

BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1336-2012

AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC" BY AMENDING PART 1 "GENERAL REGULATIONS", SECTION 107 "USE OF STREETS FOR PROCESSIONS AND ASSEMBLAGES" IS RENAMED TO "USE OF STREETS FOR PROCESSIONS, ASSEMBLAGES, PARADES AND EVENTS" AND TO ADD REGULATIONS TO OBTAIN A PERMIT FOR A PARADE OR EVENT AND AMEND THE PROCEDURES TO OBTAIN A PERMIT FOR A PROCESSION, ASSEMBLAGE, PARADE OR EVENT.

WHEREAS, the Council of the Borough of Wyomissing, Berks County, Pennsylvania ("Borough") enacted the Ordinance regulating Motor Vehicles and Traffic by No. 1185 on May 3, 1997, which was codified as Chapter 15 of the Wyomissing Code; and

WHEREAS, the Council of the Borough amended portions of the Motor Vehicles and Traffic Ordinance by No. 1203 on August 8, 1999; and

WHEREAS, pursuant to 75 Pa.C.S. §6101 et seq, traffic and parking regulations by local authorities shall be by duly enacted ordinances of the governing body of the local authority; and

WHEREAS, per 53 P.S. §46202(74), the Borough is authorized to enact Ordinances as may be expedient or necessary for the proper management, care and control of the Borough of Wyomissing and the maintenance of peace, safety and welfare of the Borough; and

WHEREAS, Borough Council desires to amend the requirements to obtain a permit for a procession, assemblage, event and parade on local roadways in the Borough to maintain peace, safety and protect the welfare of the Borough and its residents.

NOW THEREFORE, BE IT ENACTED and ORDAINED by the Council of the Borough of Wyomissing, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. The Code of the Borough of Wyomissing, Chapter 15 – "MOTOR VEHICLES" Part 1, "General Regulations", Section 107 entitled "Use of Streets by Processions and Assemblages" is renamed to "Use of Streets by Processions, Assemblages, Parades and Events".

SECTION 2. The Code of the Borough of Wyomissing, Chapter 15 – "MOTOR VEHICLES" Part 1, "General Regulations", Section 107 entitled "Use of Streets by Processions,

Assemblages, Parades and Events” is amended to read in its entirety as follows:

1. **DEFINITIONS.** For the purpose of this Section, the following words shall have the following meanings:

APPLICANT – a person who has a filed a written Application for a Permit and who assumes responsibility for all duties and responsibilities under this Ordinance and whom is at least twenty-one years of age.

ASSEMBLAGE — a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

BLOCK PARTY – a temporary gathering or organized activity on any Borough street by residents of that street where majority of attendees will be residents of the street and there will be no disruption of other citizen’s passage occurs or use of any Borough services is needed

BLOCK PARTY PERMIT – a permit issued by the Chief of Police for a block party.

BOROUGH – the Borough of Wyomissing, Berks County, Pennsylvania.

CHIEF OF POLICE – the Chief of Police of the Borough of Wyomissing, Berks County, Pennsylvania.

EVENT – a Special Event, Parade, Race, Procession, Assemblage or Other Similar Event.

PARADE – any parade, march or procession of any kind, in or upon any street or public park within the Borough.

PERMIT – a permit for a special event, parade, procession and assemblage as required by this Ordinance approved by the Borough Council and issued by the Chief of Police.

PERMITTEE – a person to which a permit required by this Ordinance is issued.

PERSON – any natural person, partnership, association, firm, corporation, company or organization of any kind.

PROCESSION — a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic.

