

TOWNSHIP OF LOWER ALSACE  
ORDINANCE NO. 241

AN ORDINANCE RELATING TO THE CONDUCT OF PUBLIC GATHERINGS; ESTABLISHING APPLICATION AND PERMIT STANDARDS, FEES, AND PROCEDURES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES; AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Second Class Township Code provides townships of the second class with the authority and power to promote and protect the public safety and health of its citizens and to regulate the conduct of places of public entertainment, amusement, and recreation; and

WHEREAS, Township of Lower Alsace has been, and may in the future be, requested to permit the mass gathering of substantial numbers of people for the purposes of public entertainment, amusement, and recreation of various designations, whether such gatherings be held on private property or property dedicated to general public assemblage; and

WHEREAS, the Board of Supervisors of the Township takes public notice that a public gathering of persons may create hazardous conditions, including but not limited to, excessive vehicular and pedestrian traffic, failure to have proper solid waste disposal, recycling, sanitation and sewage disposal facilities, excessive noise, disorderly or lewd conduct, and other illegal conduct or acts, all of which constitute a direct threat to public health, safety, and welfare; and,

WHEREAS, the Board of Supervisors of the Township has studied and determined that an ordinance which prescribes the procedure and rules and regulations for conducting a Public Gathering is necessary to protect the health, safety, and welfare of the citizens of the Township and desires to enact an ordinance to accomplish these objectives;

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Alsace, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

**SECTION 1. Title.**

This Ordinance shall be known as and cited as the "Township of Lower Alsace Public Gathering Ordinance."

**SECTION 2. Definitions.**

As used in the Township of Lower Alsace Public Gathering Ordinance, unless the context compels otherwise:

A. **APPLICANT** Any person, entity and/or any sponsoring organization who or which seeks a Public Gathering permit from the Township to conduct or sponsor an event governed by this chapter. Any entity or organization shall designate an individual person as the responsible contact person.

B. **ATHLETIC EVENT** An occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public or private property or on a Township street, sidewalk, alley or other street right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws and controls. Athletic events shall include, without limitation, bicycle and foot races.

C. **BLOCK PARTY** A festive gathering of the residents on a residential street requiring a closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including, without limitation, barbecues, picnics, music or games.

D. **CONCERTS** means a gathering of people to listen to, or observe, live music or amplified recorded music, a theatrical performance, a dance performance, a comedian, magician or lecturer or similar performer.

E. **MANAGER** means the Lower Alsace Township Manager or his/her designee.

F. **PERSON IN CHARGE OF PROPERTY** means either the owner of the premises or his agent or such other person who has possession or control of property in the Township on which the Public Gathering is to occur.

G. **PARADE** means a march or procession consisting of persons, animals or vehicles or any combination thereof on any public or private property or on any Township street, sidewalk, alley or other street right-of-way.

H. **PERMIT APPLICATION FEE** The fee to be paid by the Public Gathering permit applicant at the time the application is filed with the Township.

I. **PERMITTEE** Any person, entity and any sponsoring organization which has been issued a Public Gathering permit by the Township.

J. **POLICE DEPARTMENT** means the Central Berks Regional Police Department or such other Police Department that is the primary police force serving the citizens of Lower Alsace Township.

K. **PUBLIC GATHERING** means all temporary gatherings or organized activities on any public or private property or on any Street, alley or sidewalk or private property in the Township involving one, some or all of the following factors, which would or could cause the gathering to result in a substantial impact on Township resources, facilities or services or would or could create public safety, health or welfare concerns:

1. Closing or partial closing of a public right-of-way;
2. Blocking or restricting access to a public right-of-way, public or private property;
3. Use of pyrotechnics or special effects including open flame, explosions, or other potentially dangerous displays;
4. Installation of a stage, band shell, rolling or movable stands and stages, such as flatbed trailers, portable building, toilet, grandstand or bleacher on any public right-of-way or on any private property where otherwise prohibited by ordinance;
5. Placement of temporary directional, promotion or other signs or barricades on a public right-of-way;
6. Obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic and/or does not comply with traffic laws and controls;
7. A gathering at which 100 or more persons are likely to attend; or
8. A determination by the Manager or the appropriate Township Code Official designated by the Township Manager that the event will result in substantial impact on Township resources, facilities or services.

