

President Gerken convened the meeting of Hanover Borough Council on Wednesday Evening, July 22, 2015, 7:00 PM, in the Hanover Municipal Building, 44 Frederick Street, Hanover, Pennsylvania as advertised.

On roll call the following answered as present: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling; Solicitor Yingst; Mayor Adams; and Secretary Neiderer. Councilpersons Morris and Reichart were absent.

It was moved by Mr. Roth, seconded by Mrs. Yingling to approve the minutes of Hanover Borough Council from June 24, 2015 as presented. Motion carried.

It was moved by Mr. Funke, seconded by Mrs. Yingling to approve the bills, the Report of the Mayor and the Report of the Fire Chief. Motion carried.

It was moved by Mr. Eline, seconded by Mrs. Yingling to approve the reports of the following Borough Administrators:

- a.) Borough Manager
- b.) Supervisor of Public Works
- c.) Superintendent of Water & Wastewater Treatment
- d.) Supervisor of Water Treatment Plant
- e.) Supervisor of Water Distribution
- f.) Supervisor of Water Meter Department
- g.) Engineering Department
- h.) Library Director

Motion carried.

Bid Opening – Sale of Summit Avenue Property

There was one (1) bid submitted for the sale of the property on Summit Avenue which was opened, read aloud and recorded.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

President Gerken announced that the Council Committee appointed to interview for the position of Borough Manager will be conducting interviews on Wednesday August 12th at a closed meeting. Council members not on the Committee may attend and observe, but may not participate in the interview process. Any questions for the candidates can be submitted to the Borough Secretary no later than Friday, August 7, 2015 for review by the Committee.

Mr. John Flynn, 179 Primrose Lane questioned the proposed changes in the ordinance regarding special garbage pickups. Administrative Assistant Wyatt replied that the special pickups will now be paid in advance.

President Gerken stated the meeting will now be closed to public comment or questions until the end of the regular Council business portion of tonight's meeting.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mrs. Griffin to ratify the action of the Borough Officers in making the following investments with People's Bank for a period of 29 days, June 1, 2015 to June 30, 2015 at an interest rate of 0.50%:

<u>Funds</u>	<u>Investments</u>
General Fund	\$5,442,916.89
Bicentennial Fund	\$1,383.11

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. Roth

<u>Funds</u>	<u>Investments</u>
Sewer Fund	\$1,863,700.00
Guthrie Memorial Library Fund	\$0.00
Regional Wastewater Treatment Fund	\$73,600.00
Market House Fund	\$26,700.00
Liquid Fuels Fund	\$129,800.00
Equipment Fund	\$309,100.00
Local Services Tax Fund	\$412,300.00
Business Privilege Tax Fund	\$128,200.00
Leisure Services Fund	\$44,500.00
Sewer Projects Fund	\$0.00
Library Projects Fund	\$39,300.00
Hanover Recreation Endowment Fund	\$296,600.00
Water Revenue Fund	\$1,650,000.00
Water Projects Fund	\$186,500.00
Market House Reserve Fund	\$5,669.37
Hanover Recreation Reserve Fund	\$12,703.56
Library Endowment Fund	\$860,876.06
Library Endowment Additional Investment	\$5,000.00
2010 Water Bonds	\$55,000.00
2013 Water Bonds	\$5,050,000.00
2013 Sewer Bonds	\$155,000.00
2013 General Bonds	\$165,000.00
2015 General Bonds	\$2,550,000.00
Total	<u>\$19,463,848.99</u>

Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Ordinance No. 2222 entitled "AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY AMENDING CHAPTER 286 THEREOF TO REQUIRE THAT ALL PERSONS SEEKING TO CONNECT IMPROVED PROPERTY LOCATED WITHIN THE BOROUGH TO THE BOROUGH SEWER SYSTEM TO APPLY FOR AND OBTAIN A SEWER PERMIT; TO REQUIRE THAT THOSE CONNECTING TO THE BOROUGH SEWER SYSTEM PAY TAPPING FEES AS ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE BOROUGH COUNCIL FOR THE ADDITION TO THE SYSTEM OF NEW, CONVERTED, ENLARGED OR MODIFIED PROPERTIES FOR BOTH THE CAPACITY AND COLLECTION COMPONENTS OF ADDING SUCH CONNECTIONS TO THE EXISTING SEWER SYSTEM; TO REQUIRE THAT EACH EQUIVALENT DWELLING UNIT (EDU) SHALL BE CHARGED A SEPARATE TAPPING FEE EVEN THOUGH MORE THAN ONE UNIT MAY BE CONNECTED TO NEW OR OLD COLLECTION

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. Roth

LINES THROUGH A SINGLE CONNECTION; TO REQUIRE THAT ADDITIONAL TAPPING FEES WILL BE REQUIRED WHEN AN IMPROVED PROPERTY IS CONVERTED, ENLARGED OR REMODELED OR ADDITIONAL BUILDINGS SHALL BE CONSTRUCTED THEREON; TO ESTABLISH PROCEDURES FOR THE PAYMENT OF SAID TAPPING FEES; AND TO RESERVE TO THE BOROUGH THE RIGHT, FROM TIME TO TIME, TO ADOPT MODIFICATIONS, SUPPLEMENTS OR AMENDMENTS TO THE TAPPING FEE SCHEDULE TO REFLECT AMENDMENTS TO THE COST COMPONENTS, DESIGN CAPACITY OR OTHER ELEMENTS OF THE REQUIRED CALCULATIONS OF THE TAPPING FEES.” On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling, with eight (8) voting in favor of and zero (0) voting in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Ordinance No. 2223 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY AMENDING CHAPTER 316 THEREOF TO REQUIRE THAT ANY PERSON, FIRM OR CORPORATION DESIRING TO CONSTRUCT, RECONSTRUCT, DISTURB OR INSTALL CURBING ON A PUBLIC STREET OR ALLEY IN THE BOROUGH OF HANOVER SUBMIT PLANS TO THE BOROUGH FOR PRIOR APPROVAL THEREOF; SETTING FORTH THE INFORMATION TO BE INCLUDED WITH SAID SUBMISSION; REQUIRING THAT THE BOROUGH PERFORM STREET RECONSTRUCTION WORK AT THE SITE OF SAID CURBING CONSTRUCTION, RECONSTRUCTION, DISTURBANCE OR INSTALLATION; AUTHORIZING THE BOROUGH TO IMPOSE A CHARGE FOR PERFORMING SUCH WORK TO BE PAID BY THE PROPERTY OWNER PRIOR TO BEING GRANTED A PERMIT TO PERFORM SUCH CURBING WORK; AND PROVIDING AN EXCEPTION IN INSTANCES WHERE SUCH CURBING WORK IS REQUIRED AS A RESULT OF A BOROUGH STREET PAVING PROJECT.”** On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling, with eight (8) voting in favor of and zero (0) voting in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Ordinance No. 2224 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY REVISING CHAPTER 159, SECTION 6 THEREOF BY REVISING THE FEE REQUIRED FOR THE ISSUANCE OF A BURNING PERMIT AND RESERVING TO THE BOROUGH COUNCIL THE RIGHT, FROM TIME TO TIME, TO ADJUST SAID PERMIT FEE BY RESOLUTION.”** On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling, with eight (8) voting in favor of and zero (0) voting in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Ordinance No. 2225 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY REVISING CHAPTER 308, SECTION 22 TO STRIKE SPECIAL PICK-UPS AT INDIVIDUAL PROPERTIES FROM SAID SECTION; BY ESTABLISHING A PROCEDURE FOR SCHEDULING SPECIAL PICK-UPS OF MUNICIPAL WASTE AT INDIVIDUAL PROPERTIES IN HANOVER BOROUGH AND BY ESTABLISHING THE FEES THEREFORE; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.”** On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling, with eight (8) voting in favor of and zero (0) voting in opposition to the motion. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Ordinance No. 2226 entitled **AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA DEFINING SPECIAL EVENTS AND PROVIDING REGULATIONS TO ENSURE THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE OF ALL RESIDENTS BY REQUIRING PERMITS FOR PUBLIC EVENTS ON THE PUBLIC PARKS AND PUBLIC RIGHTS-OF-WAY OF HANOVER BOROUGH.** On roll call, the following voted in favor of the motion: Mr. Eline, Mr. Funke, Mr. Gerken, Mrs. Griffin, Mr. Marcoccio, Mr. McLin, Mr. Roth and Mrs. Yingling, with eight (8) voting in favor of and zero (0) voting in opposition to the motion. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. Roth

