

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2454

**AN ORDINANCE OF THE MUNICIPALITY OF
MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA,
AMENDING ORDINANCE NO. 2413 TO PROVIDE FOR
REGULATIONS OF CARNIVALS, CIRCUSES AND FAIRS.**

WHEREAS, the Municipality of Monroeville desires to provide regulations of carnivals, circuses, and fairs in an effort to protect the health, safety and welfare of the patrons of said events within the Municipality of Monroeville; ; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the MUNICIPALITY OF MONROEVILLE hereby agrees as follows:

SECTION 1: This chapter shall be known as the Municipality of Monroeville “Amusements and Special Events Ordinance.”

SECTION 2: PURPOSES. The purpose of this chapter is to provide for the health, welfare and safety of residents and visitors to the Municipality by regulating special events and amusements, such as carnivals, circuses, and fairs, which require or need special services provided by the Municipality, such as police, traffic control, special parking requirements, ambulance, fire or other emergency services, or other special services, to regulate the registration of such special events, and to further provide for the health, safety and welfare of the residents of the Municipality, neighbors or other persons affected by the special events.

SECTION 3: FINDINGS. The Council for the Municipality finds and declares as follows:

- (1) There are many locations and occasions for the holding of carnivals, circuses and fairs within the Municipality which may draw large numbers of people to attend.
- (2) Such events often require or need certain services provided by the Municipality, such as traffic control, police protection, special parking regulations, ambulance, fire safety, closing of streets to public traffic, and other municipal, quasi-municipal or other emergency or special services to protect the health, safety and welfare of participants and residents of the Municipality, neighbors or other persons who may be affected by such event.
- (3) It is necessary that the Municipality be made aware in advance of such events so that such special services can be provided, and so that the appropriate municipal, police, fire, ambulance and other services are aware of such events to provide the services needed.
- (4) The required or necessary services provided by the Municipality for such events entail costs which should be borne by the sponsors or hosts of such events.
- (5) That it is deemed expedient and necessary for the proper management, care and control of the Municipality and its finances and maintenance of peace, good government and welfare of the Municipality and its residents to require all sponsors or hosts to register such events, to arrange in advance for all necessary special services, to provide for the payment of all costs or expenses incurred by the Municipality for the delivery of such special service, and to provide the necessary insurance performance bond to protect the Municipality, its residents and other persons who may be affected by such events.

SECTION 4: DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- (1) **Amusement Attraction** means any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building or structure that provides amusement, pleasure, thrills or excitement.
- (2) **Amusement ride** means any as any device that carries, suspends or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement.
- (3) **Animal Exhibition** includes:
 - a. An agricultural fair;
 - b. A petting zoo; or
 - c. An event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if the operator (including a person who contracts with another to conduct an animal exhibition) advertises, charges an admission fee, or a retail food establishment is on the grounds.
- (4) **Carnivals or circus or fair** means an enterprise consisting in whole or part of temporary amusement rides, or forms of entertainment and amusement such as shows, clowns, feats of daring, sideshows, funhouses, festivals, petting zoo, games of skill or chance, and other activities of like character.
- (5) **Host** means the owner or owners of any property, or persons responsible for the real estate upon which the special event is held or planned to be held.
- (6) **Person** means any natural person, partnership, corporation, association, firm, joint venture, organized group, organization or entity.

SECTION 5: PERMIT, REGISTRATION AND FEES REQUIRED.

- (1) It shall be unlawful for any person to hold a circus, carnival or fair without registering such special event with the Municipality at least 90 days in advance of the special event.
- (2) For registration of the event, the sponsor or host holding or conducting the event, including the operation of any amusement rides, shall obtain a permit from the Municipality's department of building and planning for a fee in the amount set forth by the Municipal Fee Schedule.
- (3) No permit, permitting a carnival, circus or fair, shall be issued by the Municipality without the applicant having first provided to the Municipality a written application detailing the following:
 - a. the name, mailing and street address and daytime and emergency telephone number or numbers of the sponsor or host of the event;
 - b. the primary contact person for the special event;
 - c. the proposed dates and times when the event is to be held or conducted;
 - d. the exact location of the property to be used for the special event, including the street address and tax map parcel number; the name, address and telephone number of the record owner of the property upon which the event will occur; the organization, society, or club, if any, for whose benefit the event is to be held;
 - e. the nature of structure and devices to be used;