Examples of a Public Gatherings may include both indoor or outdoor events occurring on any private or public property or on any public right-of-way which are designed to attract crowds such as concerts, parades, athletic events, fairs, festivals, flea markets; art and craft shows, carnivals, circuses, block parties, soap box derbies, rallies, expositions and displays, excluding:

1. A Public Gathering for bona fide, day-of-worship religious services;
2. A Public Gathering for purposes of lawful picketing;
3. A Public Gathering sponsored in whole or in part by the Township;
4. A Public Gathering permitted and regulated by the Township;
5. A Public Gathering sponsored by a Township private or public school on their own property; and
6. A funeral procession by a licensed mortuary.

A Public Gathering is not intended to include the routine operation of a lawful business, such as a restaurant, bar, social club or nightclub, not including any large special event that may be held at any thereof, which may constitute a Public Gathering under the terms hereof.

L. **PUBLIC GATHERING PERMIT** means a written, signed authorization to hold a Public Gathering issued by the Township Manager or the appropriate Township Code Official designated by the Township Manager.

L. **RIGHT-OF-WAY** Public streets, alleys, sidewalks and crosswalks, including bike and pedestrian paths.

M. **SIDEWALK** means that 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.

N. **“SPONSOR(S)”** means any natural person, association, partnership, firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, or causes to be advertised, a Public Gathering.

O. **TOWNSHIP** means Lower Alsace Township, Berks County, Pennsylvania acting through the Township Manager or his/her designee.

**SECTION 3. Prohibited Activity.**

It shall be unlawful for any Sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct or cause to be advertised a Public Gathering, unless a permit has been obtained pursuant to the Township of Lower Alsace Public Gathering Ordinance. A separate permit shall be required for each Public Gathering for the period of time designated by the permit.

**SECTION 4. Permit Requirements.**

A. No Public Gathering shall be held within the boundaries of the Township, unless the Sponsor(s) and the owner of the property, or the person in charge of the property upon which the Public Gathering will occur, jointly apply for and are granted a permit as hereinafter provided:

1. No permit shall be granted for a Public Gathering of more than fifteen (15) hours duration unless the application specifically requests, and the permit specifically allows an extension of that period;
2. No applicant shall be under twenty-one (21) years of age;
3. No permit may be transferred or assigned.

**SECTION 5. Application.**

A. Any sponsor, owner or person in charge desiring to hold a Public Gathering, which is not exempted as previously defined in section 2, shall apply for a permit by filing an application with the Township on a form provided.

B. All applications shall be submitted not less than 45 days before the promotion for, or date of the Public Gathering, whichever is first.

C. Upon a showing of good cause, the Township shall consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain Township services for the event and if good cause can be demonstrated by the applicant, by showing that the circumstances that gave rise to the permit application did not reasonably allow the participant to file within the time prescribed.

