

THE BOROUGH OF HARMONY  
BUTLER COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE BOROUGH OF HARMONY, BUTLER COUNTY,  
PENNSYLVANIA TO ESTABLISH PROCEDURES RELATING TO PUBLIC  
GATHERINGS IN THE BOROUGH**

**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough of Harmony, Butler County, Pennsylvania, the Borough Council has determined it necessary to add to the Code of Ordinances.

**NOW, THEREFORE BE IT ORDAINED** by the Borough Council of the Borough of Harmony, the following be and is hereby adopted as an ordinance of the Borough of Harmony:

**SECTION 1: DEFINITIONS**

As used in this Part unless the context requires otherwise:

**Person in charge of property** - an agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property.

**Public gathering** - all assemblies of people for the purpose of public amusement reasonably anticipated to number more than 150 for a continuous period of 4 hours or more, more than 10% of whom will assemble outdoors or in structures specially constructed, erected or assembled for the gathering, whether or not an admission fee is charged.

**Sponsor** - any natural person, association, partnership firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering.

**SECTION 2: BASIC CLAUSE**

It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a public gathering, unless a permit has been obtained pursuant to this Part. A separate permit shall be required for each public gathering for the period of time designated by the permit.

**SECTION 3: PERMIT REQUIREMENT**

No public gathering may be held within the boundaries of Harmony Borough, Butler County, Pennsylvania, unless the sponsor, the owner of property, and the person in charge of property upon which the gathering will be conducted, jointly apply for and be granted a permit as herein provided.

A. No permit shall be available for an extent of more than 48 hours duration unless permit and application specifically allow for an extension of that period.

B. No permit may be transferred or assigned.

C. In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Harmony Borough Council shall control.

#### **SECTION 4: APPLICATION**

1. Written application for each public gathering of greater than 150 persons shall be made to the Harmony Borough Council at least 60 days prior to the first day upon which the public gathering is to commence.

2. Application shall be made on forms specified by the Harmony Borough Council and shall contain at least the following information:

A. The full legal name, address and telephone numbers of all sponsors.

B. The full legal name and address of the owner and person in charge of the property to be utilized for the public gathering.

C. The location and address of the property to be utilized for the public gathering.

D. The purpose, date or dates for or during which the public gathering is to be conducted.

E. Evidence that all permits and licenses as required by State and County statutes and rules and regulations enacted thereunder have been obtained, or will be obtained.

F. A statement of the number of persons expected to attend such event and the duration of such attendance.

G. The specific details relating to:

(1) Food and drink.

(2) Sanitary facilities.

(3) Transportation and parking facilities.

(4) Security and protection of surrounding areas, including specific reference to control of traffic and supervision of those attending.

(5) Janitorial services and post gathering trash removal.

H. Examples of proposed advertising of the event, if any.

I. Applicants' statement that they shall abide by the terms and provisions of this ordinance, and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Butler and Harmony Borough.

3. Each application shall be accompanied with a cash fee to cover the cost of inspection, issuance, and administration of the permit in an amount as established from time to time by resolution of Borough Council. No part of the permit fee is refundable.

#### **SECTION 5: BOND OF INDEMNITY, INSURANCE**

1. The applicants shall submit with their application a corporate bond of indemnity in a form approved by the Borough Solicitor, or cash deposit to save and protect Borough streets, pavements, bridges, road signs and all other Borough property from any and all damage that might be caused by vehicles, employees, or participants in the public gathering, and to be used, if necessary, to restore the premises where such public gathering is held to a sanitary and neat condition and pay all charges and losses to the Borough for damages to the streets, pavements, bridges and all other Borough property.

2. The corporate bond of indemnity or cash deposit shall be in such amounts as may be established, from time to time, by resolution of the Borough Council.

3. All financial security tendered by an applicant pursuant to this Part shall be subject to review and approval by the Borough Solicitor with respect to the form, source and sufficiency of the same.

#### **SECTION 6: CONDUCT OF PUBLIC ASSEMBLY**

1. No person during the public gathering shall take or carry onto the property, or drink thereon, intoxicating liquor, except as licensed or permitted by state law.

2. The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violation of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this ordinance, or other ordinances of Butler County or of Harmony Borough, or the permit granted hereunder may be cause for immediate revocation of the permit by the Harmony Borough Council 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.

3. The Harmony Borough Council, its authorized agents and representatives, and the representative of the County and Borough departments having responsibility for approval under this Part shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

4. No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated between the hours of 11 p.m. and 10 a.m.

5. If at any time during the conduct of the public gathering the number of persons in attendance exceeds by 10% the number of persons represented by the applicants for the permit anticipated to be in attendance, the Harmony Borough Council have the authority to require the applicants to limit further admissions.

#### **SECTION 7: PENALTIES**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus all court costs including reasonable attorney's fees incurred by the Borough and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day or portion thereof that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.


#### **SECTION 8: CONFORMANCE WITH OTHER LAWS**


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

**ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF HARMONY**  
**THIS 6<sup>th</sup> DAY OF May, 2014.**

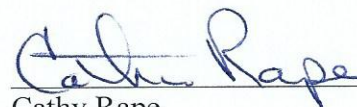
ATTEST

BOROUGH OF HARMONY

  
Amy Brown  
Secretary

By:   
James Hulings  
Council President

**EXAMINED AND APPROVED BY ME THIS 6<sup>th</sup> DAY OF May, 2014.**

  
Cathy Rape  
Mayor