

STEWARTSTOWN BOROUGH

York County, Pennsylvania

ORDINANCE NO. 2004-003

AN ORDINANCE

**AN ORDINANCE OF THE BOROUGH COUNCIL OF STEWARTSTOWN
BOROUGH, YORK COUNTY, PENNSYLVANIA, ENACTING RULES AND
PROCEDURES FOR PARADES ON BOROUGH STREETS**

BE IT ORDAINED AND ENACTED by the Borough Council of Stewartstown Borough, York County, Pennsylvania, as is hereby ordained and enacted by the Authority of the same as follows:

Section 1. Definitions. As used in this Ordinance, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

Borough – shall refer to the Borough of Stewartstown, located in York County, Pennsylvania.

Parade – shall refer to any parade, march, ceremony, show exhibition, pageant or procession of any kind or any similar display in or upon any street, park or public place in the Borough.

Parade Permit – as required by this Ordinance to organize a parade.

Person – shall refer to any person, firm, partnership, association, corporation or organization of any kind.

Section 2. Permit Required.

- a. No person shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the administrative office of the Borough.
- b. Exceptions:
 - 1) Funeral processions.
 - 2) Wedding processions.
 - 3) Students going to and from school, classes or participating in educational activities provided that such conduct is under the immediate direction and supervision of the proper school authorities. This exception does not apply to parades organized by a school or any body thereof more than twenty-four (24) hours prior to the occurrence.
 - 4) Governmental agencies acting within the scope of its functions.
 - 5) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly as long as public streets/roads and walkways are not compromised in use to pedestrians and motor vehicles.

Section 3. Permit Applications. A person seeking issuance of a parade permit shall file an application with the administrative office of the Borough on forms provided by that office.

- a. Filing Period. An application for a parade permit shall be filed with the administrative office no fewer than sixty (60) days nor more than one hundred eighty (180) days before the date on which it is proposed to conduct the parade.
- b. Contents. The application for a parade permit shall set forth the following information:
 - 1) The name, address, and telephone number of the person seeking to conduct the parade.
 - 2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible head of such organization.

- 3) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
 - 4) The date when the parade is to be conducted.
 - 5) The route to be traveled, the starting point, and the termination point.
 - 6) The approximate number of entities (i.e. persons, animals, and vehicles, etc.) participating in the parade.
 - 7) The hours when the parade will start and terminate.
 - 8) A statement as to whether the parade will occupy all or only a portion of the width of the proposed streets to be traveled.
 - 9) The location by street of any assembly areas for such parade.
 - 10) The time at which units of the parade will begin to assemble at any such assembly area or areas.
 - 11) If the parade is designated to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Borough's administrative office a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on the person's behalf.
 - 12) Any additional information which the Borough's administrative office or the police department shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- c. Late applications. The administrative office or the police department, where good cause is shown, shall have the authority to consider any application hereunder which is filed fewer than sixty (60) days before the date the parade is proposed to be conducted.

Section 4. Standards for Permit Issuance. The administrative office shall issue a permit after the application has been reviewed and approved by the police department. An incomplete application will not be considered for approval. Review of the application will include the following:

- a. The conduct of the parade will not so substantially interrupt the safe and orderly movement of traffic within the Borough 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 Borough.
- b. The conduct of the parade will not create a real and present danger to the health, safety, and welfare of the citizens of the Borough by preventing firefighting equipment, ambulances, rescue vehicles, and/or police vehicles from being able to reach any property in the Borough.
- c. The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Borough other than that to be occupied by the proposed line of march and areas contiguous thereto.
- d. The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection or ambulance services to areas contiguous to such assembly areas.
- e. The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire.
- f. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
- g. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- h. The parade is not for the primary purpose of advertising any products, goods or event that is primarily for private profit and the parade itself is not primarily for profit. The event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade.
- i. No parade permit application for the same time and location is already granted or has been received and will be granted.
- j. No parade permit application for the same time, but different location is already granted or has been received and will be granted, and police resources required for the prior parade are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property.