D. Applications shall be made on forms provided by the Township and shall contain, at least, the following information:

1. The full legal names; addresses; at least one telephonic contact number; and email addresses (if existing) of all Sponsor(s).
2. The full legal name; address; at least one telephonic contact number; and email address (if existing) of the owner and the person in charge of the property to be utilized for the Public Gathering.
3. The full legal name; address; at least one telephonic contact number; and email address (if existing) of the person who will be present and in charge of the Public Gathering on the day of the event.
4. If the Sponsor(s) is (are) a partnership or joint venture, all partners and parties to the joint venture shall sign as applicant. If the Sponsor(s) is (are) a corporation, a copy of the Articles of Incorporation and a corporate resolution authorizing the application shall be made a part of the application.
5. The location and address of the property and / or route to be utilized for the Public Gathering.
6. The dates, days, and times when set-up, the Public Gathering, tear down and clean-up will be conducted,
7. An estimate of the number of persons expected to attend the Public Gathering including all participants as well as staff, volunteers, vendors and others involved in production of the event.
8. The program for the Public Gathering, or if no program is prepared, a narrative statement as to the purpose for which the Public Gathering is to be conducted.
9. The security and protection that will be provided by the applicant including specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending, and providers thereof.
10. Describe whether the Public Gathering is a public or private event, whether admission will be charged.
11. Maps detailing the proposed site and / or route of the Public Gathering together with written descriptions describing each of the following, to the extent applicable:
  - a) Amplification devices to be used outdoors and the purpose;
  - b) Areas for spectators or persons attending the event;
  - c) All structures existing and to be constructed;

- d) Proposed transportation and parking facilities;
  - e) Sanitary and waste disposal facilities and providers thereof;
  - f) Location of recycling bins, name of recycling materials hauler and name of receiving facility;
  - g) On-site medical facilities and providers thereof;
  - h) Facilities for food and beverage storage, preparation and service;
  - i) Camping facilities or other temporary overnight accommodations for individuals;
  - j) Proposed event and directional signage;
  - k) Lighting and other utility services;
  - l) Show start and finish areas for parades and athletic events;
  - m) Show the emergency access for emergency fire and medical equipment and vehicles;
  - n) Show the location of and fully describe pyrotechnic / firework / explosion / flame displays together with a fire safety plan;
  - o) The location and a brief description of all vendors known at the time of the application.
12. Evidence that all permits and licenses as required by the State and County statutes, ordinances and regulations enacted thereunder have been obtained.
  13. Examples of all proposed advertising of the event, if any.
  14. A description of all services requested from the Township.
  15. Applicants' statement that they shall abide by the terms and provisions of the Township of Lower Alsace Public Gathering Ordinance, and all laws, rules, and regulations of the United States, Commonwealth of Pennsylvania, County of Berks, the Township and the Public Gathering Permit.
  16. Any supplemental information that the Township shall find reasonably necessary, under the particular circumstances of the Public Gathering application, to determine whether to approve or conditionally approve a Public Gathering permit.

**SECTION 6. Action on application.**

The Township shall approve, conditionally approve or deny an application for the grounds specified in the Township of Lower Alsace Public Gathering Ordinance. Such action shall be taken no later than 20 working days after receiving a completed application for a Public Gathering. If the application is denied or conditionally approved, the Township shall inform the applicant of the grounds for denial, in writing, or the

reason for a change in the date, time, route or location of the event and his/her right of appeal. If the Township relied on information about the event other than that contained in the application, it shall inform the applicant what information was considered. The applicant shall be notified of any permit conditions at the time the application is approved and of his/her right of appeal of the permit conditions. Where the Township Manager has delegated the duty to review and approve or disapprove applications hereunder to another designated Township Official, then appeals shall be heard by the Township Manager, whose decision shall be final. Where the Township Manager has retained the duty to review and approve or disapprove applications hereunder, then appeals shall be heard by the Township Board of Supervisors, whose decision shall be final.

### **SECTION 7. Grounds for denial of application.**

- A. The Township shall approve an application for a Public Gathering permit, unless it is determined from a consideration of the application or other pertinent information that:
1. Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
  2. The applicant failed to complete the application form after having been notified of the additional information or documents required.
  3. The sole purpose of the event is advertising of any product, good, ware, or merchandise.
  4. Another special event permit application has been received prior in time or has already been approved to hold another event at the same time and place requested by the applicant or so close in time and place as to cause undue traffic congestion or a circumstance such that the Police Department is unable to meet the needs for police services for both events.
  5. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route or disrupt the use of a street at a time when it is usually subject to great traffic congestion.
  6. The concentration of persons, animals and vehicles at the site of the event or the assembly and disbanding areas around an event will prevent proper police, fire or ambulance services to areas proximate to the event.
  7. The size of the event will require diversion of so great a number of police officers of the Township to ensure that participants stay within the boundaries or route of the event or to protect participants in the event as to prevent normal protection to the rest of the Township.
  8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Township streets or a previously granted encroachment permit.