RACE – marathons, fun-runs, walk a thons, trail rides, cycle, motor bike tours, watercraft events, scavenger hunts and other similar activities

SIDEWALK – portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SIGN – signs, banners, flyers or advertisements of any kind

SPECIAL EVENT – a temporary event, gathering or organized activity on any Borough street, public property or private property, or in any Borough park, building or other facility, when an organized activity is conducted involving one or more of the following factors:

- a. Closing of a public street, sidewalk or alleyway;
- b. Blocking or restricting public property;
- c. Blocking or restricting access to private property of others;
- d. Use of pyrotechnics or special effects;
- e. Use of open flame, explosions, or other potentially dangerous displays or actions;
- f. Use or display of animals, aircraft, or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;
- g. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinances;
- h. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property or on private property where otherwise prohibited by Ordinance;
- i. Placement of portable toilets on public property or on private property where otherwise prohibited by Ordinance;
- j. Placement of “No Parking” signs or barricades in a public right of way;
- k. Amplification of music, voices, sounds or activities in excess of that permitted by Ordinance;

- l. The Borough determines that the event will result in substantial impact on Borough resources, facilities or public safety services in response thereto;
- m. Other examples of Special Events include but are not limited to: concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, ~~block parties~~, community events, marathons and other running events, bicycle races and tours, golf tournaments, car races, boat races and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community, promotion or charity but excluding block parties.

SPECIAL EVENT VENUE – area for which a Permit has been issued.

STREET – the entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

VENDOR – a person or entity that promotes or exchanges goods or services for money.

2. PERMIT REQUIRED

- A. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid or solicit attendance at a parade, assemblage, procession or special event, unless a permit has been approved by Borough Council and issued by the Chief of Police.
- B. Exceptions. This Ordinance shall not apply to:
 1. Funeral Processions
 2. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impeded the passage of others and all laws, ordinances and regulations are obeyed including but not limited to lawful picketing
 3. A governmental agency acting within the scope of its authority and functions.
 4. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate directions and supervisions of the proper school authorities.
 5. Housing moving and construction activities.

6. Activities occurring solely in Borough owned building or on Building owned property regulated under the Parks and Recreation Ordinance Chapter 16 “Parks and Recreation”, Part 1 “Park Land and Recreation Land” for which a rental permit has been obtained and rental agreement executed.
7. Block parties as defined herein shall be excluded from the Application Process set forth below in Paragraph 3 and approval by Borough Council per Paragraph 4 but shall be required to obtain a permit and approval from the Borough Chief of Police as provided in Paragraph 21

3. APPLICATION PROCESS.

- A. Application. A person seeking a permit as required by this Ordinance shall obtain an application from the Borough Police Department or on line and submit it to the Chief of Police.
- B. Filing Period. An application for a permit as required by this Ordinance shall be submitted to the Borough at least sixty (60) days and not more than one hundred eighty days (180) days prior to the date proposed for the event.
- C. Late Application. The Chief of Police, where good cause is shown, may, but is not required to consider an application filed less than sixty (60) days prior to the proposed event date provided all of the requirements and review can be met.
- D. Content. The application for a permit required under this Ordinance shall be on a form provided by the Borough which shall include but not be limited to:
 1. The name, address, telephone number, fax number, cell phone number and email address of the person seeking to conduct such event.
 2. If the parade is proposed to be conducted for, on behalf of, or by an organization or group, the name, address, telephone number, fax number, cell phone number and email address of the headquarters of the organization or group and of the authorized and responsible heads of such organization.
 3. If the event is designed to be held by and on behalf of or for, any person other than the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his behalf.
 4. The name, address, telephone number, fax number, cell phone number and email address of the person who will be the event chair and responsible for its conduct.

5. The date when the event is to be conducted.
6. The route to be traveled, as well as the starting and termination points or if no moving, the location of the event.
7. The approximate number of persons who, and animals and vehicles which will constitute such event; the type of animals and description of vehicles.
8. The hours when the event will start and terminate.
9. A statement as to whether the event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights of way proposed to be traversed by pedestrian and vehicular traffic.
10. The location by streets of any assembly areas for such event.
11. The time at which units of the event will begin to assemble at any such assembly area or areas.
12. The set-up, tear down and clean up dates and times.
13. The purpose of the event.
14. Maps detailing the proposed site locations and/or routes along with written descriptions of the following:
 - a. Amplification devices: types used and for what purposes.
 - b. Street closures and detours: routes that will be closed and proposed detours around route closures.
 - c. Electrical requirements: voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.
 - d. Emergency Medical Stations: First aid or emergency medical services based on event risk factors as determined by Chief of Police or Fire and Police Committee.
 - e. Equipment: types of equipment used to service event or be showcased in event.
 - f. Fire Lanes: contingency plan for access by fire-fighting and emergency medical vehicles, equipment and personnel as approved by the Fire Commissioner and Chief of Police.
 - g. Fireworks or Pyrotechnic Displays: amount, type and fire safety plans including proof of application for permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Commissioner and manned fire equipment must be present at time of display.