Solicitor Yingst thanked Legal Intern Wes Reichart for all his diligent work in preparing ordinances to update the fee structure. Mr. Reichart will attend law school this fall. Council thanked Mr. Reichart and wished him success in all endeavors.

It was moved by Mr. Roth, seconded by Mr. Eline to approve Resolution No. 1103 entitled “**PUBLIC RECORDS POLICY**” which includes revised fees for copies of records. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to authorize the tie in to the Locust Street water main for the purpose of improving the hydrant pressure at Baer Avenue and Spring Avenue; and for the Breezewood Drive bridge water main relocation. Motion carried.

It was moved by Mr. Roth, seconded by Mrs. Griffin to authorize the budgetary transfer of estimated funds from the Water Main Cleaning & Lining Fund to the following accounts for the Locust Street water main tie in to increase the hydrant pressure at Baer Avenue and Spring Avenue; and for the Breezewood Drive bridge water main relocation:

<u>From Account Number</u>	<u>Amount</u>	<u>To Account Number</u>		
06.448.00376.003019	\$34,905.73	06.448.00248.606626	Materials (Locust)	\$16,757.78
		06.448.00376.001420	Labor (Locust)	\$7,488.00
		06.448.00376.002020	Materials/Equip. (Breezewood)	<u>\$10,659.95</u>
			TOTAL FUNDS TRANSFERRED:	\$34,905.73

Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve Resolution No. 1102 allowing the procurement of bids for the sale of the Summit Avenue (pipe yard) property. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Funke to approve the sale of the Summit Avenue Property to Dean Mummert, Glennville, PA, high bidder in the amount of \$31,800.00 as per bid specifications. Motion carried.

Street Committee – Mr. Funke

It was moved by Mr. Funke, seconded by Mrs. Griffin to approve the following list of streets to be paved for the years 2016 – 2017 & 2018 provided there is adequate funding in the budget for same:

<u>2016</u>	
Eisenhower Drive – George Street to Broadway	\$ 35,500
Randolph Street – Kuhn Drive to Elm Avenue	\$ <u>52,400</u>
	\$ 87,900 total

<u>2017 Milling (including 1” of concrete base) required on the following:</u>	
Fulton Street – Broadway to East Middle Street	\$ 29,100
Fourth Street – Carlisle Street to Krug Avenue	\$ 29,100
East Chestnut Street – Carlisle Street to Railroad Street	\$ 8,300
West Chestnut Street – Carlisle Street to High Street	\$ <u>18,700</u>
	\$ 85,200 total

<u>2018</u>	
High Street – Radio Road to Elm Avenue	\$ 82,400
Boundary Avenue – Baltimore Street to Centennial Avenue	\$ <u>17,900</u>
	\$100,300 total

Motion carried.

Planning & Traffic Committee – Mrs. Yingling

It was moved by Mrs. Yingling, seconded by Mr. Roth to approve the application for a sign permit at the Guthrie Memorial Library for two (2) signs as approved at the meeting of the Hanover Borough Finance & Personnel Committee on July 15, 2015; with one sign fronting the Railroad Street side of the property and one sign on the Carlisle Street frontage of the property, both signs to be placed on existing brick structures. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Public Service Committee – Mr. Eline

It was moved by Mr. Eline, seconded by Mr. Funke to approve the request of Delone Catholic High School to reserve the West Hanover Street tennis courts for the Delone Catholic Girls' Tennis Team for practices beginning August 17, 2015 from 8:30 AM to 11:00 AM and 4:30 PM to 7:00 PM; and for home matches from 3:00 PM to 7:00 PM beginning August 25th through September 29, 2015, provided a certificate of insurance is submitted naming The Borough of Hanover as additional insured, and the areas are policed for litter following the events as per their letter of request received July 13, 2015. Motion carried.

It was moved by Mr. Eline, seconded by Mrs. Yingling to approve the request of the Hanover Lions Club to sublease a stall at the Hanover Market House on November 21st and 28th; and December 5th, 12th and 19th to sell dinner coupon books at a cost of \$5.70 per day to lease the stall. Motion carried.

It was moved by Mr. Eline, seconded by Mr. Funke to approve the request of the Hanover Hawks Youth Football team to use Myers Memorial Playground for practices from August 3rd through October 23rd, 2015, Monday through Friday from 5:30 PM to 7:30 PM with use of the bathrooms, provided a certificate of insurance is submitted naming the Borough of Hanover as additional insured, the fields are maintained and policed for litter, and bathrooms are kept clean. *(There are no areas to accommodate storage of equipment at this park.)* Motion carried.

It was moved by Mr. Eline, seconded by Mr. Funke to approve the request of the Hanover Hospital Area Heart Walk Committee to hold their annual Heart Walk on Sunday, September 20, 2015 at Hanover Hospital from 11:30 AM to 3:00 PM, as per their route map and letter dated July 17, 2015 which requires no Borough services, provided all walk participants and volunteers obey all pedestrian and traffic regulations. Motion carried.

MAYOR'S REPORT

Mayor Adams reported his attendance on July 6th for the Groundbreaking Ceremony at Utz Multi-purpose field at the Moul Avenue Recreational Complex; and at the Relay for Life at Southwestern High School on July 10th. He reminded everyone present of the Dutch Festival to be held this Saturday, July 25th.

