

LAW OFFICES
BROUGHAL & DeVITO, L.L.P.

38 WEST MARKET STREET
BETHLEHEM, PENNSYLVANIA 18018-5703

JAMES L. BROUGHAL
LEO V. DeVITO, JR.
JOHN S. HARRISON
JAMES F. PRESTON*
LISA A. PEREIRA*
ERIKA A. FARKAS
ANTHONY GIOVANNINI, JR.

May 13, 2021

TELEPHONE
(610) 865-3664
FAX
(610) 865-0969
E-MAIL
lawyers@broughal-devito.com
WEBSITE
www.broughal-devito.com

*ALSO MEMBER NEW JERSEY BAR

VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bethlehem Press
Attn: Linda Moyer
P.O. Box 239
Lehigh, PA 18235

**RE: Bethlehem Township - Advertisement of Legal Notice
Ordinance – Special Events Ordinance**

Dear Linda:

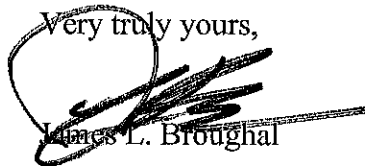
With respect to the above matter, enclosed please find a Legal Notice to be advertised in your periodical on **Wednesday, May 19, 2021**.

Please send the proof of publication and the invoice to:

Bethlehem Township
ATTN: Andy Freda
4225 Easton Avenue
Bethlehem, PA 18020

Also, enclosed is a certified copy of the proposed Ordinance for your records. Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



James L. Broughal

JLB/tms

Enclosures

c: Doug Bruce, Township Manager (via email, w/encl.)
Bethlehem Township
Laura Zapata, Secretary (via email, w/encl.)
Bethlehem Township
Andy Freda, Director of Finance (via email, w/encl.)
Bethlehem Township

LEGAL NOTICE

NOTICE is hereby given that the Board of Commissioners of Bethlehem Township, Northampton County, Pennsylvania, will consider for adoption at a Public Meeting to be held at 7:00 p.m. on the 7th day of June, 2021, at the Bethlehem Township Municipal Building, 4225 Easton Avenue, Bethlehem, Pennsylvania, an Ordinance adding Chapter 213, Special Events; Section 213-1 Short Title; Section 213-2 Definitions; Section 213-3 Applicability; Section 213-4 Permitting; and, 213-5 Violations to the Code of Codified Ordinances to establish provisions for regulating Special Events located within the Township of Bethlehem.

Due to the COVID-19 outbreak, the meeting will be held electronically through Zoom. To access the meeting through your computer go to: <https://us02web.zoom.us/j/83889563300> and enter Meeting I.D.: 838 8956 3300. To access the meeting One tap mobile +12678310333,,83889563300# US (Philadelphia)

Copies of the proposed Ordinance are available for review at the Bethlehem Township Municipal Building located at 4225 Easton Avenue, Bethlehem, Pennsylvania during normal business hours and on the Township's website.

The following is the proposed Ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA
ADDING CHAPTER 213, SPECIAL EVENTS; SECTION 213-1 SHORT TITLE; SECTION 213-2 DEFINITIONS;
SECTION 213-3 APPLICABILITY; SECTION 213-4 PERMITTING; AND, 213-5 VIOLATIONS TO THE CODE OF
CODIFIED ORDINANCES TO ESTABLISH PROVISIONS FOR REGULATING SPECIAL EVENTS LOCATED
WITHIN THE TOWNSHIP OF BETHLEHEM**

WHEREAS, the Board of Commissioners of the Township of Bethlehem ("Township") finds that the public interest, convenience and necessity require adoption of an ordinance regulating the conduct of special events on Township property and in some instances, private property, providing procedures for the issuance of permits for special events, providing for exemptions of certain special events from the permit requirements, providing administrative fees pertaining to such special events and providing penalties in the event of violations; and

WHEREAS, the Board of Commissioners of the Township desires to prevent any unauthorized events that obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic or do not comply with traffic laws and controls;

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF BETHLEHEM, COUNTY OF NORTHAMPTON, AS FOLLOWS:

SECTION 1. Section 213-1. Short Title

This Ordinance shall be known as the "Special Events Ordinance." This Ordinance is established to regulate special events on public and private property, as well as to ensure public safety within the Township of Bethlehem.

SECTION 2. Section 213-2. Definitions

The following terms shall have the meanings ascribed unless a contrary meaning is expressly set forth in the text:

APPLICANT - Any person or any sponsoring organization seeking a special event permit from the Township in order to conduct or sponsor an event governed by this chapter. This term shall include, in the case of an organization applying for a special event permit, an individual designated by such organization as the responsible contact person.