- f. a detailed description of all activities being planned as part of the special event;
 - g. the estimated minimum, probable and maximum participants and attendees expected to attend the special event;
 - h. a schedule including the duration of the event, and periods when higher levels of traffic are expected;
 - i. a site plan, including the location of structures, electrical, sanitation, parking areas and vehicular circulation.
 - j. a clean-up plan after the conclusion of the event;
 - k. a request detailing each special service, as defined above, to be provided by the Municipality; proof that notification of the event has been or will be provided to the following agencies in advance of the event: the municipal police, fire company and Municipality Emergency Medical Services;
 - l. copies of agreements or arrangements for payment of all special services needed or required for the event;
 - m. proof of insurance as required by this chapter;
 - n. presentation of the performance bond required by this chapter; and
 - o. all other information which may reasonably be required by the Municipality to ensure the responsibility of the sponsor or host of the event, and protect the health, safety and welfare of the citizens of the Municipality.
- (4) The owner of any parcel to be used for a carnival, circus or fair shall pay a permit fee for each day, or part of a day, that the event will occur as set forth on the

Municipal Fee Schedule.

- (5) The person responsible for presentation and operation of any carnival, circus or fair shall pay a permit fee for each day that the carnival, circus or fair is scheduled as per the Municipal Fee Schedule. Said Fee is the minimum cost for appropriate Municipality inspections, permit issuance, and any other Municipality services not specifically designated as special services for the event. Any costs for any special services as defined herein this chapter shall be paid separately in advance of the event and in accordance with any agreement or arrangement for the payment of such special services, which include but are not limited to man hours, hourly wages, all employee benefits associated therewith, equipment costs, and any other costs or charges incurred by the Municipality in providing special services for the carnival, circus or fair. The total amount of such permit fee including payment of special services shall be determined by the Municipality after review of the application and review of the required or requested special services.
- (6) The Municipal Council, in its sole discretion, upon application, may waive or reduce the required permit fees, where the proceeds of the event are to be applied purely to charitable uses, or in conjunction with an application for permit by the Municipality or Gateway School District.

SECTION 6: APPROVAL OF SPECIAL SERVICES.

Upon receipt of the permit application and completed information at least 90 days prior to the carnival, circus or fair, the Fire Marshall, Director of Building and Engineering and the

Director of Community Development, or his/her designees, shall review the information and permit application with the applicant. The purpose of the review shall be to ascertain what, if any, special services shall be necessary or required to protect the health, welfare and safety of the expected participants and attendees of the event, the residents of the Municipality, neighbors and any others who may be affected by the carnival, circus or fair.

If any special services are necessary or required, the applicant shall show proof of the payment and costs for the special services to be provided by the Municipality.

SECTION 7: REQUIRED INSPECTIONS.

Upon submission of an application for permit to hold or conduct a carnival, circus or fair in accordance with this chapter, the Fire Marshall and Director of Community Development shall coordinate all inspections at the property to ensure compliance with the Municipality's codes and ordinances. Such inspections shall include, but are not limited to, inspections to ensure compliance with the Municipality's property maintenance code, zoning code, fire code and all other applicable codes and ordinance. Said inspections shall also include all reviews by the Municipality to ensure appropriate, safe and adequate parking facilities for all attendees, participants and employees of the carnival, circus or fair.

SECTION 8: AMUSEMENT RIDE AND AMUSEMENT ATTRACTION INSPECTIONS.

Title 7. Agriculture, Part V-D: Amusement Rides and Amusement Attractions, Chapter 139. requires that Amusement Rides and Amusement Attractions be inspected by a qualified inspector with the Department of Agriculture and registered with the Commonwealth's agency prior to operation for the riding public at each new amusement attraction location. As such the

Municipality of Monroeville requires advance written permission for any and all amusement rides and attractions and copies of current registration and on-site inspections in accordance with the above referenced regulations of the Pennsylvania Department of Agriculture.