OTHER MATTERS

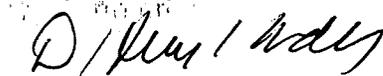
New Business

It was moved by Mr. Gerken, to accept with "extreme" regret, the resignation of Public Works Supt. Randall E. Baugher, effective August 14, 2015. Motion carried.

Adjournment

There being no further comments by Council or the public, it was moved by Mr. Eline, seconded by Mrs. Yingling to adjourn the meeting at 7:20 PM to a private caucus to discuss legal and personnel matters. Motion carried.

Respectfully submitted,



Dorothy C. Neiderer, Secretary

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY AMENDING CHAPTER 286 THEREOF TO REQUIRE THAT ALL PERSONS SEEKING TO CONNECT IMPROVED PROPERTY LOCATED WITHIN THE BOROUGH TO THE BOROUGH SEWER SYSTEM TO APPLY FOR AND OBTAIN A SEWER PERMIT; TO REQUIRE THAT THOSE CONNECTING TO THE BOROUGH SEWER SYSTEM PAY TAPPING FEES AS ESTABLISHED FROM TIME TO TIME BY RESOLUTION OF THE BOROUGH COUNCIL FOR THE ADDITION TO THE SYSTEM OF NEW, CONVERTED, ENLARGED OR MODIFIED PROPERTIES FOR BOTH THE CAPACITY AND COLLECTION COMPONENTS OF ADDING SUCH CONNECTIONS TO THE EXISTING SEWER SYSTEM; TO REQUIRE THAT EACH EQUIVALENT DWELLING UNIT (EDU) SHALL BE CHARGED A SEPARATE TAPPING FEE EVEN THOUGH MORE THAN ONE UNIT MAY BE CONNECTED TO NEW OR OLD COLLECTION LINES THROUGH A SINGLE CONNECTION; TO REQUIRE THAT ADDITIONAL TAPPING FEES WILL BE REQUIRED WHEN AN IMPROVED PROPERTY IS CONVERTED, ENLARGED OR REMODELED OR ADDITIONAL BUILDINGS SHALL BE CONSTRUCTED THEREON; TO ESTABLISH PROCEDURES FOR THE PAYMENT OF SAID TAPPING FEES; AND TO RESERVE TO THE BOROUGH THE RIGHT, FROM TIME TO TIME, TO ADOPT MODIFICATIONS, SUPPLEMENTS OR AMENDMENTS TO THE TAPPING FEE SCHEDULE TO REFLECT AMENDMENTS TO THE COST COMPONENTS, DESIGN CAPACITY OR OTHER ELEMENTS OF THE REQUIRED CALCULATIONS OF THE TAPPING FEES.

WHEREAS, This Borough is a municipality authority existing under and governed by the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Authorities Act"); and

WHEREAS, The Borough of Hanover, York County, Pennsylvania (the "Borough"), has constructed and acquired certain sanitary sewer collection and transportation system facilities (the "Sewer System") required for rendering sanitary sewage service in and for portions of the Borough; and

WHEREAS, the Borough has enacted an Ordinance requiring all owners of Improved Property located within the Borough to connect with and use the Sewer System; and

WHEREAS, The Borough has power and authority under the Authorities Act, as amended by Act 57 of 2003, to charge a tapping fee whenever the owner of any property connects such property to the Sewer System; and

WHEREAS, the Municipality Authorities Act was amended by the Act of December 30, 2003, P.L. 308, No. 57, § 1, 53 P.S. § 5607, in order to inter alia, prescribe the method for calculating a tapping fee where such fee is authorized by municipal resolution; and

WHEREAS, it is the decision of the Borough that provision for payment of part of the costs of existing facilities and the cost of additional facilities should be made the responsibility of the persons or entities that benefit from the use of existing facilities and contribute to the necessity for such additional facilities the amount of which shall not exceed the costs of the following fee components as more fully set forth herein:

1. The capacity fee for capacity related general system facilities including but not limited to pumping, transmission, trunks, and interceptor mains to provide existing service and future capacity related facilities to provide future services as restricted therein.
2. The distribution or collection part for distribution and collection related facilities such as mains required to provide existing services and those that will provide future services.
3. Special purpose part for special purpose facilities applicable only to a particular group of customers, serving a particular purpose, or serving a specific area, and such facilities may include those that provide existing services and those that will provide future services.
4. Reimbursement component being an amount necessary to recapture the allocable portions of the facilities in order to reimburse the property owner at whose expense such facilities were constructed.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, and it is hereby ENACTED AND ORDAINED as follows:

SECTION 1. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- A. "Borough" means the Borough of Hanover, York County, Pennsylvania.
- B. "Commercial" means any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or use or intended for use for any social, amusement, religious, education, charitable or public purpose and containing plumbing facilities for kitchens, toilet or washing facilities.
- C. "Equivalent Dwelling Unit (EDU)," with regard to residential uses, any dwelling, house, residential unit, group of rooms, house trailer, mobile home, enclosure, etc., occupied or intended for occupancy as separate living quarters for an individual, family or other group of persons living together or by persons living alone. Wastewater flow from residential customers is assumed to be 200 gallons per day ("gpd") pursuant to the guidelines set forth in Act 57 for calculating residential flow contributions for the purpose of assessing tapping fees for use of the sewer system.
- D. "Improved Property" shall mean any property within the Borough upon which there is a structure erected prior to the effective date of this resolution and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sewage shall or may be discharged.
- E. "Industrial" means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling from which any waste, as distinct from sanitary sewage, shall be discharged.
- F. "Owner" means any person, partnership, company, association, society, trust, corporation, or other group or entity owning real estate within the Borough of Hanover.

G. "Person" means any natural person, partnership, association, firm or corporation. The singular shall include the plural.

H. "Residential Customer" means any person owning or occupying a residential property which is connected to or entitled to connect to the sanitary sewer system of Hanover Borough and shall also include those Persons developing property for residential dwellings that require multiple tapping fee permits.

SECTION 2. No person shall connect any Improved Property to any part of the Hanover Borough Sewer System without first making application for and securing a permit, in writing, from the Borough, as provided for by Ordinance of the Borough. Such application shall be made on a form provided by the Borough.

SECTION 3. There is hereby fixed and imposed a tapping fee upon the owner of each residential, industrial or commercial property (other than such owner who is subject to contractual or special agreements providing for payment of certain sums in lieu of a tapping fee) making any connection to the Sewer System in the Borough, regardless of whether such connection is direct or indirect, including changing the type of use of property previously connected or connecting one or more new uses of the types hereinafter referred to through an existing connection, and regardless of whether such property is connected separately or through one or more existing or new lateral or sewer connection(s) or such collection line is owned by the Borough or owned by any owner other than the Borough. Such fee is based upon the fee schedule duly adopted herewith. The fee shall be in addition to any charges assessed against the Owner in the construction of a sewer main, as well as any other user charge imposed.

