

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF YARDLEY, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE AT CHAPTER 27, PART 6, ACCESSORY USES, TO PROVIDE FOR SPECIAL EVENT PERMIT USES IN ALL ZONING DISTRICTS AND AMENDING THE CODE OF ORDINANCES AT CHAPTER 15 AND CHAPTER 13 TO REVISE AND PROVIDE DEFINITIONS, REGULATIONS, AND PERMITTING REQUIREMENTS FOR SPECIAL EVENTS

WHEREAS, the Pennsylvania Borough Code (the “Borough Code”), 8 Pa.C.S.A. §§ 102, et. seq., provides at Section 1202 that the Borough Council of Yardley Borough, Bucks County, Pennsylvania (the “Borough Council”) may make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness and beauty, convenience, comfort, and safety of Yardley Borough (the “Borough”), adopt ordinances defining disorderly conduct or disturbing the peace, and provide for the prohibition, licensing and regulation of business;

WHEREAS, Section 1202(21) of the Borough Code further provides that Borough Council may plan for and regulate the development of the Borough by utilizing the powers delegated to it by the Pennsylvania Municipalities Planning Code (the “MPC”), 53 P.S. §§ 10101, et seq., by adopting zoning, subdivision and land use, and development regulations;

WHEREAS, Section 10604 of the MPC also provides that zoning ordinances shall be designed to promote, protect and facilitate the public health, safety, morals, and general welfare;

WHEREAS, Borough Council determined that it is necessary for the proper management and control of the Borough, including the health, comfort, safety, and general welfare of its residents, to regulate and provide permitting requirements for Special Events;

WHEREAS, the proposed Ordinance and amendments have been duly and properly advertised, considered, and reviewed in accordance with the Borough Code; and

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by Borough Council as follows:

- I. The Zoning Ordinance of the Borough is hereby AMENDED at Chapter 27, by RETITLING “PART 6 ACCESSORY USES” to “PART 6 ACCESSORY AND SPECIAL EVENT PERMIT USES”**
- II. The Zoning Ordinances of the Borough is hereby AMENDED at Chapter 27, Part 6, by ADDING a new Subsection C, Special Event Permit Uses as follows:**

C SPECIAL EVENT PERMIT USES.

§27-621. Special Event Permit Uses.

1. Special Events, as defined in Section 13-304, are permitted as a temporary, periodic use in all Zoning Districts only upon the application, approval, and issuance of a Special Events Permit in compliance with the definitions, regulations, procedures, and permitting requirements set forth within the Yardley Borough Special Events Ordinance codified at §13-301, et seq.

III. The Code of Ordinances of the Borough is hereby AMENDED at Chapter 15, by DELETING and STRIKING Section 15-107, “Use of Streets by Processions and Assemblages” in its entirety and RECODIFYING existing Section 15-108 and Section 15-109 as Section 15-107 and Section 15-108, respectively.

IV. The Code of Ordinances of the Borough is hereby AMENDED at Chapter 13, Licenses, Permits and General Business Regulations, by ADDING a new Part 3, “Special Event Use Permits” as follows:

PART 3 SPECIAL EVENT USE PERMITS

§13-301. Short Title.

This Part shall be known as the “Yardley Borough Special Events Ordinance.”

§13-302. Purpose.

The purpose of this Part is to provide for the health, safety, and general welfare of the residents and visitors of the Borough by regulating Special Events, which often require the Borough to provide Special Services, including police, traffic control, special parking, ambulance, fire, emergency services, and other similar special services to regulate the registration and safe operation of such Special Events.

§13-303. Findings.

Borough Council finds and declares as follows pertaining to Special Events:

1. There are many locations and occasions for holding Special Events within the Borough which may draw crowds or large numbers of people to attend, such as parades, parties, and promotional and seasonal gatherings.

2. Special Events often require or necessitate the need for the Borough to provide certain Special Services, such as traffic control, police protection, special parking regulation, direction, and enforcement, ambulance service, fire safety, the closing of streets to public traffic, and other municipal, quasi-municipal, or other emergency or special services to protect the health, safety, and general welfare of participants, visitors, neighboring property owners, and the residents of the Borough.