- k. No event is scheduled elsewhere in the Borough or surrounding areas served by the Stewartstown Borough Police Department where the police resources required for that event are so great that the deployment of police services for the proposed parade would have an immediate and adverse effect upon the welfare and safety of persons and property.
- l. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary on a Borough street, sidewalk or right-of-way unless advance approval for the erection or placement of the structure is obtained from the Borough Council.

Section 5. Nondiscrimination. The administration office and police department shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this Ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

Section 6. Time Limit for Decision; Notice of Denial of Application. The administration office and police department shall act upon the application for a parade permit within ten (10) days after the filing thereof. If the application is denied by either the administrative office or the police department, the application shall be mailed to the applicant by certified mail within ten (10) days after the day upon which the application was filed stating the reasons for denial. Said notice shall contain advice to reapply if the application is incomplete and/or advise the applicant of the right to appeal and the process in which to appeal. Nothing in this Section shall prevent the Borough through its administrative office if in its sole discretion it deems the incompleteness of the application to be minor, to contact the applicant prior to the expiration of the ten (10) days to obtain the missing information and with the consent of the applicant correct the application.

Section 7. Appeal Procedure. Any applicant shall have the right to appeal the denial of a parade permit to the Borough Council. The denied applicant shall make the appeal

within five (5) days after receipt of the denial by filing a written notice to the Borough Council. Borough Council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal. In the event that Borough Council rejects applicant's appeal in whole or in part, the applicant may file an immediate request for review with a court of competent jurisdiction.

Section 8. Notice to Officials. Immediately upon the issuance of a parade permit, the administrative office shall send a copy to the mayor, all council members, Police Chief, Fire Chief, and Director of Public Works.

Section 9. Contents of Permit. Each parade permit shall state the following information:

- a. The starting time.
- b. The portions of the streets to be traveled that may be occupied by the parade.
- c. The maximum length of the parade in miles or fractions thereof.
- d. Such other information as either the administration office or the police department shall find necessary to the enforcement of this Ordinance.

Section 10. Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Section 11. Prohibitions. The following prohibitions shall apply to all parades:

- a. It shall be unlawful for any person to stage, present or conduct a parade without first having obtained a permit as herein provided.

- b. It shall be unlawful for any person to participate in a parade for which the person knows a permit has not been granted.
- c. It shall be unlawful for any person in charge of or responsible for the conduct of a duly licensed parade to knowingly fail to comply with any condition of the permit.
- d. It shall be unlawful for any person to engage in any parade that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property.
- e. It shall be unlawful for any person participating in a parade to utilize sound amplification equipment at decibel levels that exceed limits imposed by other ordinances or laws.

Section 12. Public Conduct During the Parade.

- a. No person shall unreasonably hamper, obstruct, impede or interfere with any person, vehicle or animal participating in the parade.
- b. No driver of a vehicle shall drive between the vehicles or persons comprising the parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- c. The police department shall have the authority when reasonably necessary to prohibit or restrict parking of vehicles along a street constituting a part of the parade route. The police department shall post signs to the effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street not posted in violation of this Ordinance.

Section 12. Revocation of Permit. The police department shall have the authority to revoke a parade permit instantly upon violation of the conditions or standards for issuance as set forth in this Ordinance or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade would have an immediate and adverse effect upon the welfare and safety of persons or property.

Section 13. Penalties. Any person violating the provisions of any section of this Ordinance shall upon conviction be punished by fine not to exceed five hundred (\$500.00) dollars or imprisonment of not more than five (5) days or both.

Section 14. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Stewartstown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 14. Effective Date. This Ordinance shall take effect immediately upon its passage.

ENACTED AND ORDAINED this 5th day of April 2004, by the Borough Council of Stewartstown, York County, Pennsylvania in lawful session duly assembled.

ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF STEWARTSTOWN

Sharon M. Grew
Secretary

BY: Walter G. Hill
President of Council

Approved this the 5th day of April 2004.

BY: Richard A. Hall
Mayor