

PUBLIC ACTIVITIES

Chapter 162

PUBLIC ACTIVITIES

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[HISTORY: Adopted by the Borough Council of the Borough of North Wales 10-26-1993 by Ord. No. 666. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 87.

Business privilege licenses — See Ch. 102.

§ 162-1. Definitions.

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

AMUSEMENT — Includes each of the following when made available for public use, whether or not an admission/usage fee is charged or prizes are offered:

- A. Any mechanical or electrical devices and other apparatus intended for the playing of games, including but not limited to pinball machines, shooting galleries, video games, pool tables, etc.
- B. Any recreational devices such as ferris wheels, roller coasters, merry-go-rounds, etc.

EXHIBITION A show, performance or presentation open to the public, including but not limited to a circus, fair, carnival, theatrical performance, magic show, rodeo, animal show, musical concert, car show and exhibitions of any natural or artificial curiosity.

PROCESSION A succession or parade (including but not limited to a running contest or race) containing 10 or more vehicles and/or 20 or more persons. The above activity shall not, however, constitute a "procession" if:

- A. The activity is being conducted pursuant to a resolution of Borough Council as part of official Borough ceremonies;
- B. The activity constitutes a funeral procession; or
- C. All persons taking part therein are students going to or from classes or participating in school activities under the immediate supervision of proper school authorities.

PUBLIC ACTIVITY — The following shall constitute a "public activity" for the purposes of this chapter:

- A. Any exhibition.
- B. Any procession.

- C. The control or possession of property wherein the use of more than one amusement is permitted.
- D. Any activity constituting what is commonly referred to by Borough residents as a "block party."

§ 162-2. Permit required.

No person shall conduct or participate in a public activity, or permit a public activity to be conducted upon property which they possess or control, without first obtaining a permit from the North Wales Borough Manager in accordance with the provisions of this chapter or a written waiver of the permit requirement issued by the Borough Manager.

§ 162-3. Permit applications.

Applications for permits shall be made upon forms supplied by the Borough Manager and containing the following information:

- A. The name and address of the applicant.
- B. If the applicant is a partnership, the names and addresses of all general and limited partners.
- C. If the applicant is a corporation, or any of the above-noted general or limited partners are corporations, the state of incorporation and the names and addresses of all officers. (
- D. Any prior criminal convictions of the applicant.
- E. A statement that the applicant shall comply with all local, county, state and federal requirements relevant to the subject public activity.
- F. The proposed location, duration and hours of operation of the public activity.
- G. The route to be followed by any procession.
- H. A brief description of the public activity.

- I. An estimate of the number of people to be involved in any procession or block party.
- J. A list and description of any amusements involved as part of the public activity.
- K. A description of any amplification systems to be operated as part of the public activity.
- L. A statement of whether the public activity will, in the applicant's opinion, require that assistance be rendered by the North Wales Borough Public Works Department in the form of road blocks, cones, cleanup, trash removal, etc.
- M. Such other information as the Borough Manager shall find reasonably necessary to effectuate the purposes of this chapter and to protect the health, safety and welfare of the general public.

§ 162.4. Permit fees; renewal procedures.

- A. An annual permit is required, and shall be obtained instead of a standard public activity permit, for property wherein more than one amusement is located for more than 15 consecutive days. Renewals of such annual permits shall require merely the updating of any obsolete information contained in the original application, submission of the annual license fee and approval of the renewal by the Borough Manager. Renewals shall be applied for at least 60 days prior to the date of expiration of the current license. The annual permit fee for property wherein amusements are located shall be as set forth from time to time by resolution of the Borough Council. This permit fee may be waived at the discretion of the Borough Manager. **[Amended 11-22-1994 by Ord. No. 674]**
- B. The permit fee for each public activity shall be as set forth from time to time by resolution of the Borough Council, payable at the time of application. No renewals

of such permit shall be granted, but subsequent public activities by past permittees shall require complete new applications and payment of application fees. This permit fee may be waived at the discretion of the Borough Manager. **[Amended 11-22-1994 by Ord. No. 674]**

- C. Permit fees submitted with applications which are either withdrawn prior to approval or denied by the Borough Manager shall be refundable, less actual costs incurred by the Borough. Applicants who have been granted a public activity permit shall not be entitled to a refund of any application fee, even if such permit is unused and the public activity does not occur.

162-5. (Reserved)¹

162-6. Processing of permit application.

- A. The Borough Manager shall conditionally approve an application for a public activity permit based on whether:
- (1) The public activity would not be in substantial conflict with any other scheduled or previously applied for public activity. **[Amended 11-22-1994 by Ord. No. 674]**
 - (2) The applicant has submitted a thorough and complete application.
 - (3) The information contained in the application is confirmed by any investigation the Borough Manager may conduct.
 - (4) The applicant has a history of conducting public activities within the Borough.

¹ Editor's Note: Former § 162.5, Exemption from fees, was repealed 12-16-2003 by Ord. No. 728.

