

**BOROUGH OF DARBY,
COUNTY OF DELAWARE,
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 807

AN ORDINANCE OF THE BOROUGH OF DARBY, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF DARBY CONCERNING LICENSES RELATING TO BLOCK PARTIES, STREET FESTIVALS AND AFFAIRS ON BOROUGH PROPERTY.

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, it furthers the interests of peace, good government, safety and welfare of the Borough and its residents to allow block parties, street festivals or affairs on Borough-owned property and to ensure that there are clear and definite procedures in place concerning the conduct of and the issuances of licenses allowing block parties, street festivals or affairs and the like; and,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Darby

that:

SECTION I. The Code of the Borough of Darby shall be amended to add a new section entitled "Events Permit," which shall provide as follows

- A. No outdoor festival or affair of like nature shall be conducted on public streets or on Borough-owned property until the sponsor shall have made written application to the Borough Council for a license not less than thirty (30) days before the first day of the event, and such license has been issued in accordance with this section. Said Application shall be on a form prepared by the Borough of Darby.
- B. The issuance of the license shall be conditioned upon the following:
 - 1. Permission from the Borough Council to close the street, if applicable.
 - 2. Notice of the application shall be given to the Borough Manager and the Chief of Police, who shall recommend whether the license shall be granted by the Borough Council.
 - 3. The sponsor or one of the sponsors of the block party, street festival or affair must sign an indemnification agreement in the form provided.
 - 4. Written approval on an adult resident from seventy-five percent (75%) of households on the block or blocks to be closed for the event.
 - 5. Payment should refer to Resolution Fee Schedule 23-14
 - 6. Approval of the Borough Council, which body reserves the right to add any conditions it deems necessary in addition to the above. In determining whether to issue a license, the Borough Council shall take into consideration the recommendations of the Borough Manager and the Chief of Police, and the objections of any residents of the block or blocks to be closed for the event.
- C. No alcoholic beverages shall be sold, served or consumed on public streets, in public places or on public property.
- D. No games of skill or chance are permitted unless licensed by local ordinance and state law.
- E. Duration of a license shall be not more than one daily time period between the hours of 11:00 a.m. and 6:00 p.m. on Mondays through Saturdays and holidays (except those holidays falling on a Sunday) and 12:00 noon to 6:00 p.m. on Sundays. Each license shall contain a provision for a rain date.

- F. The Borough Council is hereby authorized to suspend any license issued under this section when they deem such suspension beneficial to the public health, safety or morals or for violation of any of the provisions of this section, or for giving false information upon any application for a license hereunder.
- G. In addition to any other penalties provide for by law, any person violating the provisions of this section shall, upon conviction hereof, be punishable by a fine of not more than three hundred dollars (\$300.00) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days.

**FORM OF INDEMNIFICATION AGREEMENT
FOR BLOCK PARTY PERMITS**

The sponsors hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the Borough of Darby against all liability for any and all claims for damages to property or injury or death of persons arising out of or resulting from the issuance of the license or conduct of the public at and during the life of the festival to be held on _____, between the hours of _____ on _____ the block of _____, located between _____ and _____.

Signed: _____

Dated: _____

SECTION II: This Ordinance is enacted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect immediately and hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

SECTION III: The Borough Manager, Code Enforcement Department and Borough Solicitor are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION IV: All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION V: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal,

invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION VI: This is effective immediately upon final adoption and publication thereof according to law.

ENACTED this 15th day of November, 2023, after publication in a newspaper of general circulation and a motion to approve passed by the Council of the Borough of Darby.

R. J. [Signature]
Council President,
Borough of Darby.

APPROVED, this ___ day of _____, _____ *Mayor vetoed*

Mayor, Borough of Darby

ATTEST:

Secretary, Borough of Darby.

*Council overrides
veto on
12/20/23
by a vote of
7-0
[Signature]*

Borough of Darby
Events Permit – Fee Schedule
Resolution #23-14

Includes the use of all public streets or Borough owned property

Application Fee

More than 30 days prior to the event: **\$40.00**

Less than 30 days prior to the event: **\$70.00**

One day event: **\$150.00**

One Week Event (2-7 consecutive days): **\$200.00**

Monthly Event (1-3 Months): **\$250.00**

Seasonal Rental: **\$300.00**

Street Closure Fee: **\$100.00**

Special Services Requested:

Picnic Tables: **\$10.00 per table**

Trash/Recycling Cans: **\$10.00 per can**

Barricades: **\$20.00 per barricade**

Parking Control Signs: **\$20.00**

Police Presence: **\$50.00 per hour per officer requested**