SECTION 4. With respect to the capacity part of the Sewer System, the tapping fee shall be fixed at a sum established by resolution adopted from time to time by the Hanover Borough Council at a rate per EDU. A detailed itemization of all calculations, showing the maximum fee allowable for the capacity part of the tapping fee and the manner in which the fee was determined shall be made part of any future Resolution establishing said fee.

SECTION 5. With respect to the collection part of the Sewer System, the tapping fee is hereby fixed at the sum established by resolution adopted from time to time by the Hanover Borough Council at a rate per EDU. A detailed itemization of all calculations showing the maximum fee and the manner in which the fee was determined shall be made a part of any future Resolution establishing said fee.

SECTION 6. Each EDU shall be charged separately even though two or more domestic units are or will be connected to either new or old collection lines through a single connection (a building sewer, wye or a manhole). For non-residential owners (commercial or industrial) the number of EDU's to be assigned to each owner shall be determined from the nature of the establishment and estimated and actual loads which may be or are discharged into said collection lines. Whenever actual loads exceed estimates, an additional tapping fee shall be charged.

SECTION 7. Where any improved property connected to said collection line shall be converted, enlarged or remodeled, or additional buildings shall be constructed on a property and connected indirectly to said collection line through an existing lateral, so as to create or establish additional uses as classified in Section 6 hereof, an additional tapping fee determined in accordance with Section 6 hereof for each such additional use shall be payable to the Borough by the owner of said property.

SECTION 8. The tapping fee imposed hereunder shall be in addition to:

- A. Any connection fee, inspection charge or administrative fee imposed by the Borough;
- B. Any customer facilities fee imposed by the Borough; and
- C. Any rental or other charges fixed, charged or imposed by the Borough by reason of the use, or availability of use, of the Sewer System by such property.

SECTION 9. The tapping fee shall be due and payable at the time application is made to the Borough to make any such connection to the Sewer System, as provided in Section 2, or, if no such application is made, upon the date when the Borough shall connect any such Improved Property to the Sewer System, at the cost and expense of the owner, when such owner shall have failed to make such connection as required by the Borough pursuant to the provisions of the ordinance then in effect requiring such connection.

SECTION 10. All tapping fees shall be payable to the Treasurer of the Borough Council or to such other officer or representative of the Borough as shall be authorized, from time to time, to accept payment thereof.

SECTION 11. Payment of tapping fees charged by the Borough pursuant to this Resolution shall be enforced by the Borough in any manner appropriate under laws at the time in effect.

SECTION 12. The Borough reserves the right, from time to time, to adopt modifications of, supplements to, or amendments to the resolution(s) establishing the tapping fees referred to herein, to reflect appropriate amendments to the cost components, design capacity, or other elements of the required calculations of the tapping fee. Said modifications, supplements and amendments shall be available for public inspection at the Borough of Hanover Municipal Building.

SECTION 13. The provisions of this Ordinance shall be severable and if any provision or provisions shall be held to be unconstitutional, invalid or void, such provision or provisions shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared that this Ordinance would have been adopted if such unconstitutional, invalid or void provision or provisions had not been included herein.

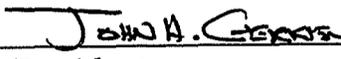
SECTION 14. All ordinances or parts of ordinances inconsistent herewith are expressly repealed.

ENACTED AND ORDAINED by the Hanover Borough Council this 22nd day of July, 2015.

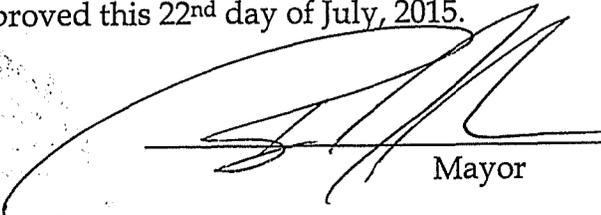
ATTEST:

**BOROUGH COUNCIL OF
THE BOROUGH OF HANOVER**


Secretary

By: 
President

Approved this 22nd day of July, 2015.


Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY AMENDING CHAPTER 316 THEREOF TO REQUIRE THAT ANY PERSON, FIRM OR CORPORATION DESIRING TO CONSTRUCT, RECONSTRUCT, DISTURB OR INSTALL CURBING ON A PUBLIC STREET OR ALLEY IN THE BOROUGH OF HANOVER SUBMIT PLANS TO THE BOROUGH FOR PRIOR APPROVAL THEREOF; SETTING FORTH THE INFORMATION TO BE INCLUDED WITH SAID SUBMISSION; REQUIRING THAT THE BOROUGH PERFORM STREET RECONSTRUCTION WORK AT THE SITE OF SAID CURBING CONSTRUCTION, RECONSTRUCTION, DISTURBANCE OR INSTALLATION; AUTHORIZING THE BOROUGH TO IMPOSE A CHARGE FOR PERFORMING SUCH WORK TO BE PAID BY THE PROPERTY OWNER PRIOR TO BEING GRANTED A PERMIT TO PERFORM SUCH CURBING WORK; AND PROVIDING AN EXCEPTION IN INSTANCES WHERE SUCH CURBING WORK IS REQUIRED AS A RESULT OF A BOROUGH STREET PAVING PROJECT.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

No person, firm or corporation shall construct, reconstruct, disturb or install curbing on a public street or alley in the Borough of Hanover without complying with the terms and conditions set forth herein.

SECTION I. Any person, firm or corporation desiring to construct, reconstruct, disturb or install curbing on a public street or alley in the Borough of Hanover shall, prior to doing any overt act in connection with said work, obtain a permit therefore. Issuance of said permit shall require remittance of a permit fee as provided for in Section 316-17 of the Code of the Borough of Hanover for the purpose of partially defraying the cost of inspection. Any person desiring a permit for the actions herein described shall obtain a permit by preparing and submitting to the Borough for its approval plans and specifications for such work, setting forth the following:

- A. The date when prepared, the name of the person, firm or corporation by whom prepared, the name and address of the owner(s) of the property and the address of the property at which the curbing is being constructed, reconstructed, disturbed or installed, if different from the address of the property owner.
- B. The details of the work being performed, including the length of the curbing being constructed, reconstructed, disturbed or installed.
- C. The details of existing and proposed public utility facilities that may be affected by the curbing work and the steps to be taken to avoid any disturbance or disruption of public utility services.
- D. The courses, structures and capacities of proposed and existing stormwater drainage facilities, the proposed changes to any existing facilities and the means and method whereby the same shall connect to existing drainage facilities and properly drain anticipated stormwater.
- E. The details regarding the portion of the public street or alley that will be

disturbed in order to accommodate the curbing to be constructed, reconstructed, disturbed or installed.

F. Such further and additional information as may be requested by the Code Enforcement Officer or other staff member reviewing the plans.

SECTION II. In addition to the plans required to be submitted to the Borough under the provisions of Section I hereof and prior to the approval thereof, the person, firm or corporation submitting the same shall also submit to the Borough an agreement or agreements, in form provided by the Borough and executed by the property owner, acknowledging:

A. That the section of the public street or alley that will be disturbed as a result of such work shall be reconstructed by the road department of the Borough of Hanover after the curbing work has been completed.