9. The event will occur at a time when a school is in session at a route or location adjacent to the school or class thereof and the noise created by the activities of the event would substantially disrupt the education activities of the school or class thereof.
  10. If the gathering is to be within, or partially within, a structure, any life safety systems within the structure fail to pass a fire safety code inspection, including but not limited to the sprinkler system, alarm system, exit components and their operation, lack of or insufficient staff for control public gathering mob control and private water service systems.
  11. The applicant failed to submit a fire safety and evacuation plan for review by the Manager or the appropriate Township Code Official designated by the Township Manager.
  12. Other identifiable public health or safety concerns are identified by the Township, which the applicant has not adequately addressed.
- B. When the grounds for denial of an application for permit specified above can be corrected by altering the date, time, duration, route or location of the event, the Township shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed Public Gathering as are necessary to achieve compliance with requirements of the Township of Lower Alsace Public Gathering Ordinance.

#### **SECTION 8. Conditions of Issuance.**

The Township may condition the issuance of a Public Gathering permit by imposing reasonable requirements concerning the time, place and manner of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided that such conditions shall not unreasonably restrict the right of free speech. Such conditions include:

1. Alteration of the date, time, route or location of the Public Gathering proposed on the application.
2. Conditions concerning the area of assembly and disbanding of a parade or other Public Gathering occurring along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the Public Gathering to only a portion of a street traversed.
4. Requirements for the use of traffic cones or barricades.



5. Requirements for provision of first aid or sanitary facilities.
6. Requirements for use of event monitors and providing notice of permit conditions to Public Gathering participants.
7. Restrictions on the number and type of vehicles, animals or structures at the Public Gathering and inspection and approval of floats, buildings, structures and decorated vehicles for fire safety.
8. Compliance with animal protection ordinances and laws.
9. Requirements for use of garbage and recycling containers, cleanup and restoration of Township or other public property and the properties of adjoining persons which may be impacted by the Public Gathering.
10. Restrictions on use of amplified sound.
11. An application for a Public Gathering permit to conduct a block party may be conditioned on notice to the residents of dwellings along the affected street(s).
12. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.
13. Unless advance approval is obtained, the standard hours of operation shall be as follows:
  - (1) Monday to Thursday: 10:00 a.m. to 10:00 p.m.
  - (2) Friday and Saturday: 10:00 a.m. to 11:00 p.m.
  - (3) Sunday: 11:00 a.m. to 8:00 p.m.
14. The good repair and operating order of all fire protection and life safety systems in accordance with the current edition of the International Fire Code to the satisfaction of the Manager or the appropriate Township Code Official designated by the Township Manager.
15. Written approval of the Township Manager or the appropriate Township Code Official designated by the Township Manager relating to the adequacy of sanitary toilet facilities and sewage disposal facilities at a Public Gathering as described in applicant's application.

16. Public Safety:

- a) Security: Sponsor(s) shall demonstrate that a plan, and means to implement the plan, exists to provide for adequate traffic control and crowd control. Said plan must gain the approval of the Township Manager or the appropriate Township Code Official designated by the Township Manager, who may consult with Chief of the Police Department.
- b) Medical Services: Sponsor(s) shall demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the Public Gathering. Sponsor(s) shall identify Lower Alsace Ambulance Association as the first responder and shall identify any and all other companies or persons supplying health care services. Said plan must gain the approval of the Township Manger or the appropriate Township Code Official designated by the Township Manager.
- c) Parking Facilities: Sponsor(s) shall demonstrate that a plan, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. For on-site parking there shall also be provided adequate ingress and egress to and from parking areas to facilitate the movement of vehicles at any time to or from the parking areas and to permit access for emergency vehicles. Said plan must gain the approval of the Township Manager or the appropriate Township Code Official designated by the Township Manager.
- d) Fire and Life Safety: Sponsor(s) shall demonstrate that a plan, and a means to implement the plan, exists to provide fire and life safety personnel and facilities appropriate to the anticipated number of persons in attendance. There shall also be provided adequate ingress and egress to and from such facilitates to permit access for emergency vehicles, including fire fighting vehicles. Said plan must gain the approval of the Township Manger or the appropriate Township Code Official designated by the Township Manager.
- e) Illumination Plan: Sponsor(s) shall demonstrate that, if any part of the Public Gathering shall occur before dawn or after sundown, there shall be sufficient illumination for the safety of guests, including, particularly, sufficient illumination at ingress and egress points. Said plan must gain the approval of the Township Manger or the appropriate Township Code Official designated by the Township Manager.

