

Part 10

Street Closures for Construction, Maintenance or Special Events

[See Chapter 1, Part 11 for Recovery of Costs for Parades and Special Events]

§1001. Construction and Maintenance Work. The Borough Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers or other persons authorized to direct traffic at each end of the closed portion while construction maintenance work is under way. The Borough Council may delegate this authority to the Borough Manager. It shall be unlawful for any person to drive a vehicle upon any such closed portion. (Ord. 1040, 5/22/2002, §2)

§1002. Restricted Traffic Areas for Construction or Maintenance Work. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen or police officers or other persons authorized to direct traffic at each end of the restricted portion. The Borough Council may delegate this authority to the Borough Manager. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed. (Ord. 1040, 5/22/2002, §2)

§1003. Street Closures for Special Events. The Borough Council shall have authority to close any street or specific part of a street or a sidewalk and to place barriers or station police officers or other persons authorized to direct traffic at each end of the closed area while a special event is being conducted on the closed area. For any such special event, the following shall apply:

A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

PERSON - any individual or group of individuals, association, partnership, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SPECIAL EVENT - an occasion requiring the occupation of streets or sidewalks for purposes other than normal pedestrian or vehicular traffic and for which purposes Part 9 of this Chapter is inapplicable. A demonstration, parade or procession, as those terms are defined in Part 9 of this Chapter, shall not be considered a special event.

STREET - a public right-of-way or portion thereof intended for general public use to provide means of travel for vehicles and pedestrians. The word "street" shall include the words "street," "avenue," "road," "highway," "thoroughfare," "way," "drive,"

"lane," "court," "cul-de-sac," and "alley" but shall not include "driveway" or "sidewalk."

B. Approval Required. No special event shall be conducted by any person upon any street or sidewalk in the Borough of Mechanicsburg without first obtaining approval from the Borough Council. No person shall participate in a special event prior to full compliance with the provisions of this Section. No special event approval shall be required for persons using a portion of the public sidewalk so long as the remaining portion of the sidewalk, to a minimum width of four (4) feet, remains open and passable to pedestrian traffic at all times.

C. Approval Application.

(1) The application for approval of a special event shall be made on a form prescribed by the Borough and shall be filed with the Borough at least forty-five (45) days in advance of the special event. No fee shall be charged for such approval; however, all costs set forth in subsection (D)(2) shall be paid. An escrow deposit, in an amount established by resolution of the Borough Council from time to time, shall be paid at the time of application and shall be applied to the costs set forth in subsection (D)(2).

(2) The following information shall be given on said application:

(a) The name, address and telephone number of the person seeking to conduct such special event and requesting the approval.

(b) If other than a natural person, the names, addresses and telephone numbers of other persons of responsibility seeking to conduct such special event and requesting approval.

(c) The name, address and telephone number of the person or persons who will be in charge of and who will be responsible for its conduct.

(d) A concise statement of the purpose of the special event.

(e) The proposed date of the special event.

(f) The hours during which such special event shall be conducted.

(g) The streets or sidewalks in or upon which the special event will be conducted.

D. Conditions.

(1) The Borough Council, upon recommendation of the Borough Manager, shall have full authority to determine the personnel, supplies, equipment and insurance requirements necessary to protect the general public and special event participants. Insurance

requirements shall include the provision of comprehensive general liability insurance coverage in amounts reasonably acceptable to the Borough and to provide to the Borough a certificate of insurance evidencing the naming of the Borough as an additional insured thereon. The applicant shall be bound by all such conditions of approval.

(2) It is the policy of the Borough of Mechanicsburg not to subject its taxpayers to payment of costs associated with any special event not sponsored by the Borough Council. Therefore, direct costs incurred by the Borough to control traffic or crowds as a result of a special event not sponsored by the Borough shall be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Borough such as, but not limited to, regular and overtime wages paid to Borough employees, special fire police wages, payments to outside fire and police authorities for necessary assistance, the cost of temporary signs, barricade rentals and other traffic control devices and health, safety and sanitation amenities. No permit shall be issued until all costs for prior parade permits issued to the applicant, or any other applicant representing the same interest, shall have been paid in full.

E. Limitations on Approval. No approval granted hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Borough of Mechanicsburg liable for any damage committed or caused under color thereof. Where permission is sought to conduct a special event upon a State highway within the Borough, the applicant shall comply with all applicable requirements of the Commonwealth of Pennsylvania, Department of Transportation, and shall obtain the necessary highway occupancy permit.

F. Revocation of Approval. The Borough Manager may at any time revoke any approval if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this Section, upon giving to the person to whom the approval was issued notice of such revocation. From the time of such notice of revocation, any act done under color of such approval shall subject the person doing or allowing it to be done to the same penalty as if he or she had done such act without such approval.

G. Violations and Penalties. Any person who shall violate any provisions of this Part shall, upon conviction thereof, for each and every offense, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) for each violation. Each day's violation of any of the provisions of this Part shall constitute a separate offense.

(Ord. 1040, 5/22/2002, §2)