B. Pursuant to the regulations of the Borough of Hanover, the person, firm or corporation constructing, reconstructing, disturbing or installing curbing on any public street or alley in the Borough of Hanover shall make a straight and even pavement cut eighteen (18) inches wide from the face of the curb and of a length equal to that of the entire constructed, reconstructed, disturbed or installed curbing. The person, firm, or corporation constructing, reconstructing, disturbing, or installing curbing shall not disturb any portion of the public street or alley beyond eighteen (18) inches from the face of the curb in the direction of the public street or alley.

C. Upon excavation and the completion of the curbing construction, reconstruction, disturbance, or installation, the person, firm or corporation completing the construction, reconstruction, disturbance, or installation shall place stone within two (2) inches of the grade of the top of the street or alley in the excavated area prior to the pavement reconstruction by the road department of the Borough of Hanover.

D. That the Borough shall bill the property owner for the work that the Borough road crew will perform in reconstructing the disturbed portion of the public street or alley at the rate of \$5.50 per linear foot of curbing that is constructed, reconstructed, disturbed or installed. Said charge per linear foot may be modified from time to time by resolution of the Borough Council. Payment in full of said charge shall be made by the property owner prior to the property owner being issued a permit to perform such curbing work. No permit shall be granted and no curbing work shall be done prior to payment in full of said amount.

E. That the Borough shall not be liable for any damages for or by reason of the construction, reconstruction, disturbance or installation of said curbing in accordance with the plans submitted by the property owner.

F. That the property owner or his/her/its designee shall, at his/her/its sole expense and without cost to the Borough, construct said curbing in accordance with the plans submitted and in accordance with all Borough ordinances and regulations.

SECTION III. The requirements set forth in Section II, B regarding payment for reconstruction of the disturbed portion of the public street shall not be applicable to instances in which property owners are required by the Borough to construct, reconstruct, disturb or install curbing as a result of a Borough street paving project. In such cases, any road reconstruction work necessitated by the curbing work shall be

performed by the Borough road crew at no expense to the abutting property owner.

SECTION IV. Any persons, firm or corporation violating any of the provisions of this Ordinance shall be prosecuted in the manner and to the extent provided by Section 48 of the Act of July 10, 1947, P.L. 1621.

ENACTED AND ORDAINED by the Hanover Borough Council this 22nd day of July, 2015:

ATTEST:

**BOROUGH COUNCIL OF
THE BOROUGH OF HANOVER**

D. J. ...

By: *JOHN A. ...*

Approved this 22nd day of July, 2015.

[Signature]
Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY REVISING CHAPTER 159, SECTION 6 THEREOF BY REVISING THE FEE REQUIRED FOR THE ISSUANCE OF A BURNING PERMIT AND RESERVING TO THE BOROUGH COUNCIL THE RIGHT, FROM TIME TO TIME, TO ADJUST SAID PERMIT FEE BY RESOLUTION.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Ordinance No. 2188 is hereby amended by revising Chapter 159, Section 6 of the Code of the Borough of Hanover (hereinafter "Code") as follows:

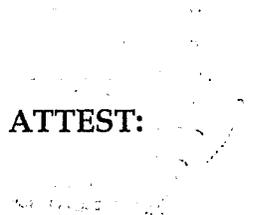
A. Section 159-6 is amended to read as follows:

The permit fees for the issuance of each type of permit shall be set at \$30.00. Said fee may be adjusted from time to time by resolution passed by the Borough Council of the Borough of Hanover.

ENACTED AND ORDAINED by the Hanover Borough Council this 22nd day of July, 2015.

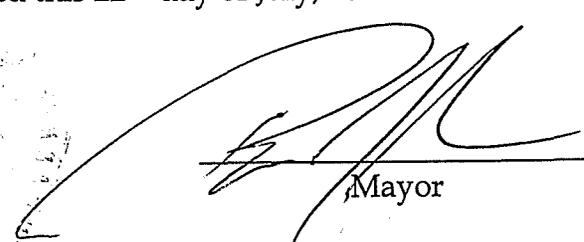
ATTEST:

BOROUGH COUNCIL OF
THE BOROUGH OF HANOVER


D. M. Kelly

By: John A. Chen

Approved this 22nd day of July, 2015.



Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 2188 BY REVISING CHAPTER 308, SECTION 22 TO STRIKE SPECIAL PICK-UPS AT INDIVIDUAL PROPERTIES FROM SAID SECTION; BY ESTABLISHING A PROCEDURE FOR SCHEDULING SPECIAL PICK-UPS OF MUNICIPAL WASTE AT INDIVIDUAL PROPERTIES IN HANOVER BOROUGH AND BY ESTABLISHING THE FEES THEREFORE; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Ordinance No. 2188 is hereby amended by revising Chapter 308, Section 22 of the Code of the Borough of Hanover (hereinafter the "Code") as follows:

A. Section 308-22, A is amended to read as follows:

A. Beginning January 1, 2012, the fees imposed by the Borough of Hanover for the collection, removal and disposal of municipal waste and recyclables and the tipping fees imposed for the disposal of solid waste at the Borough transfer station shall be in accordance with rates to be established by resolution(s) adopted from time to time by the Council of the Borough of Hanover. The fees imposed for special pick-ups at individual properties shall be set and administered as set forth in subparagraphs C-G below.

B. Section 308-22 is further amended by adding the following subsections thereto:

C. The Borough shall require payment in advance of cost recovery fees for the cost of providing Public Works services for special pick-ups of municipal waste at individual properties. The Borough's good faith estimate of costs will be provided upon request of the property owner or occupant of the property at which the special pick-up is desired after Borough staff consults with the Borough Department of Public Works. A minimum disposal fee equal to the rate for one (1) hour of special labor shall be the minimum fee estimated/imposed. The Borough Council may from time to time establish by resolution the appropriate minimum disposal fee and the rate for special labor for a special labor for a special pick-up. Requests for special pick-ups can be made at the Borough of Hanover Municipal Building at 44 Frederick St., Hanover, Pennsylvania in person and by phone at (717) 637-3877 or by calling the Borough Department of Public Works at (717) 632-3939.

D. The Borough shall provide the good faith estimate of costs prior to the property owner or occupant scheduling the special pick-up of municipal waste at an individual property. Upon scheduling a date and time for a special pick-up of municipal

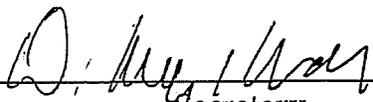
waste, the property owner or occupant shall be required to remit payment of the entire amount estimated and requested by the Borough. No such special pick-up of municipal waste will be scheduled without remittance, in full, of the payment requested by the Borough.

