

**NOTICE OF PUBLIC HEARING AND PROPOSED ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 119, CARNIVALS AND CIRCUSES**

Notice is hereby given that the Mayor and Town Council of the Borough of Chambersburg will hold a public hearing on Monday, May 13, 2019, at 7:00 PM in the Borough Hall Council Chambers, 100 South Second Street, Chambersburg, PA to hear public comment and then consider the following proposed ordinance amending the Borough of Chambersburg Code of Ordinances as stated above. In accordance with the Americans with Disabilities Act, any person who needs an accommodation in order to gain access to or participate in this public hearing should call 717-264-5151 prior to the public hearing date.

**ORDINANCE NO. 2019-\_\_**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF CHAMBERSBURG BY REPEALING EXISTING CHAPTER 119, CARNIVALS AND CIRCUSES IN ITS ENTIRETY AND REPLACE CHAPTER 119 WITH A NEW CHAPTER, CIVIC SPECIAL EVENTS**

**WHEREAS**, the Code of Ordinances of the Borough of Chambersburg (the “Code”) contains in Chapter 119 provisions relating to carnivals and circuses, originally adopted in 1931 and amended in 2014; and

**WHEREAS**. Town Council wishes to establish generic rules for all civic events, on private property, whether it be carnivals, circuses, fairs, farmer’s markets, or concerts; and

**WHEREAS**, the Zoning Code of the Borough of Chambersburg does already establish land use rules for such uses on private property, including limitations and requirements such as off-street parking, and ineligible zoning districts; and

**WHEREAS**, applying the Zoning Code regulations would better address future carnival and circus events; based on the cumulative nature of the Zoning Code, regulating these land uses as amusement enterprises would permit them only in Distributed Commercial-Highway, Central Core, Medium Manufacturing and Heavy Manufacturing zoning districts; and the uses would not be permitted in residential zoning districts as well as Distributed Commercial Neighborhood, Professional Office, Health Care Service and Health Institution districts; and

**WHEREAS**, a carnival or circus can now be considered an amusement enterprise pursuant to the Zoning Code, providing amusement or entertainment for a fee or admission charge and while carnival rides may not be considered motorized recreational vehicles, they may include internal combustion engines, and therefore motorized carnival rides may necessitate the application by the property owner for a variance for their use from the Zoning Hearing Board; and

**WHEREAS**, a carnival or circus can now be considered an amusement enterprise pursuant to the Zoning Code, providing amusement or entertainment for a fee or admission charge and while amusement enterprises now have a requirement for off-street parking, those being held on private property (such as a church parking lot) may necessitate the application by the property owner for a variance for their inability to provide off-street parking from the Zoning Hearing Board; and

**WHEREAS**, a Civic Special Event on public property, such as within the public street right-of-way, or a Civic Special Event that was determined to be accessory to the primary use of private property, such as a special event at the Capital Theater, may not need to meet these requirements; and

**WHEREAS**, every Civic Special Event, whether it be on public or private property, whether it be a

street fair, farmer’s market, parade, carnival, or circus, should obtain from the Borough of Chambersburg Borough Secretary a permit for their operation;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by The Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