- h. Litter control: number, size and location of trash receptacles, as well as trash removal and disposal.
 - i. Portable toilets: the number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy and Borough polices and codes, including quantity that will be ADA accessible.
 - j. Signage: type of proposed on-site and off-site signage, including quantity, dimensions, materials, location and plan for removal.
 - k. Structures: all temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. Proof of their compliance with Borough codes and ordinances and receipt of permits where necessary.
 - l. Vendors: list each vendor, including products and services offered. The merchandise, products and services offered cannot be in violation of the Borough's Codified Ordinances. All vendors must comply with all applicable State and Borough, laws, ordinances, rules, regulations and policies.
15. The cost of admission, if any, and whether the Event is public or private.
16. Plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained and operated according to law.
17. Proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00), naming the Borough of Wyomissing as an additional insured.
18. Alcoholic Beverages:
- a. Conditions and restrictions on the use of alcoholic beverages, if permitted.
 - b. List of all vendors who will be providing alcohol, along with copies of their PLCM certificates/license, if permitted.
- Note: Alcoholic Beverages are prohibited in all Borough parks, playgrounds and facilities.
19. Any enticements, such as candy, balloons, toys, silly string, fireworks, plastic horns and poppers to be thrown or given away to onlookers.

20. The following statements:

- a. Indemnifying and holding the Borough harmless executed by the event organizer,
- b. Information set forth in application is true and correct to the best of the applicant's knowledge under penalty of law,
- c. Agreement to comply with this Ordinance and any other applicable Ordinances, rules, regulations or requirements for event,
- d. Applicant is at least twenty-one years of age.

21. Such additional information as the Chief of Police shall find reasonably necessary to arrive at a fair determination as to whether a permit should be issued.

E. Fees.

1. Fees for an event permit required by this Ordinance shall be by Resolution of Borough Council and as amended from time to time.
2. The fees shall accompany the application.
3. If the Event is cancelled or not held after the permit has been issued by the Borough, the fee minus an administrative fee established by Resolution of Borough Council may be refunded.

F. Use of Borough Personnel Resources for Event. Fire and EMS, Police and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, location and number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular Borough operations. The expenses for the additional services shall be at the current Borough hourly rate for the requisite personnel and adherence to the conditions set forth in any applicable bargaining agreement.

G. Reimbursement for Expenses. At the time of the filing of an application for an event permit with the Chief of Police, the applicant shall deposit with the Borough, in cash, a sum of money identified as a security deposit which shall be established by Resolution of the Borough Council to be sufficient to reimburse the Borough for the costs of providing Police and other protection by reason of the event. In the event such sum shall prove to be insufficient for said purposes, the applicant shall agree to promptly reimburse the Borough for such additional sum within thirty (30) days of a receipt of a bill or invoice therefore. Any issues concerning the amount and costs of personnel needed to provide a clean and safe event will be heard and decided by the Borough Manager. In the event the sum

originally deposited shall prove to be excessive, the Borough shall promptly refund any such excess to the applicant.