3. To protect the health, safety, general welfare, cleanliness and beauty, convenience, comfort, and safety of the Borough, it is necessary that the Borough regulate

and receive prior notice of Special Events in order to facilitate and provide Special Services, including police, traffic control, special parking, ambulance, fire, emergency services, and other special services.

4. The provision of Special Services for Special Events requires the Borough to incur costs and expenses that should be borne and/or reimbursed by the Applicants, Hosts, and/or Sponsors of Special Events.

§13-304. Definitions.

As used in this Part, the following terms shall have the meanings indicated. Any word or item not defined in this Part shall be interpreted with the meaning of standards usage.

APPLICANT

The Person that submits the Special Event Application described herein to the Borough.

HOST

The Person, including the owner, responsible for the property upon which the Special Event is being planned, organized, or held.

ORGANIZED PROTECTED ACTIVITY

A gathering of people, vehicles, animals, and/or objects that are taking part in Protected Activity that interferes with the normal movement of pedestrians and/or vehicular traffic on any street.

PERSON

Any natural person, partnership, corporation, association, firm, joint venture, organized group, organization, or entity.

PROTECTED ACTIVITY

All expressive and associative activity that is protected by the Constitutions of the United States of America or the Commonwealth of Pennsylvania, including, but not necessarily limited to, speech, expression, press, assembly, and the right to petition. For the purposes of this Part, commercial advertising is excluded from this definition.

SPECIAL EVENT

A temporary event, gathering, party, organized activity, or contest that is anticipated, estimated, or reasonably likely to include or draw a group of fifty (50) or more Persons, including visitors, staff, or employees, to a defined geographic location, area, or property. The term "Special Event" shall include, but not necessarily be limited to, assemblages, processions, carnivals, contests, fairs, festivals, open-air concerts, parades, polling events, trade shows, seasonal gatherings, promotional events, and other organized events for a common or collective purpose, activity, or use within the Borough. Notwithstanding the

foregoing, “Special Events” shall not include the following activities:

1. Private residential, family, or social gatherings, such as weddings/receptions, graduations, birthday parties, or other similar private affairs that are not open to the general public and for which no fee is charged by the organizer or Host;
2. Private residential commercial activities, such as garage and yard sales;
3. Funeral processions;
4. Events that are sponsored by the Borough or for which a permit has been issued under another section of the Yardley Borough Code of Ordinances; and
5. Organized Protected Activities, which are subject to the specific regulations set forth at Section 13-311 of this Part.

SPECIAL EVENT APPLICATION

The written application required to obtain a Special Event Permit from the Borough pursuant to this Part.

SPECIAL EVENT PERMIT

The permit issued and required for Special Events within the Borough pursuant to this Part.

SPECIAL EVENT PERMIT FEE

The fee established by Borough Council for Special Event Permits pursuant to this Part and within the Fee Schedule adopted by resolution of Borough Council.

SPECIAL SERVICES

Any services provided by the Borough for a Special Event, including, but not necessarily limited to, traffic control, crowd control, special parking, direction, enforcement, and signs, street or right-of-way closures, police services, ambulance or other emergency medical services, fire protection, sanitary facilities, cleanup, waste disposal, illumination, food, water, camping or trailer facilities, communication, noise control, and abatement, and any other services reasonably necessary to protect the health, safety, and general welfare of the Borough, its visitors and residents, before, during, or after the duration of the Special Event.

SPONSOR

The Person responsible for organizing, promoting, conducting, or causing a Special Event.

§13-305. Application, Permit, and Fees Required.

1. It shall be unlawful for any Person to hold a Special Event without first obtaining a Special Event Permit approved by Borough Council in advance of the Special Event. Written applications for a Special Event Permit shall be submitted to the Borough not less than sixty (60) days, but no more than one hundred and eighty (180) days, before the scheduled Special Event. Borough Council may, in its sole discretion, waive or modify the time restrictions set forth herein upon good cause shown by the Applicant for the failure to meet such time restrictions in submitting the Special Event Application.