ASSEMBLY- A gathering, meeting or rally of 25 or more people without vehicles, which interferes with the movement of vehicular or pedestrian traffic on any street or sidewalk or other public property.

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 social and/or entertainment purposes.

FIRST AMENDMENT ACTIVITY - All expressive and associative activity that is protected by the United States and Pennsylvania Constitutions, including speech, press, assembly, and/or the right to petition.

MEDIA PRODUCTION - Any and all aspects of producing audio and video content that is used in commercials, movies, online, radio or in other realms.

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

PERMITTEE - Any person or any sponsoring organization to whom a special event permit is issued by Bethlehem Township.

PERSON - Any individual, firm, partnership, association, corporation, society, company or organization of any kind.

RIGHT-OF-WAY - A public street, alley, sidewalk or crosswalk, including bike and pedestrian paths.

SPECIAL EVENT - A parade, assembly, street fair, art and craft show, carnival, soap box derby, rally, or other Special Event or activity that occurs on Township streets, sidewalks, alleys or other street right-of-way and that obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls. The term "Special Event" shall also include events at Township pavilions where capacity is exceeded, on Township-owned property (see below), product releases, media production, outdoor weddings, outdoor concerts, displays, fairs and other similar events occurring on private property and designed to attract crowds.

Township-owned property whereby Special Events will be allowed with permits unless otherwise set forth herein:

- Bethlehem Township Municipal Park
- Bethlehem Township Municipal Park North
- The Janet Johnston Housenick & William D. Housenick Memorial Park
- Birchwood Park
- Comer Park
- Chetwyn Terrace Park
- 14th Street Park

REVIEW COMMITTEE - A group of individuals comprised of Township employees designated to review all applications for a Special Event and make recommendations regarding approval of the same. The committee shall include the Township Manager, Codes Enforcement Officer, Fire Marshal, Police Department and Public Works Department.

SPECIAL EVENT PERMIT - Any written authorization issued as required by this chapter for the conduct or performance of a Special Event.

Special Event Permit(s) are not required for the following:

- Events sponsored by or benefitting The Archie Project occurring at The Janet Johnston Housenick & William D. Housenick Memorial Park
- Outdoor scholastic/non-scholastic athletic events
- Indoor scholastic/non-scholastic athletic events

SECTION 3. Section 213-3. Applicability

Except as provided by law or in this Chapter, any non-exempt Special Event shall be in strict compliance with the regulations contained in this Chapter.

SECTION 4. Section 213-4. Permitting

A. Any person or organization seeking to conduct or sponsor a Special Event within Bethlehem Township shall first obtain a Special Event permit by contacting the Bethlehem Township municipal office. A Special Event Permit shall not be required for the following:

1. Funeral processions.
2. Any Special Event sponsored by the Township, whether or not occurring exclusively on Township property.
3. First amendment activity
4. Wedding processions.
5. Activities of governmental agencies.

B. Application for Permit

1. Any person or organization intending to conduct or sponsor a Special Event shall apply to the Township for a Special Event Permit at least sixty (60) days in advance of the date of the proposed event. In emergency situations, determined at the sole discretion of the Township, the Township may consider any application for a permit to conduct or sponsor a Special Event not filed within the time frame required by this section.

2. The application for a Special Event Permit shall be made in writing on a Special Event Permit application form provided by the Township. Upon receipt, the Township Review Committee shall review, approve/deny, and provide resources and action required for permitting. In order that adequate arrangements may be made for the proper policing of the Special Event and for other Township services, the application shall contain the following information and documentation:

- a. Date of Application
- b. Name of Organization
- c. Type of Event
- d. Location (map or route planned)
- e. Date of event (start time/end time)
- f. Contact Person(s)

C. Further Requirements

1. **Indemnification** - An indemnification agreement, signed by the applicant, pursuant to which the applicant agrees to reimburse the Township for any costs incurred in repairing damage to Township property occurring in connection with the permitted event and proximately caused by the Permittee, its officers, employees or agents or any person under the Permittee's control insofar as permitted by law, and, further, 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 occurring in connection with the permitted event proximately caused by the actions of the Permittee, its officers, employees or agents or any person under the control of the Permittee insofar as permitted by law. For purposes of this requirement, persons merely joining in a parade or event are not considered by that reason alone to be under the control of the Permittee.