- (5) The applicant does not have a history of having violated this chapter. **[Amended 11-22-1994 by Ord. No. 674]**
 - (6) The public activity would not, in the opinion of the Borough Manager, endanger public health or safety or be detrimental to the public welfare. **[Amended 11-22-1994 by Ord. No. 674]**
- B. The Borough Manager may require as a part of any conditional approval granted that the applicant enlist and pay for the assistance of the North Wales Borough Public Works Department, the North Penn Volunteer Fire Department or any other Borough employee, if, in her opinion, the public activity requires the placement of road blocks, cones and pylons, cleanup, trash removal or other such services beyond that which the applicant is able or willing to provide.
- C. Upon a conditional approval granted pursuant to the standards listed above, the Borough Manager shall immediately notify the Mayor or his designee of such conditional approval and forward the permit application to his attention. If advised by the Mayor or his designee

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that the public activity would endanger public health or safety or be detrimental to the public welfare, the Borough Manager shall promptly notify the members of Borough Council that she has been so advised and shall refrain from issuing the permit until directed to do so by resolution of the Borough Council.

- D. If the Borough Manager is not so advised by the Mayor or his designee within three (3) calendar days of granting of the conditional approval that the public activity would endanger public health or safety or be detrimental to the public welfare, the Borough Manager may finally approve the permit application.

§ 162-7. Determination of need for special police.

Upon review of a conditional approval submitted by the Borough Manager, the Mayor or his designee may determine, and attach as an additional condition to the permit application, that police officers must be specifically detailed to the public activity permitted hereunder. In such event, the permittee must pay for the police so detailed.

§ 162-8. Insurance and bond.

- A. Before any permit is issued for any public activity, the applicant may be required, at the discretion of the Borough Manager, to secure a public liability insurance policy in such principal sum as the Borough Manager may deem sufficient to protect members of the public, executed by the applicant and stating that the borough will be held harmless for any injury to persons or property because of fault or default by the permittees. Said policy shall be issued by a bonding company authorized to do business in the Commonwealth of Pennsylvania, shall be in a form approved by the Borough Solicitor and shall be filed with the Borough Manager.

- B. A bond or certified check shall be required in the amount of five hundred dollars (\$500.) for cleanup and return of the property upon which a public activity occurs to its previous condition. Such bond or certified check shall be returned upon satisfactory inspection by the Borough Manager or her appointee.

§ 162-9. Contents of permit.

Each permit issued hereunder shall contain the following information:

- A. The name of the person to whom or to which the permit has been issued.
- B. The name, address and telephone number of the person chiefly responsible for the organization and supervision of the public activity.
- C. The date upon which the application was finally approved.
- D. The issuance and expiration date of the permit.
- E. The Borough Manager's original signature.

§ 162-10. Posting, transfer and amendment of permits.

- A. Permits shall be posted conspicuously at the location of the public activity, or, in the case of a procession, shall be kept in the possession of the master of ceremonies or similar supervisor of the event.
- B. Persons desiring to transfer permits to new locations within the borough or to change or revise any portion of the information submitted with the permit application shall resubmit an application for such relocation, change or revision to the Borough Manager for approval. No additional permit fee will be required for any such amendment, and no refund of any fee shall be made if an application for amendment is disapproved.

- C. No permit shall be transferred from one person or public activity to another.

§ 162-11. Standards of operation.

A public activity must be conducted in compliance with the following requirements and standards of operation:

- A. No permittee shall allow any drunken, disorderly or boisterous person or any person under the influence of intoxicating liquor or narcotic or hallucinogenic drugs or any person whose conduct tends in any way to corrupt public morals to be admitted or to remain in or about any public activity.
- B. No person shall drive any vehicle between the vehicles or persons constituting a procession conducted pursuant to a public activity permitted by this chapter. Further, no person shall unreasonably hamper, obstruct, impede or interfere with any person, vehicle or animal participating or used in a procession.
- C. The Mayor or his designee shall have the authority to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a procession and to post temporary signs to that effect. Further, it shall be a violation of this chapter to park or leave unattended any vehicle upon any highway or portion thereof in violation of prohibitions so posted along said highway or portion thereof.
- D. No public activity shall be conducted between the hours of 1:00 a.m. and 6:00 a.m. prevailing time.
- E. The operation of the public activity shall remain in accordance with the information provided in the application.
- F. The public activity shall comply with all other applicable laws, rules and regulations of the federal, state and local entities having jurisdiction.

§ 162-12. Revocation of permit.

- A. The Borough Manager reserves the right to revoke any permit issued under this chapter at any time, if:
- (1) The permit was procured by fraud or false representation of facts.
 - (2) The permittee, his servants, agents or employees violate or fail to comply with any provision of this chapter.
 - (3) The permittee, his servants, agents or employees are convicted of any crime or offense involving moral turpitude committed on the location of the public activity during its duration.
- B. Upon the service of a notice of revocation by the Borough Manager or her appointee, either in person or by mail or by posting the location for which a permit is issued, such public activity shall cease operations immediately.

§ 162-13. Violations and penalties.

Any person who shall be convicted before any District Justice or other court of competent jurisdiction of violating or failing to comply with any provision of this chapter shall be guilty of a violation, punishable by a fine not exceeding one thousand dollars (\$1,000.) per day or by imprisonment for a term not exceeding thirty (30) days, or both. The continuation of the operation of a public activity shall constitute a separate and distinct offense hereunder for each day the public activity is continued.

§ 162-14. Injunction.

The Solicitor of the Borough of North Wales may institute proceedings in equity in the Court of Common Pleas of Montgomery County for the purpose of enjoining any violation or potential violation of this chapter.