- f) If any temporary structures or enclosures, such as tents and canopies are to be constructed or erected in connection with the Public Gathering, Sponsor shall present evidence that such structures or enclosures will be constructed or erected in a safe manner to the satisfaction of the Township Manager or the appropriate Township Code Official designated by the Township Manager.

**SECTION 9. Indemnification and Certificate of Insurance**

A. Prior to the issuance of a special event permit, the permit applicant and an authorized officer of the sponsoring organization, if any, must sign an agreement to reimburse the Township for any costs incurred by it in repairing damage to Township property occurring in connection with the permitted Public Gathering caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. The agreement shall also provide that the permittee shall defend the Township against and indemnify and hold the Township harmless from any liability to any persons resulting from any damage or injury, including attorney's fees, occurring in connection with the permitted Public Gathering proximately caused by the actions of the permittee, its officers employees or agents or any person who was under the permittee's control insofar as permitted by law. Persons who merely join in a parade or event are not considered by that reason alone to be under the control of the permittee.

B. Certificates 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 \$1,000,000.00 (One-Million Dollars) for personal injury and property damage shall be required. In the case of events that create the possibility of special hazards, such as fireworks displays, the Township Manager, in consultation with the Township Solicitor and the Township insurance consultant, may require insurance with higher policy limits that set forth above. A copy of the policy or a certificate of insurance, along with all necessary endorsements, must be filed with the Township no less than 20 days before the date of the event. All such Certificates of Insurance shall list the Township as an additional insured.

**SECTION 10. Conduct of Public Gathering.**

A. Public Gathering permittees shall maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, medical service facilities, and other facilities and utilities provided in accordance with the plans submitted and approved, and in a safe and healthful manner.

B. No permittee, or persons having control of the Public Gathering, shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale, or the unlawful use of intoxicating beverages or drugs.

C. The burden of preserving order during the Public Gathering is upon the permittees of the Public Gathering. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of the Township of Lower Alsace Public Gathering Ordinance, or other ordinances of Berks County or of the Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit by the Township upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the Public Gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

D. The Township, its authorized agents and representatives, shall be granted access without charge to the Public Gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

E. No entertainment, amusement, or use of sound amplification equipment shall be provided or permitted between the hours of 10:00 P.M. and 10:00 A.M., Sunday through Thursday and 11:00 PM and 10:00 AM. Friday and Saturday, unless otherwise permitted by the Township.

F. Sponsor(s) of the Public Gathering, and/or the Person in Charge of Property, or their designated agents or representatives, shall at all times be in attendance at the Public Gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any Commonwealth or Township laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania and/or the Township.

H. At the conclusion of the permitted time period for the Public Gathering, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the licensed premises, except permanent residents, unless temporary overnight accommodations were previously approved by the Township, in writing, pursuant to the application process of the Township of Lower Alsace Public Gathering Ordinance.

#### **SECTION 11. Conformance with Other Law.**

The Township of Lower Alsace Public Gathering Ordinance shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all United States and Commonwealth law, rules and regulations, County and Township ordinances which are now, or may be in the future, in effect which pertain to the conduct of public gatherings.

