

**BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2025-3**

**AN ORDINANCE OF THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY,
PENNSYLVANIA, TO INCLUDE AND PROVIDE FOR THE PERMITTING OF SPECIAL EVENTS AT
BOROUGH PARKS AND FACILITIES AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

WHEREAS, the Borough of West Newton has become aware that it is in the need of an Ordinance outlining the requirements for a Special Events Permit; and

WHEREAS, the Borough wants to specifically ensure special events permitting is covered at Borough Parks and Borough Facilities; and

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

Section 1. Purpose. The purpose of the Ordinance is to provide for the permitting of special events, including public facility use/rental and the temporary closure or redirection of pedestrian and/or vehicular traffic on Borough streets and alleys in a safe manner to allow for such activities.

Section 2. Application. Applications shall be submitted on the forms specified by the Borough and shall include the full legal names, addresses, telephone numbers, and email addresses of all persons in charge, the locations and address of the property to be utilized for the events, a statement of the number of persons expected to attend said event and the duration of the event.

- i. If applicant is an individual resident of the Borough, a certified nonprofit organization or an educational institution, the following application procedures are to be followed:
 - a. Written applications for public gatherings shall be submitted to the West Newton Borough Council thirty (30) days prior to the first day of any public promotion/advertisement or commencement of the event. All applications for events with 275 or more participants/spectators must be full completed, signed and forwarded to the Borough of West Newton at least NINETY (90) days prior to your event.
 - b. No applicant shall be less than twenty-one (21) years of age. If an applicant is other than an individual, proof must be provided that the entity is a legally constituted and created entity.

- C. It is within the Borough's discretion to determine whether or not an individual or organization qualifies under these procedures.
- II. All other applicants such as for-profit organizations, politically affiliated organizations, and fundraising organizations shall be subject to the following application procedures:
- A. Written applications for public gatherings shall be submitted to the West Newton Borough Council Sixty (60) days prior to the first day of any public promotion/advertisement or commencement of the event. Whichever occurs first. Application shall be submitted ninety (90) days prior if the event includes a proposal to close a Borough road.
 - B. No applicant shall be less than twenty-one (21) years of age. If an applicant is other than an individual, proof must be provided that the entity is a legally constituted and created entity.
 - C. Evidence that all permits and licenses as required by State and local statutes, ordinances and regulations enacted thereunder have been obtained, or will be obtained.
 - D. The program for the event, or if no program is prepared, a narrative statement as to the purpose for which the event is to be conducted.
 - E. Evidence that approvals have been secured from emergency responders as appropriate.

Section 3. Insurance. Applicants who are not an individual resident of the Borough, a certified nonprofit organization, or an educational institution must have a certificate of Insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing Comprehensive General Liability, or Special Event Public Liability, in an amount of at least \$1 million for each occurrence and \$2 million aggregate for personal injury and property damage, which policies shall name the Borough as an additional insured specifically for purposes of the event.

Section 4. Fee. An application fee may be charged, said fee to be in such amount as established, from time to time, by Resolutions of Borough Council.

Section 5. Conditions of Approval. It is within the Borough's discretion to deny the application for permits that are not complete.

Section 6. Guidelines.

- A. Requests are subject to availability through confirmation with Borough officials.
- B. The group using the facility shall be financially responsible for any property that is damaged or destroyed while under its supervision.

C. Any group using facilities must assume full responsibility for cleaning the area used or prepay fees to cover the cost of cleaning.

D. No permittee or person having control of the event shall condone any illegal conduct.

E. The Burden of event security is solely upon the permittee. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Ordinance, or other Borough ordinances, or the conditions of the permit granted hereunder may be cause for immediate revocation of the permit, upon notification to the person in charge that a violation exists and failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the event shall immediately terminate the assembly and provide for the orderly disbursal of those in attendance. Groups not providing proper security and supervision for children and other participants/groups attending events may not be considered for future facilities use.

F. The police department will have access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed.

G. No programming shall take place between the hours of 9pm and 7am unless authorized by Borough Council.

H. The permit holder agrees to save and hold harmless the Borough and agrees to assume responsibility for all liabilities arising from the use, it being understood and agreed that the Borough assumes no obligation respecting the use of such premises.

I. All scheduled activities must be concluded and the premises vacated by the agreed upon time when scheduled. Persistent failure to abide by time schedule may result in loss of privileges.

J. Any right or privilege granted to any person, persons, or organizations to use any property is personal and shall not be transferable to any other person, persons, or organizations.

K. In the event of a cancellation, all approved facility use must be cancelled prior to 48 hours after the reservation is confirmed. All cancellations made after this deadline will result in the forfeiture of the full application fee and any and all associated costs. Failure to meet this cancellation timeframe may additionally result in the denial of any future requests.

L. The conduct permitted or prohibited and the permissible usages of facilities may be changed, from time to time, by Resolution of Borough Council. The Borough retains the right to deny any request to use a facility which it deems not to be in the best interest of the Borough, whether for reasons of security or because of the nature of the activity.

Section 7. Conformance with Other Law. This Ordinance shall in no way be substituted for, nor eliminate the necessity of, complying with all federal and state laws, rules and regulations, County and Borough ordinances which are now, or may be in future, in effect which pertain to the conduct of special events.

Section 8. Penalties. Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a special event without obtaining the permit provided in this Ordinance, or who knowingly conducts, permits or allows a special event with a permit but in violation of the terms and provisions of this Ordinance and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, shall be subject to a fee of \$500 and all Borough-related expenses to support the event. Should applicant fail to pay said fee within thirty (30) days, this matter will be remanded to the District Justice and the applicant shall be subject to a fine of not more than \$1,0000, plus costs, and all Borough-related expenses to support the event.

Section 9. Severability. The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance, it is hereby declared as legislative intent that this Ordinance would have been enacted and such unconstitutional, invalid or illegal provisions not been included herein.

Effective Date. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this 18 day of Feb., 2025, a full quorum being present.

ATTEST:

BOROUGH OF WEST NEWTON:

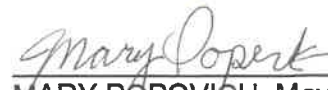


ASHLEY PERGOLA, Borough Secretary



JASON COOPER, Council President

Examined and Approved this 18 day of February, 2025.



MARY POPOVICH, Mayor