2. Special Event Applications shall be on the form adopted and approved by Borough Council and shall only be considered complete upon the submission of any and all information and documentation required by the Special Event Application. In the reasonable discretion of the Borough, a single Special Event Application may be submitted and accepted for a series of Special Events, resulting in one Special Event Permit being issued for the entire series of Special Events, if approved by Borough Council.

3. The Fee Schedule established by resolution of Borough Council shall include the Special Event Permit Fee, which shall be no more than the minimum cost incurred by the Borough to review and process Special Event Applications and issue Special Event Permits. Applicants shall pay the Special Event Permit Fee upon the submission of their Special Event Application to the Borough. The Applicant shall reimburse the Borough for all costs and expenses incurred by the Borough for the provision of Special Services for any permitted Special Event within thirty (30) days of receiving the invoice for such Special Services from the Borough.

4. The Special Event Application shall be reviewed by the Yardley Borough Chief of Police, Code Enforcement Officer, and any and all other staff deemed necessary by the Borough from the contents of the Special Event Application. The reviewing staff may recommend to Borough Council that additional Special Services be provided, with the costs of such Special Services being charged to the Applicant. A description and good faith estimate of the charges for Special Services, including, but not limited to, man-hours, hourly wages, equipment costs, and the like, shall be provided to the Applicant at the time the Special Event Permit is issued. The Applicant shall be required to reimburse the Borough for all Special Services provided, including any charges that exceed the description and estimate provided at the time the Special Event Permit is issued.

5. The Special Event Permit may be denied by Borough Council if the required insurance is not provided to the Borough, any provisions or requirements of this Part or the Yardley Borough Code of Ordinances are violated or not met, or it deems it impossible to protect the health, safety, and welfare of the residents, pedestrians, and/or vehicular traffic of the Borough for the Special Event.

6. The Special Event Application shall be reviewed and returned to the Applicant within five (5) business days from the date Borough Council approves or denies the Special Event Application. Borough Council, as it deems necessary, may impose reasonable conditions on the approval of the Special Event to protect the health, safety, and

general welfare of visitors and residents. The Special Event Permit shall only be issued after the Applicant satisfies any and all conditions precedent to its issuance.

7. Borough Council may provide a partial or full waiver to the Special Event Permit Fee, Special Services reimbursement, or insurance required by this Part upon a showing by the Applicant that he/she/they lack the personal or financial resources necessary to pay for or provide for the same.

§13-306. Approval of Special Services.

Upon receipt of the fully complete Special Event Application, the Yardley Borough Chief of Police shall review the Special Event Application with the Applicant. The purpose of the review shall be to ascertain what, if any, Special Services are required to protect the public health, safety, and general welfare of any Persons that may be affected by the Special Event.

§13-307. Police Authority to Revoke Permit.

The Yardley Borough Chief of Police shall have the authority prior to or during a permitted Special Event to revoke the Special Event Permit issued by Borough Council, if, in his/her/their sole, reasonable discretion, the Special Event being organized or held is inconsistent with the information provided in the Special Event Application, approval of Borough Council, or the Special Event is a threat to the health, safety, and/or general welfare of the community. In the event of revocation, the Applicant, Sponsor, and/or Host of the Special Event, as applicable, shall immediately discontinue the Special Event. Failure to comply with this Section 13-307 shall subject the Applicant, Sponsor, and/or Host of the Special Event, as applicable, to the violations and penalties set forth in this Part.

§13-308. Responsibilities of Applicants, Sponsors, and Hosts.

1. Any Applicant, Host, and/or Sponsor permitted to conduct a Special Event shall refrain from permitting, engaging, or encouraging any illegal conduct, shall comply with any and all applicable state, federal, and local laws, rules, regulations, ordinances, and statutes, and shall take all reasonable and necessary steps and precautions to prevent excessive noise, disorderly conduct, and disturbance of the surrounding neighborhood, including by Persons attending or working the Special Event.

2. Any Applicant, Host, and/or Sponsor permitted to conduct a Special Event shall be responsible for beginning, holding, and ending the Special Event at the dates and times, and in the manner set forth within, the Special Event Permit.