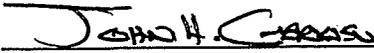
- E. Within fifteen (15) days of the execution of the special pick-up by Borough staff, the Borough will provide a statement of the costs incurred by the Borough as a direct result of the special pick-up. The Borough's actual costs shall be no less the minimum disposal fee set forth in Paragraph C hereof.
- F. Should the actual costs of the special pick-up exceed the costs estimated by the Borough and payment remitted by the property owner or occupant, the Borough shall issue an invoice to the property owner or occupant for whom the special pick-up was executed for the balance of the costs, which invoice shall be paid within thirty (30) days of the invoice date. Failure of a property owner or occupant to pay said invoice within thirty (30) days of the invoice date shall subject the property owner or occupant to penalties as established in this Chapter or as otherwise set forth in the Code of the Borough of Hanover and/or the laws of the Commonwealth of Pennsylvania. In addition, any invoice for a special pick-up of municipal waste which has not been paid within thirty (30) days of the invoice date shall accrue interest at the rate of six (6%) percent per annum.
- G. Should the actual costs of the special pick-up total an amount less than that of the estimate provided by the Borough and payment remitted by the property owner or occupant for whom the special pick-up was executed, the Borough shall issue a refund to the property owner or occupant for the balance of the overpayment within thirty (30) days of the date of Borough statement of costs provided to the property owner or occupant.

ENACTED AND ORDAINED by the Hanover Borough Council this 22nd day of July, 2015.

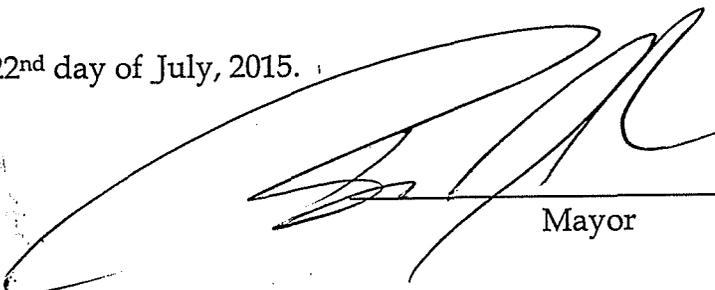
ATTEST:

BOROUGH COUNCIL OF
THE BOROUGH OF HANOVER


Secretary

By: 

Approved this 22nd day of July, 2015.



Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA DEFINING SPECIAL EVENTS AND PROVIDING REGULATIONS TO ENSURE THE PUBLIC HEALTH, SAFETY, AND CONVENIENCE OF ALL RESIDENTS BY REQUIRING PERMITS FOR PUBLIC EVENTS ON THE PUBLIC PARKS AND PUBLIC RIGHTS-OF-WAY OF HANOVER BOROUGH.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS. For the purpose of this Ordinance, the following words shall have the following meanings:

APPLICANT—a person or group sponsoring or organizing an event who has filed a written Application for a permit and who assumes responsibility for all duties and responsibilities under this Ordinance.

ASSEMBLAGE - a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

BOROUGH - the Borough of Hanover, York County, Pennsylvania.

BOROUGH COUNCIL - the Borough Council of the Borough of Hanover, York County, Pennsylvania

BOROUGH ZONING OFFICER - the Zoning Officer of the Borough of Hanover, York County, Pennsylvania

CHIEF OF POLICE - the Chief of Police of the Borough of Hanover, York County, Pennsylvania.

COMMUNITY EVENT - a Special Event, as defined herein, that has longstanding tradition in the Borough and attracts substantial participation/attendance by Borough residents, and/or is an event sponsored by the Borough. Events under such definition shall include, at the time of this Ordinance's enactment, the Memorial Day Parade to be held on Memorial Day of each year, the Liberty Day Celebration to be held on the 4th of July of each year, Dutch Days held in July of each year, the Chili Cook-off to be held during Labor Day Weekend of each year, the YMCA Half Marathon, the Halloween Parade to be held the Thursday prior to October 31st of each year, the Christmas Parade and Tree Lighting to be held the day following Thanksgiving of each year. These events will be afforded priority in the issuance of Special Events Permits should the applying entity meet all of the necessary application requirements and follow all of the regulations established in this Ordinance. The list of events classified under this designation may be modified from time to time by resolution of the Borough Council.

COST RECOVERY - administrative and departmental costs charged by the Borough to an applicant in conjunction with an Event permitted under this Ordinance.

EVENT - a Special Event, Community Event, Parade, Race (e.g. a 5-K, 10-K, half marathon or other run), Procession, Assemblage, Other Similar Event.

HALF-MARATHON - an event that involves participants walking, running, or athletically moving in some way for a distance similar to that of 22 kilometers or 13.1 miles.

PARADE - a march or procession of any kind, in or upon any street or public park within the Borough.

PARTICIPANT - those individuals, including but not limited to the Applicant/Permittee, who take part in the activities of the Event.

PERMIT - written authorization from the Borough for a special event, parade, procession, assemblage, race, etc., as required by this Ordinance.

PERMITTEE - a person/entity to which a permit required by this Ordinance is issued.

PERSON - any person, firm, association, partnership, corporation, society, company, or organization of any kind.

PROCESSION - a group of individuals, vehicles, animals, and/or objects moving along a street in a way that interferes with the normal movement of traffic.

RACE/RUN - an event that involves participants walking, running, or athletically moving in some way for a specific distance, no longer than 10 kilometers or 6.2 miles, for which time is usually kept.

SIGN - posters, bills, banners, flyers, written advertisements or other written messages of any kind.

SPECIAL EVENT - a temporary event, gathering, or organized activity on a Borough street, public property or private property, or in any Borough park, building or other facility, when an organized activity is conducted involving one or more of the following factors:

- a. Closing of a public street, sidewalk, or alleyway or a portion thereof;
- b. Blocking or restricting public property or a portion thereof;
- c. Blocking or restricting access to private property of others;
- d. Use of pyrotechnics or special effects;
- e. Use of open flame, explosions, or other potentially dangerous displays or actions;
- f. Use or display of animals, vehicles, aircraft, or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;
- g. Sale or service of merchandise, food, or non-alcoholic and/or alcoholic beverages on public and private property where otherwise prohibited by Ordinances;

- h. Installation of a stage, vehicle(s) of any kind, trailer, van, portable building, booth, stand, grandstand, or bleachers on public property or on private property where otherwise prohibited by Ordinance;
- i. Placement of portable toilets on public property or on private property where otherwise prohibited by Ordinance;
- j. Placement of "No Parking" signs or barricades in a public right of way;
- k. Amplification of music, voices, sounds, or activities in excess of that permitted by Ordinance;
- l. The Borough determines that the event will result in substantial impact on Borough resources, facilities, or public safety services in response thereto;
- m. Examples of Special Events include but are not limited to: concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, community events, half-marathons, 10-Ks, 5-Ks and other running events, bicycle races and tours, motorcycle rides, and other organized activity conducted for the purpose of recreation, fundraising for profit, non-profit fundraising, community or organizational promotion, or charity.

SPECIAL EVENT VENUE - area at which a Special Event will be conducted and for which a Permit has been issued.

