the public gathering and inspection and approval of floats, buildings, structures and decorated vehicles for fire safety.

H. Compliance with animal protection ordinances and laws.

I. Requirements for use of garbage and recycling containers and cleanup and restoration of Township or other public property and the properties of adjoining persons which may be impacted by the public gathering.

J. Restrictions on use of amplified sound.

K. An application for a public gathering permit to conduct a block party may be conditioned on notice to the residents of dwellings along the affected street(s).

L. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.

M. Unless approval is obtained, the standard hours of any public gathering shall be within the following timeframes:

(1) Monday to Thursday: 10:00 a.m. to 10:00 p.m.

(2) Friday and Saturday: 10:00 a.m. to 11:00 p.m.

(3) Sunday: 12:00 noon to 8:00 p.m.

N. The good repair and operating order of all fire-protection systems, in accordance with the Township Fire Code, to the satisfaction of the Township Engineer.

O. Written approval of the Township Engineer relating to the adequacy of sanitary toilet facilities and sewage disposal facilities at a public gathering as described in the applicant's application.

P. Public safety:

(1) Security: The sponsor(s) shall demonstrate that a plan and means to implement the plan exist to provide for adequate traffic control and crowd control. Said plan must gain the approval of the Township Police Chief.

(2) Enclosures: The sponsor(s) shall demonstrate that a plan and means to implement the plan exist to have the outdoor location where the public gathering is to be held enclosed with snow fencing or other similar material of equivalent strength of not less than six feet in height if admission is charged and attendance is reasonably expected to exceed 200 persons. This requirement shall be reviewed by the Township Engineer.

(3) Medical services: The sponsor(s) shall demonstrate that a plan and a means to implement the plan exist to provide sufficient medical services to the public gathering. The sponsor(s) shall identify the company or person supplying this service. Said plan must gain the approval of the Township Manager.

(4) Parking facilities: The sponsor(s) shall demonstrate that a plan and a means to implement the plan exist to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. For on-site parking there shall also be provided adequate ingress and egress to and from parking areas to facilitate the movement of vehicles at any time to or from the parking areas and to permit access for emergency vehicles. Said plan must gain the approval of the Township Police Chief and the Township Fire Chief.

(5) Fire safety and life safety: The sponsor(s) shall demonstrate that a plan and a means to implement the plan exist to provide firesafety and life safety personnel and facilities appropriate to the anticipated number of persons in attendance. There shall also be provided adequate ingress and egress to and from such facilities to permit access for emergency vehicles, including firefighting vehicles. Said plan must gain the approval of the Township Manager and Township Fire Chief.

9. Indemnification and certificate of insurance.

A. Prior to the issuance of a public gathering permit, the permit applicant and an authorized officer of the sponsoring organization, if any, must sign an agreement to reimburse the Township for any costs incurred by it in repairing damage to Township property occurring in connection with the permitted public gathering 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 Township against and indemnify and hold the Township harmless from any liability to any persons resulting from any damage or injury, including attorneys' fees, occurring in connection with the permitted public gathering 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 or event are not considered by that reason alone to be under the control of the permittee.

B. If the Township Manager, in consultation with the Township Solicitor and the Township insurance consultant, determines that the nature of the public gathering or the financial condition of the permittee is such that proof of insurance is appropriate, certificates of insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing comprehensive general liability or special event public liability in an amount of at least $1,000,000 for personal injury and

$250,000 for property damage, may be required. In such event, a copy of the policy or a certificate of insurance, along with all necessary endorsements, must be filed with the Township no less than 20 days before the date of the event. All such certificates of insurance shall list the Township as an additional insured.

10. Conduct of public gathering.

A. Public gathering permittees shall maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, medical service facilities, and other facilities and utilities provided in accordance with the plans submitted and approved and in a safe and healthful manner.

B. No permittee or persons having control of the public gathering shall condone any illegal or disruptive conduct on the premises, including, but not limited to, disorderly conduct or the illegal possession, sale or unlawful use of intoxicating beverages or drugs. The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violations of the laws of the Commonwealth of Pennsylvania or its rules and regulations, or of the terms and conditions of this chapter or other ordinances of Berks County or of the Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit by the Township upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

C. If alcohol is going to be sold or consumed at the public gathering, the sponsor, permittee and person in charge of the property shall abide by any and all regulations and laws promulgated by the Commonwealth of Pennsylvania and the Pennsylvania Liquor Control Board ("PLCB"), and, if necessary, provide evidence to the Township that the public gathering was approved by the PLCB.

