

ORDINANCE NO. 1027

AN ORDINANCE OF THE BOROUGH OF LEWISBURG, UNION COUNTY, PENNSYLVANIA, REQUIRING PERMITS FOR SOCIAL GATHERINGS WHERE ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED, REGULATING SUCH SOCIAL GATHERINGS, PROVIDING FOR THE ENFORCEMENT THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Lewisburg, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section 1. **Definitions.** As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

BUILDING - anything constructed or erected, the use of which requires a permanent location on the land or that is attached to something having a temporary or permanent location on the land. Tents, covered patios, open porches and decks shall be treated as buildings under this Ordinance.

DEPARTMENT - the Buffalo Valley Regional Police Department or any other police department serving the Borough of Lewisburg.

EXCLUDED PARTY - any federal, state or local government or any agency or authority thereof or created thereby, any licensed commercial establishment, or any school district, college or university.

GATHERING - a party or event involving a group of persons who have assembled or are assembling for a social occasion or activity on private property.

PERSON - any individual, partnership, co-partnership, corporation, fraternal organization, or other entity or association consisting of one or more individuals.

POLICE COST - the cost to the Department for services rendered in responding to a call at a Regulated Social Gathering or otherwise maintaining order and public peace and safety and stopping public disturbances at a Regulated Social Gathering, including, but not limited to, the salaries and other compensation of police officers, appropriate administrative cost allocable thereto, prorated costs of equipment, the cost of repairing damaged Department equipment and property, and the cost of any medical treatment of injured police officers. This cost shall either be fixed from time to time for a typical police response or be determined on a case-by-case basis by the Chief of Police of the Department.

PREMISES - any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, located on private property, whether occupied on a temporary or permanent basis as a dwelling or specifically for a party or other social function and whether owned, leased, rented or used with or without permission or compensation.

PRIVATE PROPERTY - any land, building or other structure, including, but not limited to, single and multi-family dwellings and commercial and industrial buildings, not owned or otherwise regulated and controlled by an excluded party.

REGULATED SOCIAL GATHERING - a gathering of persons for the purpose of social interaction where alcoholic beverages are served or consumed and

which is attended at any one time by more than seventy-five (75) persons, regardless of age.

Section 2. Permit Required.

1. Unless the Regulated Social Gathering is approved and authorized by an excluded party, no Regulated Social Gathering shall be held without a permit therefor issued by the Chief of Police of the Department.
2. In order to obtain a permit for a Regulated Social Gathering, the person(s) organizing, sponsoring or hosting a Regulated Social Gathering shall file with the Department an application for the said permit on an application form provided by the Borough of Lewisburg.
3. A fee, as set by resolution of the Borough Council of the Borough of Lewisburg from time to time, shall accompany a permit application. The fee shall include, but not be limited to, consideration of the cost of reviewing and investigating the permit application, the inspection of the premises prior to the Regulated Social Gathering, and monitoring during the Regulated Social Gathering.
4. An application for a permit for a Regulated Social Gathering shall be filed no less than five (5) business days prior to the date of the Regulated Social Gathering. Failure to file a timely application for a permit may result in a denial of a permit.
5. The application for a permit for a Regulated Social Gathering shall include the following:
 - A. the name, local and permanent address, telephone number, including cell phone number, and age of all persons organizing, sponsoring, or hosting the Regulated Social Gathering;
 - B. the name, local and permanent address, telephone number, including cell phone number, of all persons directly responsible for the Regulated Social Gathering, hereinafter referred to as the "responsible persons;"
 - C. the specific address and location of the Regulated Social Gathering;
 - D. the square footage of any and all buildings and open space on the premises that will be occupied by persons attending the Regulated Social Gathering;
 - E. the maximum number of persons who will attend the Regulated Social Gathering;
 - F. the time that the Regulated Social Gathering will start and the time it will end;
 - G. a description of the entertainment, if any, that will be present at the Regulated Social Gathering;
 - H. the identity of the vendor source of alcoholic beverages for the Regulated Social Gathering;
 - I. the manner in which the alcoholic beverages will be served;
 - J. the manner in which the furnishing of alcoholic beverages or the consumption of alcoholic beverages by minors will be prevented;
 - K. the method in which the number of persons attending the Regulated Social Gathering will be regulated and/or controlled;
 - L. whether or not security will be provided and, if provided, the manner in which such security will be provided;
 - M. the name, address and telephone number of the business providing any required portable toilets; and

N. a notice indicating that by signing the application the applicant(s) acknowledge the accountability and conditions set forth therein, including, but not limited to, that any police cost associated with enforcement actions required for violations associated with the Regulated Social Gathering will be invoiced to the applicant(s).

6. A permit for a Regulated Social Gathering will be granted or denied within two (2) business days of the receipt of the application for such permit by the Department. If a permit is denied, such denial shall be in writing and delivered to the permit applicant.