2. **Insurance** - A certificate of insurance liability in the amount of One Million and 00/100 (\$1,000,000.00) Dollars, along with all required endorsements, naming Bethlehem Township, its officers, employees and agents as additional insureds, to be filed no less than 10 days prior to the scheduled event, indicating that the applicant possesses or will obtain public liability insurance in the form of a comprehensive general liability insurance policy with the following minimum limits; however, the Township may require the applicant to obtain higher insurance limits if the Township deems it necessary, based on the activity or activities planned as part of the Special Event.

3. Such other information the Review Committee deems necessary, including, but not limited to, the following:

- (a) The type and estimated number of vehicles, animals and structures that will be used at the event and whether water aid stations or first aid stations will be provided;
- (b) The provisions made for sanitary facilities for persons participating in or attending the event;
- (c) Whether food or beverage or alcoholic beverages will be sold at the event
- (d) The provisions made for monitors of the event;
- (e) Parking needs for the event;
- (f) If the Special Event is a parade, organizing and disbanding areas, the proposed route to be traveled and the proposed times when the event and any meeting or rally connected therewith are to be held, the portion of the streets to be occupied by the parade, the number, type and size of each float, the intervals of space to be provided between individual units in the parade, and the maximum size and material of any signs or banners to be carried along the parade route; and
- (g) The applicant has secured signatures from all affected property owners in the event of a road closure (except for a Special Event Permit sought for a parade).
- (h) Any supplemental information deemed by the Code Enforcement Officer and/or the Review Committee to be reasonably necessary to determine whether a Special Event Permit shall be issued.

D. Issuance or Denial of Permit

1. The Township shall approve or disapprove all applications for a Special Event Permit with modifications or conditions as it deems appropriate, not less than 15 days prior to the scheduled date of the Special Event as shown on the application. The decision of the Township shall be final. The Township reserves the right to disapprove or cancel a Special Event if they deem necessary to do so.

2. **Standards of Issuance** – The Township shall issue a Special Event Permit upon approval of the Special Event application and upon agreement by the applicant, in writing, to the terms and conditions of the permit, provided that the Review Committee determines that:

- a. The time, route and size of the Special Event requested by the applicant will not disrupt to an unreasonable extent the movement of vehicle traffic in or through the Township; or
- b. The time, route and size of the Special Event will not require the diversion of so great a number of police officers of the Township to properly police the parade route or event and the areas contiguous thereto that issuance of the Special Event Permit will disrupt to an unreasonable extent police protection to the Township;
- c. The Special Event will not interfere with another Special Event for which a permit has been issued; and
- d. The applicant has complied with the requirements of this chapter, including without limitation those provisions pertaining to indemnification, insurance, and the payment of applicable fees and deposits.

3. Standards of Denial- The Township, in their discretion, may deny an application for a Special Event Permit and shall notify the applicant of such denial, in writing, if any of the following applies:

a. The information contained in the application is found to be false or incomplete in any material detail.

b. The applicant refused to comply with an inspection required by one or more Township departments or the property proposed for the Special Event failed an inspection.

c. The applicant refuses to comply with any and all conditions of the permit.

d. A Special Event Permit application submitted prior in time has been approved for an event at the same time and place requested, or so close in time and place as to cause undue traffic congestion, or approval of both events will render the Police Department unable to meet the needs for police services for both events.

e. The proposed event will unduly disrupt the safe and orderly movement of traffic adjacent to the event site or will prevent proper police, fire or ambulance services to areas adjacent to the event site.

f. The size of the event will require diversion of such police resources in order to ensure the orderly conduct of the Special Event that protection of the remainder of the Township will be compromised.

g. The location of the parade or other Special Event will substantially interfere with construction or maintenance work scheduled to take place on Township streets, sidewalks, or any other property previously granted permit approval.

E. Application Fee - Except as provided herein, each applicant for a permit to conduct a Special Event shall pay an application fee to defray the administrative costs of the Township in reviewing and distributing the application, and making preparations for such Special Event, in an amount set forth in the Township's Fee Schedule.

F. Revocation of Permit - Any Special Event Permit issued pursuant to this chapter may be summarily revoked by the Township at any time when by reason of the occurrence of a disaster, public calamity, riot, inclement weather or other emergency, the Township determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered, in writing, to the Permittee by personal service or by certified mail. Revocation of the permit may take place up to and during the Special Event.

SECTION 5. Section 213-5 Violations

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.

SECTION 6. SEVERABILITY. The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 7. REPEALER. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.

James L. Broughal, Solicitor
Bethlehem Township
38 West Market Street
Bethlehem, PA 18018