D. The Township, its authorized agents and representatives, shall be granted access without charge to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

E. No entertainment, amusement, or use of sound-amplification equipment shall be provided or permitted between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, and 11:00 p.m. and 10:00 a.m., Friday and Saturday, unless otherwise permitted by the Township.

F. The sponsor(s) of the public gathering and/or the person in charge of the property, or their designated agents or representatives, shall at all times be in attendance at the public gathering and shall be responsible for ensuring that no person shall be allowed to remain on the premises who is violating any laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania and/or the Township.

G. At the conclusion of the permitted time period for the public gathering, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the licensed premises, except permanent residents, unless temporary overnight accommodations

were previously approved by the Township, in writing, pursuant to the application process of this chapter.

11. Conformance with other provisions.

This chapter shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all United States and Pennsylvania law, rules and regulations and County and Township ordinances which are now or may be in the future in effect, which pertain to the conduct of public gatherings.

12. Revocation of permit.

Noncompliance with any portion of a public gathering permit or this chapter may constitute a basis for the immediate revocation of the permit by the Township.

13. Fees.

A. Application fee. The application for a permit shall be accompanied by a nonrefundable permit application fee which shall cover the actual full costs, or a portion thereof, of processing and investigating applications and administering the public gathering permit program. Application fees may be waived for public gatherings at the discretion of the Board of Commissioners if requested.

B. Traffic control and security fees. Upon approval of an application for a public gathering permit, the Township shall provide the applicant with a statement of the estimated cost of providing overtime police officers or fire police officers for traffic control and/or security at the event. The applicant shall prepay the traffic control and security fees at least 20 days prior to the public gathering. The fee to be paid by the applicant for the services shall be based upon actual costs or overtime costs, with a minimum of four hours per officer. If the actual cost for traffic control and security on the date of the public gathering is less than the estimated cost, the applicant shall be refunded the difference by the Township.

C. Cleanup deposit. The applicant for a public gathering involving the sale of food or beverages, erection of structures, horses or other large animals, water-aid stations or first-aid stations on public rights-of- way shall be required to provide a cleanup deposit prior to the issuance of a public gathering permit. The cleanup deposit shall be returned after the event if the area used has been cleaned and restored to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the permittee shall be billed for the actual cost by the Township for cleanup and restoration, and the cleanup deposit or a portion thereof shall be applied toward payment of the bill. If the permittee disputes the bill, he may appeal to the Township within 10 days after the mail date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the permittee. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the Township upon billing.

D. Appeal Fee. The fee to appeal an application denial or conditional approval shall be paid to cover the costs of advertising and holding the appeal hearing.

E. All fees and deposits shall be set by the Board of Commissioners from time to time by

resolution.

14. Violations and penalties.

A. Any person, association, partnership, firm, corporation, joint venture, or any other legal entity who or which initiates, organizes, promotes, permits, conducts, or causes to be advertised a public gathering without obtaining the permit provided in this chapter, or who knowingly conducts, permits, or allows a public gathering with a permit but in violation of the terms and provisions of this chapter or of the permit granted, or who shall counsel, aid, or abet such violation or failure to comply, upon conviction thereof by any Magisterial District Judge, shall be subject to a fine of not more than $1,000 together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding 30 days.

B. Nothing herein contained shall preclude the Township from instituting proceedings at law or in equity to prevent and/or cease the operation of a public gathering not in conformity with the terms and provisions of this chapter.

15. Waivers. Upon request and good cause shown, and at the sole discretion of the Township Manager and/or the Board of Commissioners, any of the requirements contained in this Ordinance may be waived.

16. Severability. The provisions of this chapter shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this chapter. It is hereby declared as legislative intent that this chapter would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

17. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, including but not limited to Ordinances 676 and 713.

18. When Effective. This Ordinance shall become effective immediately upon enactment or, if later, on the earliest date permitted by law.

ENACTED AND ORDAINED, this _____ day of _____, 2026 by the Board of Commissioners of the Township of Cumru, Berks County, Pennsylvania, in public session, duly assembled.

BOARD OF COMMISSIONERS
TOWNSHIP OF CUMRU
BERKS COUNTY, PENNSYLVANIA

By: _____

President

ATTEST:

_____

Secretary