**SECTION 1.** Chapter 119, entitled “Carnivals and Circuses”, is herein repealed in its entirety;

**SECTION 2.** Chapter 119, to be entitled “Civic Special Events” is herein adopted;

**SECTION 3.** Chapter 119, Sections 119-1 through 119-6 shall be as follows:

Chapter 119, Civic Special Events

§119-1 Permit required

- A. No civic special event shall be conducted by any person, organization, or entity (hereinafter “civic special event operator”) upon any private property in the Borough of Chambersburg without first obtaining a permit from Council through the Borough Secretary, or designee. No civic special event operator shall hold a civic special event prior to full compliance with the rules, policies or provisions as may be promulgated from time to time by the Borough of Chambersburg. The Borough Secretary shall inform Council concerning the granting and issuance of any civic special event permit. The granting of a permit shall not constitute an endorsement of the applicant by the Borough of Chambersburg.
- B. Civic special event shall mean a temporary event, gathering, or activity, including but not limited to events, farmers markets, flea markets, commercial parties with admission or the sale of merchandise, concerts with or without admission fees, carnivals, circuses, or other types of festivals with or without admission or sale of merchandise, political or public speaking events, and seasonal celebrations, all of which are a temporary use on private property, not typically permitted or utilized as the site of such events, which involve one or more of the following activities:
  - 1. Temporary sale of merchandise, food, or beverages
  - 2. Temporary site of amplified music, entertainment, or information
  - 3. Temporary erection of a tent equal to or greater than two hundred (200) square feet
  - 4. Temporary installation of a stage, band-shell, trailer, van, grandstand, bleachers or other portable building or structure
  - 5. Temporary placement of portable toilets
  - 6. Temporary placement of carnival rides, pony rides or similar, traveling or temporary animal exhibits, or a midway
  - 7. Temporary events reasonably expected to have more than 300 visitors in a calendar day
  - 8. Placement of temporary no-parking signs in parking lots or driveways usually accessible to the general public; or
  - 9. Placement of temporary pedestrian boundary markers or barricades to prohibit public access to spaces usually accessible to the general public.

§119-2 Events in the public right of way

Events in the public right of way must comply with Chapter 204, Parades and Public Gatherings.

§119-3 Compliance with code

Civic special events must be in compliance with all applicable Borough codes, including but not limited

to the Borough Health Code, the Pennsylvania Uniform Construction Code as administered by the Borough, the Borough Property Maintenance Code, and the Borough Zoning Code.

§119-4 Fees

The Council of the Borough of Chambersburg may, from time to time, establish fees associated with the administration of this Chapter.

§119-5 Permit term and revocation

- A. A special event permit shall terminate at the end of the special event as indicated on the permit application and may not be extended without the express written consent of the Borough Secretary, or designee.
- B. In the event the civic special event operator fails to fully and completely comply with the provisions as may be established by the Borough of Chambersburg, or is convicted of any unlawful activities as defined by this Code, the Borough Secretary shall have the right to immediately revoke said permit and may enforce a prohibition on re-issuance to the same civic special event operator for a period of thirty-six (36) months.

§119-6 Violations

- A. Any person or entity who shall violate any provision of this chapter shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs of prosecution and in default of payment of the same, to undergo imprisonment for not more than 30 days.
- B. Enforcement shall be by the Borough Police Department.

**SECTION 4. Savings Clause.** In all other respects, the Code of the Ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

**SECTION 5. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

**SECTION 6. Repealer.** All provisions of previous ordinances of the Borough of Chambersburg which are contrary to this Ordinance are expressly repealed.

**SECTION 7.** This Ordinance shall take effect immediately upon adoption.

Copies of the proposed ordinance may be examined without charge in the Office of the Chambersburg Borough Secretary, second floor, 100 South Second Street, Chambersburg, PA during normal business hours which are Monday through Friday, 8:00 AM to 5:00 PM. A copy may also be viewed at the offices of the Franklin County Law Library, 100 Lincoln Way East, Chambersburg, Pennsylvania, during normal business hours. The full text of the referenced ordinances can be examined at the Office of the Borough Secretary or online at [www.borough.chambersburg.pa.us](http://www.borough.chambersburg.pa.us).

Jamia L. Wright, Borough Secretary

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**PUBLIC OPINION** - Please advertise in the Legal Column **one time** on **Sunday, May 5, 2019**

If Sunday 5/5/19 is not an option please run the ad on Monday 5/6/19.

Please provide proof of publication and bill the Borough of Chambersburg.  
Reference – PO # Carnival

THANK YOU –  
Jamia L. Wright, Borough Secretary  
(717) 251-2437