**SECTION 12. Revocation of Permit.**

Non-compliance with any portion of a Public Gathering Permit or the Township of Lower Alsace Public Gathering Ordinance may constitute a basis for the immediate revocation of the permit by the Township or the appropriate Township Code Official designated by the Township Manager.

**SECTION 13. Fees.**

A. Application Fee: The application for a permit shall be accompanied by a nonrefundable permit application fee which shall cover the actual full costs, or a portion thereof, of processing and investigating applications and administering the Public Gathering permit program.

B. Traffic control and security fees: Upon approval of an application for a Public Gathering permit, the Township shall provide the applicant with a statement of the estimated cost of providing overtime police officers or fire police officers for traffic control and / or security at the event. The applicant shall prepay the traffic control and security fees at least 20 days prior to the Public Gathering. The fee to be paid by the applicant for the services shall be based upon actual costs or overtime costs, with a minimum of four hours per officer. If the actual cost for traffic control and security on the date of the Public Gathering is less than the estimated cost, the applicant shall be refunded the difference by the Township.

C. Cleanup deposit: The applicant for a Public Gathering to be held on public property or on a public street, right-of-way or alley may be required to provide a cleanup deposit prior to the issuance of a Public Gathering permit. The cleanup deposit shall be returned after the event if the area used has been cleaned and restored to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored promptly following the end of the event, the permittee shall be billed for the actual cost by the Township for cleanup and restoration, and the cleanup deposit or a portion thereof shall be applied toward payment of the bill. If the permittee disputes the bill, he may appeal to the Township within 10 days after the mail date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the permittee. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the Township upon billing.

**SECTION 14. Penalties.**

A. Any person, association, partnership, firm, corporation, joint venture, or any other legal entity who initiates, organizes, promotes, permits, conducts, or causes to be advertised a Public Gathering without obtaining the permit provided in the Township of Lower Alsace Public Gathering Ordinance, or who knowingly conducts, permits, or allows a Public Gathering with a permit but in violation of the terms and provisions of the Township of Lower Alsace Public Gathering Ordinance or of the permit granted, or who shall counsel,

aid, or abet such violation or failure to comply, upon conviction thereof by any District Justice, shall be subject to a fine of not more than One-Thousand Dollars (\$1,000.00), together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

- A. Nothing herein contained shall preclude the Township from instituting proceedings at law or in equity to prevent and/or cease the operation of a Public Gathering not in conformity with the terms and provisions of the Township of Lower Alsace Public Gathering Ordinance.

**SECTION 15.           Waivers.**

Any person who desires a waiver of any provision hereof or of the application of this Ordinance as a whole to any event or gathering, which may constitute a Public Gathering may apply to the Board of Supervisors for such relief. The Board of Supervisors may, but shall not be required to, grant any waiver requested, with or without conditions. Waiver requests may be granted, in the sole discretion of the Board of Supervisors based on a showing of (a) the positive impact of the event or gathering on the community; (b) the civic or charitable nature of the event or of the event sponsor; (c) the financial hardship imposed on the applicant if the provisions of this Ordinance sought to be waived are enforced; or (d) for any other reason deemed appropriate by the Board of Supervisors. In no event shall a waiver be granted if the waiver granted is likely to result in an event or gathering being unsafe or disruptive to the quality of life of the residents of the Township.

**SECTION 16.           Severability.**

The provisions of the Township of Lower Alsace Public Gathering 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 the Township of Lower Alsace Public Gathering Ordinance. It is hereby declared as legislative intent that the Township of Lower Alsace Public Gathering Ordinance would have been enacted had such unconstitutional, invalid, or illegal provisions not been included herein.

**SECTION 17.           Effective Date.**

The Township of Lower Alsace Public Gathering Ordinance shall become effective immediately upon enactment or, if later, on the earliest date permitted by law.”

Ordained and Enacted as an Ordinance of Township of Lower Alsace, Berks County, Pennsylvania, this 10<sup>th</sup> Day of March 2016.