To request permission for amusement rides and/or amusement attractions, contact the Monroeville Department of Building & Engineering at:

Municipality of Monroeville
Department of Building & Engineering
2700 Monroeville Boulevard
Monroeville, PA 15146
Phone: 412.856.3340
Fax: 412.856.3862

SECTION 9: ANIMAL EXHIBITION INSPECTIONS.

At a minimum, the following sanitation standards are required by Senate Bill No. 1325 to minimize the risk of contracting a zoonotic disease (transmissible from an animal to a human being) at an animal exhibition:

- a. An operator shall promote public awareness of the risk of contracting disease and the measures necessary to minimize that risk.
- b. An adequate hand-cleansing facility for adults and children shall be conveniently located on the animal exhibition grounds.
- c. A person may not bring an animal to an animal exhibition unless the person has an established veterinarian-client-patient relationship.

Additionally, the Municipality of Monroeville follows the Pennsylvania Department of Agriculture’s “Pennsylvania Fair Animal Health Requirements”, which may include, depending

on the type of animal, requirements such as:

- a. A Certificate of Veterinary Inspection (“CVI”) issued within the 30 days prior to the opening date of the exhibition.
- b. All animals must be free of infectious and contagious diseases, and a statement of this is required on the CVI (if a CVI is required).
- c. An *Animal Owner or Caretaker’s Verification of Veterinarian-Client-Patient Relationship* form must accompany each animal, and must be presented upon arrival at the exhibition.
- d. Individual official animal identification (identification form varies with type of animal).
- e. A current rabies vaccination administered by a licensed veterinarian.

The Municipality of Monroeville requires advance written permission for any and all types of animal exhibitions and copies of all required documents in accordance with the above referenced regulations of the Pennsylvania Department of Agriculture.

To request permission for animal exhibitions, contact the Monroeville Department of Building & Engineering at:

Municipality of Monroeville
Department of Building & Engineering
2700 Monroeville Boulevard
Monroeville, PA 15146
Phone: 412.856.3340
Fax: 412.856.3862

SECTION 10: REJECTION OF PERMITS; APPEALS.

- (1) The director of community development shall refuse to grant a permit for any carnival, circus, or fair where the applicant fails to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Inspection Act (4 P.S. §407) and the Regulations of the Amusement Ride Safety Board (7 Pa. Code §§ 139.1 et. seq.). The Director of Building and Engineering and Fire Marshall shall likewise refuse to grant permits in any case where appropriate fees have not been paid, in full, prior to commencement of any carnival, circus or fair, nor shall any permit be issued where the required insurance or performance bond is not presented, or any other requirement of the ordinance or statute is violated.
- (2) If any permit shall be denied, an appeal from such denial may be made by the applicant to the Council within ten days of rejection thereof, and the Municipal Council shall within thirty days of receipt of the appeal, hold a hearing relating to the application, and may order that the permit be denied, issued or issued in specific terms, as the Council, in its judgment, deems appropriate.

SECTION 11: RESPONSIBILITIES OF PERMITTEES, SPONSORS AND HOSTS.

- (1) Any person permitted to conduct a carnival, circus or fair shall comply in full with all ordinances of the Municipality and statutes of the Commonwealth of Pennsylvania; take all necessary action required to prevent the use of loud or noisy devices or activities or the occurrence of any disorderly conduct by patrons, attendees or employees of the permittee, sponsor or host.