STREET - the entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

VENDOR - a person or entity that promotes or exchanges goods or services for money from a temporary stand, booth or location or from a movable vehicle, cart or wagon while traveling on the public streets and alleys of the Borough of Hanover.

SECTION 2. PERMIT REQUIREMENT.

- A. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a parade, assemblage, procession, community event, or special event, unless a permit has been approved by Borough Council and issued by the Borough Zoning Officer.
- B. No person or entity shall be required to obtain a Special Event Permit from the Borough to engage in the following:
 - 1. Funeral processions
 - 2. Lawful exercise of First Amendment Activity such as free speech and the right to assemble on sidewalks, streets, or other public property unless such Activity will likely result in the obstruction of Borough streets, sidewalks, or other

public property or will likely compromise the ability of the Borough to respond to a public safety emergency; or will block, obstruct or limit access to private property.

3. A governmental agency acting within the scope of its authority and functions.
4. House moving and construction activities.
5. Students participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities and does not obstruct, block or limit access to public or private property.

SECTION 3. SPECIAL EVENT PERMIT APPLICATION PROCESS

- A. Application. A person seeking a Special Event Permit as required by this Ordinance shall obtain an application from the Borough Office or via the Borough website and submit it to the Borough Zoning Officer.
- B. Filing Period. An application for a permit as required by this Ordinance shall be submitted to the Borough at least sixty (60) days and not more than one hundred eighty (180) days prior to the date proposed for the event. In the event that the permit involves the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the application must be submitted not fewer than seventy-five (75) days before the proposed date of occurrence of the event.
- C. Late Application. The Borough Zoning Officer, where good cause is shown, may, but is not required to, consider an application filed less than sixty (60) days prior to the proposed event date provided all of the requirements and review can be met.
- D. Content. The application for a permit required under this Ordinance shall be on a form provided by the Borough which shall include but not be limited to:
 1. The name, address, telephone number, cell phone number, and email address of the person or entity seeking to conduct such an event.
 2. If the event is designed to be held by, on behalf of or for any person or entity who is not filing the application, the applicant for such permit shall file with the Borough Zoning Officer a written authorization from the person proposing to hold the event, authorizing the applicant to apply for the permit on his/her/its behalf.
 3. The name, address, telephone number, cell phone number, and email address of the person who will be responsible for conducting the event.
 4. The date when the event is to be conducted.

5. The route on public roads to be traveled by event participants, as well as the starting and termination points or, if the event does not involve moving participants, the location of the event.
6. The approximate number of persons likely to attend or participate in the event; the animals (if any) and vehicles (if any) which will be involved in the event; and a specific description of the nature of the event.
7. The hours when the event will start and terminate.
8. A statement as to whether the event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights of way proposed to be traversed by pedestrian and vehicular traffic.
9. The location by streets of any assembly areas for such event.
10. The time at which units of the event will begin to assemble at any such assembly area or areas.
11. The set-up, tear down, and clean up dates and times.
12. The purpose of the event.
13. Maps detailing the proposed site locations and/or routes along with written descriptions of the following: amplification devices, street closures and detours, electrical requirements, emergency medical stations, equipment, fire lanes, fireworks or pyrotechnics, litter control, portable toilets, signage, structures, and vendors.
14. The cost of admission, if any, and whether the Event is public or private.
15. Plan for disposal of waste water, including capture and containment, to be approved by the Borough.
16. Plan for disposal of garbage and municipal waste to be approved by the Borough.
17. Proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00), naming the Borough of Hanover as an additional insured. In the event that the permit requires the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the Applicant must also name the Pennsylvania Department of Transportation as an additional insured.
18. Any enticements, such as candy, balloons, toys, silly string, fireworks, plastic horns and poppers to be thrown or given away to onlookers.

19. The following statements:

- a. Statement indemnifying and holding the Borough harmless executed by the Applicant and the individuals or organization conducting the Event.
- b. Statement that information set forth in application is true and correct to the best of the Applicant's knowledge under penalty of law.
- c. Agreement to comply with this Ordinance and any other applicable Ordinances, rules, regulations, or requirements for event.

20. Such additional information as the Borough Zoning Officer shall find reasonably necessary to arrive at a fair determination as to whether a permit should be issued.

E. Cost Recovery. The Borough shall require payment of cost recovery fees for the cost of providing the services of public safety and public works for Special Events as set forth in written regulations enacted pursuant hereto but only if such costs reflect a good faith estimate of actual expenses to be incurred and do not include costs associated with protecting First Amendment Activity from actual or threatened harm. All sponsors of special events shall work in good faith with the Borough to achieve the least expensive alternatives available consistent with the purpose of the proposed Special Event. The Borough Zoning Officer shall upon receipt of the Special Event Permit Application contact the Police Chief, Fire Commissioner, Director of Public Works, and any other relevant Borough Department Officials in order to establish an accurate, good faith estimate of the event's cost of Borough resources.

- a. Pursuant to Borough Resolution 1051, enacted the 24th of July, 2013, the minimum rate for Rental of Borough Equipment is set at a rate of a minimum of four (4) hours according to the rate established from time to time by resolution of the Borough Council.
- b. The hourly rate for special labor, special policeman, and other such officials as may be necessary for the conduct of a Special Event is set by resolution from time to time by the Borough Council.
- c. The Borough's good faith estimate of costs will be provided to the Applicant within fifteen (15) days following the first meeting of the Borough Council to occur after the Applicant's submission of an application for a Special Events Permit.
- d. Upon issuance of a Special Events Permit, the Applicant/Permittee shall be required to remit payment, in the amount estimated and requested by the Borough for the purposes of cost recovery, to the Borough Office no less than ten (10) days prior to the date on which the event is to occur. Failure to remit the necessary payment by this deadline will result in a denial of the permit request or revocation of an awarded permit.
- e. Within thirty (30) days after the conclusion of the event, the Borough will provide an accurate account of the costs incurred upon its resources as a direct

result of the event.

- i. Should the event's actual costs exceed the costs estimated by the Borough and payment remitted by the Applicant, the Borough shall issue an invoice to the Permittee for the balance of the costs, to be paid within thirty (30) days of the invoice date, or face penalty herein established.
- ii. Should the event's actual costs be less than that estimated by the Borough and payment remitted by the Applicant, the Borough shall issue a refund to the Permittee for the amount of the overpayment within thirty (30) days of the calculation of the actual costs.