- H. Review. Upon receipt of an application for an event permit required by this Ordinance, the Chief of Police shall review it for its completion. If the Chief of Police finds the application to be incomplete, the applicant shall be so notified and provided the opportunity to cure it. If the Chief finds the application to be complete, it shall be presented by the Chief to the Borough Fire and Police Committee or its successor. The Fire and Police Committee shall review the application and make a recommendation to Borough Council to approve or deny the application for an event permit. The Borough Council shall consider the application and recommendation of the Fire and Police Committee at its next regularly scheduled meeting and either approve or deny the application. Should Borough Council deny the application, they shall instruct the Chief of Police to so notify the applicant. Upon approval of the application for an event permit by Borough Council, the Chief of Police shall be instructed to issue the permit and so notify the applicant.
- I. Changes to Application. Any proposed changes prior to the date of the event must be approved by the Chief of Police in consultation with other Borough Departments.
- J. No Confirmation of Event until Permit is Issued. No date for an Event shall be considered confirmed until an Applicant has fully complied with all necessary requirements and the Permit has been approved and issued by the Borough of Wyomissing.
- K. Permits Issued on First Come Basis. If an application has been submitted for a specific date but is awaiting approval, no other applications will be accepted for that same date and location until a decision on the first application has been made.

Exception. Annual Events with a standing tentative reserved date will be honored provided the applicant, if other than the Borough, submits the application in accordance with this Ordinance. Borough events shall receive priority provided they are on the calendar no less than six (6) months prior to the event.

- 4. STANDARDS FOR ISSUANCE. The Chief of Police, with the approval of Borough Council, shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may be otherwise obtained, it is found that:

- A. The conduct of the event will not unduly interfere with the safe and orderly movement of other traffic contiguous to its route. Nor shall it have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.
- B. The conduct of the event will not require the diversion of so great a number of police officers of the Borough to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Borough.
- C. The concentration of persons, animal and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection or, or ambulance service to, areas contiguous to such assembly areas.
- D. The conduct of such event will not interfere with the movement of fire-fighting equipment en route to a fire.
- E. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay en route.
- F. The event is not to be held for the sole purpose of advertising any produce, goods or event, and is not designed to be held purely for private profit. Provided, however, the prohibition against advertising any products, goods or event shall not apply to charitable events and to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the event.
- G. The Event will not substantially interfere with any other Event for which an Event Permit has been issued, nor shall it substantially interfere with the provision of the City services in support of other scheduled events or unscheduled government functions.
- H. All sponsor(s), participants, and attendees at events are subject to all laws, ordinance, and regulations not specifically excepted by the permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police officers may order the shutdown of an event that becomes disorderly or hazardous.

5. NOTICE OF DECISION. The Chief of Police shall notify the applicant for an event permit of approval or rejection of the application within ten (10) days following action by Borough Council. If the application is rejected, the notice shall be in writing setting for the basis therefor. Should the Application be approved, a permit shall be issued as set forth herein with correspondence confirming the indemnification and holding harmless of the Borough.

6. DENIAL OF APPLICATION FOR PERMIT. An Application for an event permit may be denied if the Applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

- A. Applicant has made or permitted the making of a false or misleading statement or omission of material fact on the permit application; or
- B. Applicant has violated this Ordinance or has had an event permit revoked within the preceding twelve (12) months; or
- C. The Borough believes that persons or property are at risk as a result of the activities or conduct of persons at the event.

7. APPEAL PROCEDURE. Any person aggrieved by the action of Borough Council shall have the right to request Borough Council to reconsider its action at its next regularly scheduled meeting upon written request to Council delivered by registered or certified mail at the Borough Hall. Council shall consider the request to reconsider its action and within ten (10) days following its meeting shall mail to the aggrieved party its decision as to the appeal.

8. ALTERNATIVE PERMIT. The Borough Council in denying an application for an event permit shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that proposed by the applicant. An applicant desiring to accept an alternative permit shall within five (5) days after notice of the action of the Borough Council by the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, an event permit under this ordinance.

9. NOTICE TO BOROUGH AND OTHER OFFICIALS. Immediately upon the issuance of an event permit, the Chief of Police shall send a copy thereof to the following:

- A. The Borough Manager
- B. The Borough Solicitor
- C. The Fire Commissioner
- D. Public Works Director
- E. President of Borough Council
- F. Chair of Fire and Police Committee

10. CONTENTS OF THE PERMIT. Each event permit shall state the following information:

- A. Date of the event
- B. Starting time and termination of the event
- C. The portions of the streets to be traversed or blocked that may be occupied by the event.
- D. The number of persons, animals and motor vehicles that will be in the event.

