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CONFIDENTIAL LEGAL MEMORANDUM

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TO: KITTANNING BOROUGH COUNCIL

FROM: JORDAN SHUBER, ESQUIRE, SOLICITOR

SUBJECT: SPECIAL EVENT ORDINANCE

DATE: ~~SEPTEMBER 16, 2026~~OCTOBER 5, 2026

Per your request, I have prepared the following revised proposed ordinance concerning special events in the Borough:

BOROUGH OF KITTANNING, PENNSYLVANIA

ORDINANCE NO. [___]

AN ORDINANCE OF THE BOROUGH OF KITTANNING, ARMSTRONG COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS, PERMITTING REQUIREMENTS, AND OPERATIONAL STANDARDS FOR SPECIAL EVENTS HELD ON PUBLIC AND PRIVATE PROPERTY WITHIN THE BOROUGH;

PROVIDING FOR APPLICATION AND REVIEW PROCEDURES, REVOCATION, AND APPEALS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents and visitors of Kittanning Borough by regulating special events. This Ordinance seeks to ensure that public services, emergency access, traffic control, public property maintenance, and community peace are preserved during events, while providing a clear and transparent process for event organizers.

SECTION 2: DEFINITIONS

A. Special Event: Any event that

1. Gathers Fifty (50) or more persons; or
2. Utilizes Borough property and/or facilities; or
3. Require dedicated Borough emergency services; or
4. Interferes with normal traffic flow.

SECTION 3: PERMIT REQUIRED AND APPLICATION PROCEDURE

A. Permit Requirement: No person or entity shall conduct, stage, or sponsor a Special Event within Borough limits without first obtaining a Special Event Permit issued by the Borough.

B. Application Submission: Applicants shall submit a complete Special Event Permit Application to the Borough on forms provided by the Borough. Applications must be submitted at least ~~45~~ 30 days prior to the proposed event date.

C. Application Contents: The application shall include, but not be limited to:

1. Name, address, and contact information of the applicant and the designated event manager having direct supervision over the event;
2. Date(s) and hours of operation;
3. The estimated number of participants or spectators;
4. A site plan, including, but not limited to, the location of the Special Event, its boundaries, the locations of any facilities, sound amplification equipment, emergency exits, vehicular entrances and exits, locations of traffic nones or barricades, all parking locations, and parade or race routes;

5. Plans for traffic control, parking, security, emergency medical access, waste removal, and sanitation/restrooms;
6. Description of any proposed advertising, signage, vendors, sales, or amplified sound;
7. Indemnification of the Borough for any and all liability resulting from any potential legal or equitable actions or claims, including reasonable attorneys' fees and costs, which are the result or consequence of the permitted activity
8. A certificate of insurance along with all required endorsements, naming the Borough as additional insured;
9. Any supplemental information deemed necessary to determine whether a Special Event permit shall be issued; and
10. The ~~applicable~~ permit fee of Twenty-Five Dollars ($25.00).

D. Non-transferability: Permits issued under this Ordinance are granted solely to the named applicant and are non-transferable.

E. ~~Fees~~Borough services: ~~Application and permitting fees, as well as costs~~Costs for dedicated Borough services, shall be established by Resolution of the Borough Council and paid upon application submission.

SECTION 4: INSURANCE REQUIREMENTS

A. Any party applying for a permit under this Part shall also produce evidence of liability insurance in an amount of not less than $500,000 per occurrence and $1,000,000 in the aggregate, and a certificate of insurance shall be submitted to the Borough previous to the issuance of a permit certifying that the Borough is an additional insured under the applicable policy.

SECTION 5: STANDARDS FOR ISSUANCE AND APPROVAL

A. Review and Approval: Upon receipt of a complete application, the Borough shall review the application. An application shall be approved unless tangible evidence discloses that the proposed event poses a substantial threat to public health, safety, or general welfare. Specific grounds for disapproval include the following:

1. Misstatements or fraudulent information in the application;
2. Unresolved safety risks or insufficient staffing/emergency access plans;
3. Conflict with a previously scheduled event, construction project, or primary public use;
4. Undue hardship to adjacent businesses or residents; or
5. Past or current failure to comply with the terms of this Ordinance.

SECTION 6: OPERATIONAL & SAFETY REGULATIONS

A. Hours: Special events shall operate only between the hours approved in the permit. Unless specifically authorized by Council, all outdoor sound and event activities shall cease by ~~10~~11:00 PM.

B. Noise: An approved Special Event Permit shall serve as a limited exception to the Borough's Noise Ordinance (Chapter 373), permitting the use of amplified sound, music, or sound equipment during the event, provided that such activities conform to the specific hours, locations, and decibel or equipment limits approved in the permit.

~~Amplified sound, music, or equipment shall not create an unreasonable nuisance to surrounding residential neighborhoods~~.

C. Emergency & Traffic Safety: Events shall not block fire hydrants, designated fire lanes, handicapped ramps, or critical intersection sightlines. Unimpeded emergency vehicle access corridors must be maintained at all times.

D. Vendors & Food Facilities: Any transient merchants, peddlers, or mobile food facilities (food trucks) participating in the event must comply with all applicable Borough ordinances, and hold all applicable licenses and food safety certifications.

E. Site Restoration: The permittee is responsible for collecting all trash, cleaning spills/debris, and restoring all public property to its pre-event condition within forty-eight (48) hours following the conclusion of the event. If the applicant fails to do so, the Borough shall have the grounds to deny future permit applications or require the applicant to pay all costs incurred by the Borough in restoring public property to its pre-event condition.

SECTION 7: REVOCATION

A. Any permit granted under this Ordinance may be revoked for:

1. Any fraud, misrepresentation, or false statement contained in the application;
2. Failure to comply with any operational requirement, safety condition, or provision of this Ordinance; or
3. Conducting the event in an unlawful manner or in a manner that constitutes an immediate menace to public health, safety, or welfare.

SECTION 8: APPEAL PROCEDURE

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A. Right to Appeal: Any person aggrieved by the denial or revocation of a Special Event Permit shall have the right to appeal to the Borough Council.

B. Filing: The appeal shall be taken by filing a written statement setting forth the grounds for appeal with the Borough Council within ten (10) days after notice of the adverse decision. The order of the Borough Council following such hearing shall be final.

SECTION 9: VIOLATIONS AND PENALTIES

A. Any party which violates the provisions of this Ordinance by failing to obtain a permit in accordance with the terms and provisions hereof, shall be subject to an enforcement action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution. Any fines imposed shall not exceed $1,000 per violation and/or imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate offense. The Borough may also commence appropriate legal or equitable actions to prevent, restrain, correct, enjoin, or abate violations of this Ordinance.

SECTION 10: SEVERABILITY AND REPEALER

A. If any section, subsection, sentence, or clause of this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. All prior inconsistent ordinances or parts thereof are hereby repealed to the extent of such inconsistency.

ORDAINED AND ENACTED this ___ day of _____, **2026**.

ATTEST: **BOROUGH OF KITTANNING**

_____ _____

Borough Secretary President