

BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 03-5

AN ORDINANCE OF EAST PROSPECT BOROUGH
PROVIDING FOR AND REGULATING PARADES IN
THE BOROUGH OF EAST PROSPECT, REQUIRING
PERMITS THEREFOR, AND PRESCRIBING PENALTIES
FOR VIOLATIONS OF SAID REGULATIONS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the
Borough of East Prospect, York County, Pennsylvania, as follows:

PARADES

Section 1. Title.

This chapter shall be known and may be cited as the "Parade Ordinance of the Borough of East Prospect."

Section 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH -- The Borough of East Prospect.

COUNCIL -- The Council of the Borough of East Prospect.

PARADE -- Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other outside public place in the Borough.

PARADE PERMIT -- A permit as required by this chapter.

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

Section 3. Permit required.

A. No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the Borough.

B. Exceptions. This chapter shall not apply to:

(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) A governmental agency acting within the scope of its functions.

Section 4. Permit applications.

A person seeking issuance of a parade permit shall file an application with the Borough Secretary on forms provided by such officer.

A. Filing period. An application for a parade permit shall be filed with the Mayor not fewer than thirty (30) days nor more than ninety (90) 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 or persons sponsoring the event.

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 heads 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 persons who will constitute such parade, and if there are animals and vehicles, the approximate number of and types of animals and the approximate number and description of vehicles.

7) The hours when such 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 streets proposed to be traveled.

9) The location by streets 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 designed 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 Mayor a communication in writing from the organization or other person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.

12) Any additional information which the Mayor shall find reasonably necessary to a fair determination as to whether a permit should be issued.

C. Late applications. The Mayor, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed fewer than thirty (30) days before the date of such parade is proposed to be conducted.

D. The application for a permit shall be accompanied by proof of insurance coverage for the applicant. Such insurance certificate shall name the Borough of East Prospect as an additional insured.

E. No application will be considered or reviewed unless the application has been completed in its entirety.

Section 5. Standards for permit issuance.

A. The application for a permit shall be reviewed by the Mayor, and, after such review, the Mayor shall approve or deny such application. In reaching such determination, the Mayor shall consider relevant information and factors, including, but not limited to, the following:

1) 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.

2) 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 fire-fighting equipment, ambulances, rescue vehicles and/or police vehicles from being able to reach any property in the Borough.

3) The conduct of such 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.

4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.

6) 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.

7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

8) The parade is not designed to be held purely for private profit.

9) Whether there are any other parades scheduled on the day requested.

B. In the case of the approval of a permit, the Mayor shall establish such conditions regulating time, place and manner in which the parade is conducted and such other conditions as will assure the general health, safety and welfare of the Borough, its residents and the people participating in such event.

Section 6. Time limit for decision; notice of disapproval.

The Mayor shall act upon the application for a parade permit within ten (10) days after the filing thereof. If the Mayor disapprove the application, they shall mail to the applicant, by certified mail within ten (10) days after the day upon which the application was filed, a notice of their action stating with specificity the reasons for the denial of the permit. Said notice shall also advise the applicant of his or her right to file an appeal and shall also advise him or her of the procedure for filing an appeal by providing him or her with a copy of § 122-7. Appeals.

Section 7. Appeals.

Any person aggrieved shall have the right to appeal the denial of a parade permit to Borough Council. The appeal shall be taken by sending a letter to the Borough Secretary requesting that Borough Council hear an appeal of the decision to deny a parade permit. This letter must be sent by certified mail or delivered to the Borough Hall of the Borough of East Prospect at 28 W. Maple Street, P.O. Box 334, East Prospect, Pennsylvania, and must be received by the Borough Secretary within ten (10) days from the date on which the applicant received notice of the denial of the application for a parade permit. Borough Council must render a decision on said appeal, in writing, within ten (10) days of receipt of the appeal.

Section 8. Alternate permits.

Where the Mayor, after applying the standards set forth in § 122-5 above, shall find that the application for issuance of a permit for a parade on the date, at the time and over the route requested by the applicant must be denied, he may, in addition to advising the applicant of the denial of the application, also issue an alternate permit which authorizes the conduct of the parade on a date, at a time or over a route different from that named by the application. The alternate permit shall be sent to the applicant by certified mail, together with the letter required by § 122-6 above. Whenever the Mayor shall issue an alternate permit, the letter sent to the applicant, in addition to conforming to the requirements of § 122-6 above, shall also advise the applicant that, if the applicant wishes to accept the alternate permit, the applicant must mail or deliver a letter to the Borough Secretary of the Borough of East Prospect at 28 W. Maple Street, P.O. Box 334, East Prospect, Pennsylvania, in which the applicant accepts the alternate

permit and, further, advising the applicant that this letter must be received within ten (10) days after receipt by the applicant of the letter sent to the applicant pursuant to § 122-6 above. The applicant shall also be advised that, unless the applicant accepts the alternate permit within ten (10) days, the alternate permit will be void and of no effect. Finally, the applicant shall also be advised that the applicant may either accept the alternate permit or pursue an appeal of the denial of a parade permit for the date, time and route requested by the applicant by following the procedure set forth in § 122-7 above. An alternate parade permit issued pursuant to this section shall be issued pursuant to the standards set forth in § 122-5 above and, if accepted by the applicant in the manner provided above, shall have the effect of a parade permit under this chapter.

Section 9. Notice to officials.

Immediately upon the issuance of a parade permit, the Borough Secretary shall send a copy thereof to the following:

- A. The Mayor.
- B. The Council.
- C. The Borough Solicitor.
- D. The Fire Chief.
- E. The Director of Public Works.

Section 10. 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 the Borough Council shall find necessary to the enforcement of this chapter.

Section 11. Duties of permittee.

- A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws of the Borough and the Commonwealth of Pennsylvania.
- B. The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his or her person during the conduct of the parade.
- C. In the event a parade requires traffic direction, detour and/or crows control, the permittee shall bear all costs and expenses thereof.

Section 12. Suspension or revocation of permit.

The Mayor or his duly authorized agents shall have the right to suspend or revoke any permit issued under this chapter for violation of one (1) or more of the regulation promulgated herein.

Section 13. Interference; parking on route.

- A. Interference. No person shall unreasonably hamper, obstruct or

impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving through parade. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designed as a parade.

C. Parking on parade route. The Borough Council shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of a route of a parade. The Chief of Police shall post signs to such 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 unposted, in violation of this chapter.

Section 14. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not less than three hundred dollars (\$300.00) and not exceeding one thousand dollars (\$1,000) or be imprisoned for a period not exceeding thirty (30) days, or be both so fined and imprisoned. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

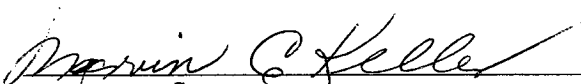
Section 15. Repealer.

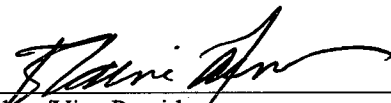
All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 4th day of March, 2003.

ATTEST:
PROSPECT

BOROUGH COUNCIL OF EAST


Secretary

By: 
President/Vice President

Approved this 4th day of March, 2003.



Mayor