- E. Statement agreeing to indemnify and hold the Borough harmless.
- F. Such other information as the Chief of Police shall find necessary to the enforcement of this Ordinance.
- G. Signature of event organizer and applicant.

11. PERMIT.

- A. Duties of Permittee. A permittee hereunder shall comply with all applicable permit directions and conditions and with applicable laws and ordinances.
- B. Possession of Permit. The event chairman or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

12. PUBLIC CONDUCT DURING EVENT.

- A. Interference. No person shall hamper, obstruct, impede or interfere with any event or event assembly or with any person, vehicle or animal participating or used in an event.
- B. Driving Through Event. No driver of any vehicle shall drive between the vehicles, person or animals compromising an event when such vehicles, person or animals are in motion and are conspicuously designed as an event.
- C. Parking on Parade Route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route or location of an event.

13. REVOCATION OF PERMIT. The Chief of Police shall have the authority to revoke an event permit issued hereunder upon violation of the standards for issuance as herein set forth, upon learning that the applicant made or permitted the making of a false or misleading statement or omission of material fact on the event application, or violated other applicable law, statute, ordinance, rules, regulations or policy.

14. STREET ACTIVITY AND ROUTE RESTRICTIONS. Permitted events shall comply with the following requirements:

- A. Events held on public property within the Borough limits or on a publicly maintained right of way may begin staging (setting up) at 6:00 AM prevailing time and shall disband (shut down) at 10:00 PM prevailing time. Cleanup must be completed by midnight prevailing time.

- B. Events held primarily in a residential area may begin staging (setting up) at 10:00 AM prevailing time and shall disband (shut down) by 8:00 PM prevailing time. Cleanup must be completed by 10:00 PM prevailing time.
- C. Events held primarily in residential area and requiring street closures, the appropriate safety / security measures must be approved by the Chief of Police and/or Fire Commissioner for the duration of the Event at the expense of the Applicant.
- D. Only licensed drivers may operate motorized vehicles and equipment during events. This includes but is not limited to automobiles, tractors, trucks of all make, all - terrain vehicles (ATV) and go-carts.
- E. Unless otherwise permitted, alcoholic beverages shall not be permitted.
- F. Merchandise, products and services offered cannot include items that are “adult” related” and can only be sold to persons over 21 years of age.
- G. Fires, candles, torches and other sources of open flames are not permitted, except in areas designed for that use and upon approval from the Fire Commissioner.
- H. Any enticements, such as candy, balloons, toys, silly string, fireworks, plastic horns and poppers to be thrown or given away to onlookers, must be approved.

15. TEMPORARY SIGNS FOR EVENTS.

It is unlawful for any person to place, post, paint, erect, display, secure or maintain any sign, banner, lighting or advertising without the prior written consent of the Public Works Department.

All event signs, banners, flyers or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the event. An event sign not removed in compliance with this section may be removed by the Borough at the expense of the Applicant. If an event sign, banner, flyer or advertisement becomes a hazard to the public’s safety or welfare due to the inclement weather, inadequate maintenance, accidental damage or other cause, the Borough shall remove the sign immediately at the sole cost of the Applicant. After removal by the Borough, the Borough may store, dispose, destroy or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant or sign owner. All signs not picked up by the Applicant or designee within one (1) week after completion of said Event, may be disposed, destroyed or otherwise handled as deemed appropriate with no liability on the part of the Borough.