7. If a permit is granted, the person(s) organizing, sponsoring or hosting the Regulated Social Gathering shall have a copy of the permit readily available on the premises and produce it upon request of the Department or other proper authority.

Section 3. Grounds for Denial of Permit. A permit for a Regulated Social Gathering may be denied for any of the following reasons:

1. A violation, within thirty (30) days prior to the submission of the permit application, of this Ordinance or Lewisburg Borough's Disorderly Gathering Ordinance No. 930 by any person organizing, sponsoring or hosting a Regulated Social Gathering.

2. A violation, within ninety (90) days prior to the submission of the permit application, of the Pennsylvania Liquor Code for serving alcoholic beverages to a minor or a prior conviction of any crime under the Pennsylvania Crimes Code constituting a misdemeanor or felony by any person organizing, sponsoring or hosting a Regulated Social Gathering on any premises where a Regulated Social Gathering was held.

3. Failure to provide a complete permit application, including accompanying documentation.

4. Failure to file a timely permit application or pay the required application fee.

Section 4. Regulated Social Gathering Requirements.

1. All Regulated Social Gatherings shall be scheduled after 10:00 A.M. and end by 1:00 A.M.

2. No beverages shall be consumed from glass bottles or glass containers at any Regulated Social Gathering.

3. One (1) portable toilet shall be provided for every one hundred (100) persons attending a Regulated Social Gathering.

4. The Department may monitor and assess the premises from time to time during the Regulated Social Gathering to verify compliance with the Regulated Social Gathering permit.

Section 5. Appeals. The denial of a permit for a Regulated Social Gathering may be appealed to the Borough Council of the Borough of Lewisburg pursuant to the provisions of the Local Agency Act. Such appeal shall be filed within two (2) business days from the date of the denial of the permit.

Section 6. Violations. The following shall be unlawful and constitute a violation of this Ordinance:

1. for any person to organize, sponsor, host, attend, or participate in a Regulated Social Gathering in the absence of a permit therefor issued by the Chief of Police of the Department;
2. for the owner of the premises or any person occupying or in control of the premises to allow a Regulated Social Gathering to take place on the premises in the absence of a permit therefor issued by the Chief of Police of the Department;
3. for the owner of the premises or any person occupying or in control of the premises to allow a Regulated Social Gathering to take place or continue on the premises in violation of any special conditions imposed upon the Regulated Social Gathering by the permit;
4. to furnish false information on the permit application for a Regulated Social Gathering;
5. for any person who organizes, sponsors or hosts a Regulated Social Gathering not to be identified as such organizer, sponsor or host on the permit application for the Regulated Social Gathering;
6. failure to comply with the representations set forth in the permit application for a Regulated Social Gathering regarding the maximum number of persons attending the Regulated Social Gathering or to comply with any special conditions imposed upon the Regulated Social Gathering by the permit;
7. serving minors alcoholic beverages or allowing the consumption of such beverages by minors at a Regulated Social Gathering or continuing a Regulated Social Gathering after the time limit set forth in the application;
8. failure to have a copy of the Regulated Social Gathering permit readily available on the premises and/or to produce such permit on request by the Department or other proper authority; and
9. failure to disperse as provided in Section 8.1 of this Ordinance

Section 7. Penalties.

Any person violating this Ordinance shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars to the Borough of Lewisburg, together with costs of prosecution, or to be imprisoned for a period not to exceed ten (10) days or both. Any fines, costs or other penalties imposed under this Ordinance for violation thereof may be collected by the Borough of Lewisburg pursuant to any civil or municipal claim remedy for the collection of debts and obligations due it or as otherwise provided or permitted by law.

Section 8. Enforcement.

1. The Department shall have the authority to disperse persons, upon notice, who attend a Regulated Social Gathering for which no permit has been issued.
2. In addition to any fines, costs and penalties imposed under this Ordinance for violation thereof, responsible persons may also be assessed police cost, as well as being assessed by the Department for separate police cost associated with control and dispersal issues under this Ordinance.
3. Nothing in this Ordinance shall limit the Borough of Lewisburg from filing an action in equity to enjoin a Regulated Social Gathering held in violation of this Ordinance, nor limit the Department from making arrests for any violation of the laws of the Commonwealth of Pennsylvania or the Ordinances of the Borough of Lewisburg.

Section 9. Repeal. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 10. Severability. If any section or provision of this Ordinance is adjudged by a court of competent jurisdiction to be unlawful, void or unenforceable, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

Section 11. Effective Date. This Ordinance shall become effective immediately upon enactment.


ENACTED AND ORDAINED as an Ordinance of the Borough of Lewisburg, Union County, Pennsylvania, this 17th day of June, 2014.

ATTEST:

BOROUGH OF LEWISBURG:



Patricia M. Garrison, Secretary

By: 

Peter J. Bergonia, Jr., President

Approved as an Ordinance this 17th day of June, 2014.



Judith T. Wagner, Mayor