- (2) Any person permitted to conduct a carnival, circus or fair shall not engage in any illegal activities or engage in any conduct which violates any ordinance, statute, law or enactment of the Municipality of Monroeville or the Commonwealth of Pennsylvania.
- (3) Participants in any carnival, circus or fair shall not engage in any loud, boisterous conduct or allow loud noise, talk or music to a degree that causes annoyance to the residents of the Municipality as set forth in the Municipality's ordinance regulating noise.
- (4) Any and all temporary lighting for such carnival, circus or fair shall be directed away from the abutting streets and properties using shielding devices to prevent unreasonable glow beyond property lines.
- (5) Any permittee, sponsor or host of a carnival, circus or fair shall be obligated to comply with the Emergency Medical Services Act, Act of 1985, July 3, P.L. 164, as amended (35 P.S. §6921, et. seq.) and the regulations of the Pennsylvania Department of Health, 28 Pa. Code §1013.1 et. seq. as they are now or may hereafter be amended.
- (6) The individual or organization sponsoring or conducting the carnival, circus or fair shall be responsible to the Municipality for damage caused to Municipal property by the participants, attendees and employees of the event.
- (7) Failure of any permittee, sponsor or host to comply with the requirements of this section shall be grounds for immediate revocation of the permit previously issued.

SECTION 12: INSURANCE REQUIREMENTS.

- (1) For those special events which are designated as carnivals, circuses or fairs as defined herein, or those events which provide or permit amusement rides, pony rides, or any other attraction as an amusement ride as defined herein, , , as a condition of receipt of any permit, supply the Municipality with a valid, prepaid policy or bodily injury and property liability insurance, insuring the permittee, sponsor or host and the Municipality, for all manner of bodily injury, death or like occurrences and property damage liability in an aggregate amount of \$5,000,000.00, in addition to any insurance that may be required by the Pennsylvania Amusement Ride Inspection Act.

SECTION 13: PERFORMANCE BOND.

The applicant for any carnival, circus or fair permit shall post with the Municipality a performance bond with a surety company acceptable to the Municipality in the amount of \$10,000.00. The condition of such bond shall be that the applicant shall at all times follow and comply with all Municipal ordinances and regulations, pay all required fees and comply with all Municipal requirements. Such bond shall be subject to forfeiture in the event that there is not compliance with all Municipal requirements, and shall be held by the Municipality for payment of any unanticipated or excessive costs incurred by the Municipality not paid at the time of application.

The Municipal Council, in its discretion, upon application, may waive or reduce the performance bond otherwise required by this section provided that the applicant of a waiver request posts a performance bond with a surety company acceptable to the Municipality in the

amount of \$2,500.00 and confirms, in writing, of compliance, at all times, with all Municipal ordinances and regulations. The written confirmation from the applicant shall further confirm, in writing, that any additional fees, or any unanticipated fees or excessive costs shall be paid in full within five days of notice of the Municipality for the event not otherwise paid at the time of application.

SECTION 14: INDEMNIFICATION OF MUNICIPALITY.

The applicant for permit, as a condition precedent to acceptance of the permit, shall indemnify and save harmless the Municipality, its officials, employees, and agents, from any claim for damages resulting from the operation of any special event for which a permit has been issued.

SECTION 15: NOTICE OF COMMONWEALTH VIOLATIONS.

Any applicant for a permit shall supply the Municipality with copies of any notice of violation served upon the applicant by the Commonwealth of Pennsylvania pursuant to Section 410 of the Amusement Ride Inspection Act, whether received prior to commencement of such event in the Municipality, or during the scheduling of an event within the Municipality. Receipt of any violations notice from the Commonwealth of Pennsylvania, while a carnival, circus or fair is occurring in the Municipality, shall be immediate grounds for termination of the event, and revocation of any and all permits.

SECTION 16: PENALTIES.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 a day for every day that the violation exists, and in default of payment, to imprisonment for a term not to exceed 30 days. Every day

that a violation of this chapter continues shall constitute a separate offense.


SECTION 17: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

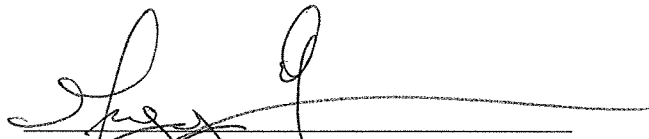
SECTION 18: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED into law this 14th day of April, 2009.

ATTEST:

MUNICIPALITY OF MONROEVILLE


Marshall Bond, Manager


Gregory Eroshenko, Mayor

ENTERED INTO LEGAL BOOK ON: April 24, 2009