3. Persons participating in any Special Event shall not engage in any loud, boisterous, or disorderly conduct or allow excessive noise, amplified music, or any other activity that constitutes a nuisance or violation of the Yardley Borough Code of Ordinances, including, but not limited to, the regulations set forth at Section 6-101, et seq., Section 6-201, et seq., Section 10-201, et seq., and Section 27-721, et seq.

4. Any and all temporary lighting for Special Events shall be directed away from the abutting streets and properties using shielding devices to prevent unreasonable glare and glow beyond property lines. See Section 27-745, et seq.

5. Any Applicant, Host, and/or Sponsor of a Special Event shall be obligated to comply with the Emergency Medical Service Act, 35 Pa.C.S.A. § 8101, et seq.

6. The Applicant, Host, and/or Sponsor of the Special Event, as applicable, shall be responsible to the Borough for any and all damage to Borough property caused by the Special Event, including any damage caused by Persons attending or working the Special Event.

7. Failure of any Applicant, Host, and/or Sponsor of the Special Event to comply with the requirements of this Part shall constitute grounds for the immediate revocation of the Special Event Permit.

§13-309. Insurance requirements.

The Applicant, as condition precedent to the issuance of a Special Event Permit, shall supply the Borough with evidence of a valid, prepaid policy of bodily injury and property liability insurance, insuring the Applicant, Host, and/or Sponsor, as applicable, for all manner of bodily injury, death or like occurrences, and property damage in an aggregate amount of \$2,000,000. The insurance shall include and name the Borough as an Additional Insured.

§13-310. Borough Not Liable.

The Borough, directly or indirectly, is not responsible for, or a guarantor of, the safety of any Special Event or the Persons working or attending any Special Event. The Borough, as permitted by law, retains all attributes of Sovereign Immunity with regard to the activities of its officials and employees with respect to the permitting of any Special Event.

§13-311. Indemnification of Borough.

The Applicant, Host, and/or Sponsor, as applicable, for a Special Event Permit, as a condition precedent to the acceptance of the Special Event Permit, shall indemnify, defend, save harmless the Borough, its officials, employees, and agents, from and against any and all claims for damages, including, but not necessarily limited to, claims pertaining to personal property, death, or bodily injury, resulting from the operation of any Special Event for which a Special Event Permit has been issued.

§13-312. Organized Protected Activities.

1. It shall be unlawful for any Person to hold or participate in any Organized Protected Activity unless the person organizing or conducting the Organized Protected activity first notifies the Borough.

2. Notification must be made, in writing, at least seventy-two (72) hours in advance of the day on which the Organized Protected Activity is proposed to be held, unless

the Organized Protect Activity constitutes a rapid response to an unforeseeable, breaking news, or other current event that prevents such prior notification.

3. The notification shall, unless a form is provided by resolution of Borough Council, state (i) a point of contact, including an address and phone number; (ii) the place, date(s), and time(s) of the Organized Protect Activity; (iii) the route to be followed; and (iv) the hour when Persons participating shall be assembled and completely dispersed.

4. If it is impossible to protect the health, safety, and welfare of the residents, pedestrians, and/or vehicular traffic of the Borough for the proposed Organized Protected Activity, the Borough shall provide, in writing, a proposed, alternative plan allowing the expressive activity, subject to a narrowly tailored plan to protect the health, safety, and welfare of the residents, pedestrians, and/or vehicular traffic of Yardley Borough.

§13-313. Violations and penalties.

Any Person who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day 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.

IV. Partial Repealer.

All other provisions of the Borough Code, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Borough Code inconsistent herewith or in conflict with any of the terms hereof, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

V. Severability.

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

VI. Effective Date.

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

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{Signatures on the Following Page}

ORDAINED AND ENACTED this _____ day of _____ 2026.

YARDLEY BOROUGH COUNCIL

By: _____
David Appelbaum,
Borough Council President

APPROVED:

By: _____
Caroline Thompson,
Borough Mayor

ATTEST:

By: _____
Paula Johnson,
Borough Manager/Secretary