

ORDINANCE NO. 603

**AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY,
PENNSYLVANIA ENTITLED "LARGE GATHERING" REQUIRING PERMITS FOR
GATHERINGS IN FLEETWOOD AND PROVIDING FOR PENALTIES AND ENFORCEMENT.**

WHEREAS, the Borough of Fleetwood (hereinafter referred to as the "Borough") recognizes an increase in the number of large gatherings occurring in areas zoned as R-1 and R-2; and

WHEREAS, the Borough is challenged to identify and locate such gatherings and adequately prepare for additional resources for parking, bathroom facilities, garbage, traffic issues and security, and

WHEREAS, the Borough has a vested interest in protecting homeowners in residential neighborhoods against large gatherings which may cause issues to quiet enjoyment of property within the Borough; and

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF FLEETWOOD

Section 1 – PURPOSE AND INTENT

It is the purpose and intent of the Borough to establish a process to address large gatherings within the Borough of Fleetwood in residential areas. By requiring permits which will address issues of large gatherings including for parking, bathroom facilities, garbage, traffic issues and security, the Borough of Fleetwood will better be able to preserve the rights of quiet enjoyment of residentially zoned areas.

Section 2 – APPLICABILITY

This Ordinance shall apply as follows (note that zoning is defined by the approved zoning map, as amended from time to time, for the Borough of Fleetwood and that zoning is not modified by permitted uses for the property, zoning variances or special exceptions):

1. In all residential zoning districts including R-1 and R-2 to all gatherings of 50 people or more.
2. In all commercial and non-residential zoning districts to all gatherings of 250 people or more.

The following is a list of exceptions to this Ordinance:

1. Gatherings in public parks, gatherings initiated or sponsored by the Fleetwood School District, or gatherings at the public pool.
2. Gatherings sponsored by the Borough of Fleetwood and any and all divisions of the Borough of Fleetwood.
3. Gatherings of religious ceremonies if those gatherings occur within a building and the number of people attending the event is limited to the number allowed pursuant to the building use limitations.

4. Gatherings for commercial benefit on commercially zoned premises if those gatherings occur within a building and the number of people attending the event is limited to the number of people allowed pursuant to the building use limitations.

Section 3 – ESTABLISHMENT OF A PERMIT APPLICATION PROCESS

The Borough of Fleetwood shall establish a permit application process. The application shall have no charge but be required to be filed no less than 10 days prior to the event. The permit shall be on a form designated by the Borough Council of the Borough of Fleetwood which may from time to time be amended but in basic format contain the following elements:

1. Address for event, name of owner of that address who will be the party responsible for the event.
2. Purpose of event and number of people attending.
3. Date and time of the event.
4. How the parties responsible for the event will address parking.
5. How the parties responsible for the event will address bathroom facilities.
6. How the parties responsible for the event will address garbage collection.
7. How the parties responsible for the event will address security.

Section 4 - ISSUING OF PERMIT

A permit will be issued in the event the Borough Council of the Borough of Fleetwood is satisfied that the event owner has a responsible plan to address the impact of the event to the rights of quiet enjoyment of the neighbors in the area. Consideration will be given to the history of the party responsible for the event and their history in managing events.

Section 5 – INSPECTIONS FOR VIOLATIONS

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property.

Section 6 – PENALTIES

Any person who shall conduct a gathering of 50 persons or more in a residentially zoned location without a valid permit shall be in violation of this Ordinance and subject to the following fines:.

DESCRIPTION OF VIOLATION	CIVIL PENALTY
a) Failure to obtain a permit for a gathering of 50-100, first offense	\$100.00
b) Each subsequent offense for failing to obtain a permit for a gathering of 50-100	\$500.00
c) Failure to obtain a permit for a gathering over 100, first offense	\$500.00
<i>(Plus any cost to provide any service deemed necessary by Borough Council)</i>	
d) Each subsequent offense for failing to obtain a permit for a gathering of over 100	\$1,000.00

Section 7 – AMENDMENTS

Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted by the Borough Council of Fleetwood.

Section 8 – SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

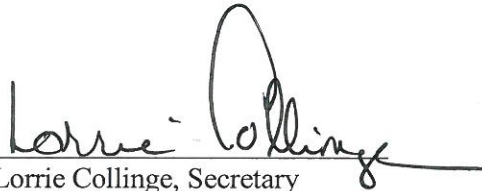
Section 9 – REPEALER

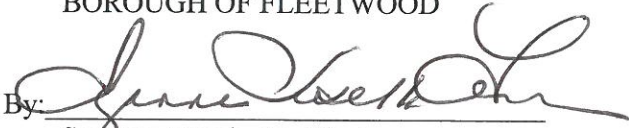
All Ordinances inconsistent with the above provisions are repealed to the extent of their consistency.

Section 10 – EFFECTIVE DATE

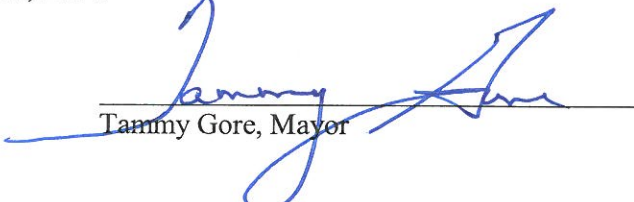
That this Ordinance with take effect ten (10) days after final passage.

ORDAINED and ENACTED by the Borough Council of the Borough of Fleetwood in lawful session duly assembled this 14th day of April, 2014.

Attest: 
Lorrie Collinge, Secretary

BOROUGH OF FLEETWOOD
By: 
Suzanne Touch, President

APPROVED this 14th day of April, 2014.


Tammy Gore, Mayor