16. **INSPECTIONS.** Amusement rides and/or other attractions associated with the Events shall conform to statutory rules and regulations set forth by the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the Borough limits and verified by authorized Borough personnel. Proof of inspection, permits and compliance of applicable Codes of all structures required to be inspected and/or permitted pursuant to Borough Code shall be provided.
17. **ANIMAL WASTE.** Applicants are responsible for properly controlling and handling all animals and animal waste per Chapter 2 of the Codified Ordinances of the Borough of Wyomissing.
18. **INSURANCE REQUIRED TO CONDUCT EVENT.** An Applicant for an event must provide proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00) to protect the Borough against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the event. Such insurance shall name the Borough of Wyomissing, its officers, employees, agents and, if required, any other public entity involved in the event, as an additional insured on a separate endorsement maintained for the duration of the event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the Borough by the carrier and the Applicant.
19. **INDEMNIFICATION.** The Applicant for an event shall indemnify and hold harmless the Borough, its officers, employees, agents and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Event.
20. **CONDITIONS OF PREMISES AFTER EVENT.** The Applicant is required to bring the premises back to the same or better condition; and failure to comply, will result in no future events to be held by the Applicant or organization. Further, the Applicant will be responsible for any costs or expenses incurred by the Borough in restoring the premises back to the same or better condition.
21. **BLOCK PARTIES.** Any person or neighborhood group desiring to hold a block party shall follow the procedure and regulations set forth herein.
 - A. Submit an application to the Chief of Police of the Borough for his review and response. The application shall state the following:
 1. The date and time of the event.
 2. The block, street, to be blocked off.
 3. Name and contact information for organizer.
 4. Statement confirming indemnification and hold harmless of the Borough.
 5. Statement agreeing to abide by all applicable Ordinances, rules and regulations and that applicant is at least twenty-one years of age.
 6. Such additional information as the Chief of Police shall find reasonably

necessary to arrive at a fair determination as to whether a permit should be issued.

B. Rules and Regulations for Block Parties.

1. The event must end no later than 10:00 PM prevailing time nor commence prior to 8:00 AM prevailing time.
2. There shall be no alcoholic beverages permitted in the streets.
3. The street shall be cleared of major debris after the event.
4. Outside vendors shall be prohibited unless approved by the Codes Department for the Borough of Wyomissing.
5. Procedures must be established to limit vehicular traffic on the street.

C. Issuance of Permit. The Chief of Police shall issue a permit after review and consideration of the application for a block party if he opines that the activity is a block party, there will not be adverse to the residents of the Borough and it is in the best interest of the Borough residents.

D. Permit. The permit shall be available for inspection if requested by a Borough Official and each block party permit shall state the following information:

1. Date and time of the block party of the event
2. The block or portion of the street to be blocked.
3. Statement agreeing to indemnify and hold the Borough harmless.
4. Such other information as the Chief of Police shall find necessary to the enforcement of this Ordinance.
5. Signature of event organizer and applicant.

E. Fees. The fee for a block party permit shall be as established by Resolution of Borough Council and as amended from time to time.

22. UNLAWFUL CONDUCT.

A. It shall be unlawful for any person to state, present or conduct, or attempt to state, present or conduct an event without first having obtained a permit therefor as herein provided or to other wise violate any of the provisions of this Ordinance.

B. Except as provided for in Section 2.B hereof, it shall be unlawful for any person to engage or participate in an event in the Borough for which a permit has not been granted.

C. It shall be unlawful for any person to fail to comply with all directions and conditions of the event permit.

23. PENALTIES. Any person any of the provisions of this Ordinance, upon conviction thereof before a District Justice, shall be fined a sum not to exceed \$1000.00 for each offense, together with the costs of prosecution, and in default of payment thereof, shall be committed to the Berks County Prison for a period of not more than ninety (90) days. Each day or portion thereof during which such violation shall continue shall be deemed a separate offense and punishable as such.

SECTION 3. 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 to be the intent of the 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 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. The effective date of the within amendments to the Motor Vehicles and Traffic Ordinance shall be immediately upon its enactment and approval by the Mayor.

ENACTED AND ORDAINED this ____ day of _____, 2012.

BOROUGH OF WYOMISSING
Berks County, Pennsylvania

BY: _____
Frederick C. Levering
President of Borough Council

ATTEST: _____
Martha L. Hozey
Secretary of the Borough

APPROVED as an Ordinance this _____ day of _____, 2012.

Robert J. Shuttlesworth
Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 1336-2012 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on _____, 2012, pursuant to notice as required by law.

Martha L. Hozey
Secretary of the Borough