SECTION 4. STANDARDS FOR ISSUANCE. The Borough Zoning Officer, with the approval of Borough Council, shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may be otherwise obtained, it is found that:

- A. The conduct of the event will not unduly interfere with the safe and orderly movement of traffic travelling on roads in the vicinity of the Event, nor shall the Event have any adverse impact upon the access to or use of public or private properties and/or traffic circulation in the vicinity of the Event.
- B. The conduct of the Event will not require the diversion of so great a number of police officers of the Borough to properly police the Event and/or the movement of participant and spectators at the Event and/or in the areas contiguous thereto as to prevent normal police protection to the Borough.
- C. The concentration of persons, animals, and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection or ambulance service to areas contiguous to such assembly areas.
- D. The conduct of such event will not interfere with the movement of fire-fighting equipment en route to a fire and/or emergency medical vehicles.
- E. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay.
- F. The event is not to be held for the sole purpose of advertising any products, goods, or event, and is not designed to be held purely for private profit.
- G. All sponsor(s), participants, and attendees at events are subject to applicable federal, state and local laws, ordinances, and regulations not otherwise waived by the permit, including but not limited to, laws, ordinances and regulations regulating noise volume, disorderly conduct, traffic and public intoxication. Police officers may order the shutdown of an event that becomes disorderly and/or hazardous to participants and/or the public.
- H. The Borough shall abide by the following additional regulations

when issuing Special Events Permits:

- a. Those events classified herein or subsequently by the Borough, as Community Events shall be afforded priority in the issuance of a Special Events Permit provided that the applicant meet all of the necessary application requirements and follow all of the regulations established herein.
- b. In the issuance of Special Events Permits the Borough:
 - i. Shall not permit more than two (2) Special Events to occur within one (1) calendar month
 - ii. Shall permit only one (1) Run to occur within one (1) calendar month.
 - iii. Shall permit only one (1) Half-Marathon to occur within one (1) calendar year.
 - iv. Shall not permit two (2) Special Events to occur within two (2) weeks or fourteen (14) days of one another.

SECTION 5. NOTICE OF DECISION. The Borough Zoning Officer shall notify the applicant for a permit as to whether the application has been approved or rejected and, if approved, a good-faith cost recovery fee, within fifteen (15) days following action by the Borough Council. If the application is rejected, the notice shall be in writing and communicate the basis therefor. Should the application be approved, a permit shall be issued as set forth herein upon payment of the cost recovery fee to be paid by the Applicant and execution of an indemnification and hold harmless agreement by the Applicant.

SECTION 6. DENIAL OF APPLICATION FOR PERMIT. An application for an event permit may be denied if the Applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

- A. Applicant has made or permitted the making of a false or misleading statement or omitted a material fact on the permit application; or
- B. Applicant has violated this Ordinance or has had an event permit revoked within the preceding twelve (12) months; or
- C. The Borough believes that persons or property are at risk as a result of the activities or conduct of persons at the event; or
- D. The issuance of a Special Events Permit would violate any of the regulations included in Section 4, Standards of Issuance, Subsection H, such as the priority afforded to Community Events or any of the calendar restrictions.
- E. The Applicant does not remit the required payment as determined by the Borough's Cost Recovery Estimate Process described in Section 3, Subsection E or does not execute an indemnification and hold harmless agreement or otherwise comply with the terms hereof.

SECTION 7. APPEAL PROCEDURE. Any person or entity aggrieved by the action of Borough Council shall have the right to request Borough Council to reconsider its action at its next regularly scheduled meeting by submitting a written request to Council by registered or certified mail at the Borough Office. Borough Council shall consider the request to reconsider its action at its next regularly scheduled meeting after receipt of such request and shall render a decision within fifteen (15) days following its meeting. Borough Council shall consider all relevant information submitted by the Applicant, Borough and other public officials, neighbors of the property where the Event is to be held and other Borough residents

and businesses and shall review all relevant documents submitted. Borough Council shall mail its decision with regards to the appeal to the address provided to Council by the applicant/appellee.

SECTION 8. NOTICE TO BOROUGH AND OTHER OFFICIALS. Immediately upon the issuance of an Event permit, the Borough Zoning Officer shall send a copy thereof to the following:

- A. The Borough Manager
- B. The Chief of Police
- C. The Fire Commissioner
- D. Public Works Director

SECTION 9. CONTENTS OF THE PERMIT. Each Event permit shall state the following information:

- A. Date of the event
- B. Starting and termination times of the event.
- C. The portions of the streets to be traversed or blocked that may be occupied by the event.
- D. The approximate number of persons, animals, and motor vehicles that will be in the event.
- E. A brief description of the Event.
- F. Statement of Applicant agreeing to indemnify and hold the Borough harmless
- G. Signature of the event organizer and applicant.

SECTION 10. DUTIES AND POSSESSION OF PERMIT.

- A. Duties of Permittee. A permittee shall comply with all permit directions and conditions and with applicable federal, state and municipal laws, ordinances and regulations.
- B. Possession of Permit. The event chairman or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event.

SECTION 11. PUBLIC CONDUCT DURING EVENT.

- A. Interference. No person shall hamper, obstruct, impede or interfere with any event or event assembly or with any person, vehicle or animal participating or used in an event.
- B. Driving through Event. No driver of any vehicle shall drive between the vehicles, person, or animals involved or participating in an event when such vehicles, person, or animals are in motion.
- C. Parking on Event Route. The Chief of Police shall have the

authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof or in public parking lots constituting a part of the route or in the vicinity of the site of an Event.

SECTION 12. PROHIBITION OF DIRECT PAYMENTS. Special Event organizers are prohibited from making direct payments to Borough employees for Public Safety, Public Works, or other Borough services. All Borough employees shall instead receive compensation through the Borough payroll for any paid assistance with Special Events.

SECTION 13. REVOCATION OF PERMIT. The Borough Zoning Officer shall have the authority to revoke an event permit issued hereunder upon violation of the standards for issuance of a permit as herein set forth, upon learning that the applicant made or permitted the making of a false or misleading statement or the omission of a material fact on the event application, or violated other applicable laws, statutes, ordinances, rules, regulations, or policies.

SECTION 14. TEMPORARY SIGNS FOR EVENTS. Pursuant to Ordinance No. 1639 (as amended by Ordinance No. 2050 and No. 2176), it is unlawful for any person to place, post, paint, erect, display, secure or maintain any sign, banner, lighting or advertisement without the prior written consent in the form of a Sign Permit issued by the Borough of Hanover. All event signs, banners, flyers, or advertisements of any kind shall be located within the boundaries of the event location and shall be removed within three (3) days of the completion of the event. An event sign not removed in compliance with this section may be removed by the Borough at a fee of \$25.00 per sign. Said fee per sign shall be subject to modification from time to time by resolution of the Borough Council. After removal by the Borough, the Borough may store, dispose, destroy or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant/Permittee or the sign owner.

SECTION 15. SOLICITATION. Pursuant to Section 240 entitled "Licensing for Public Entertainment, Peddling and Soliciting," of the Code of the Borough of Hanover, it is unlawful for any person, firm, entity, or corporation desiring to sell or offer for sale to the consuming public, on any public highway or from house to house within the Borough of Hanover, as a huckster, peddler, hawker, street vendor, traveling merchant or agent, any goods or wares or merchandise without having first procured from the proper officer of the Borough a license to do so. Any such person desiring to engage in any of the aforementioned activities in conjunction with, at, or around a Special Event shall be required to procure the proper license as stated in Section 240 of the Code of the Borough of Hanover. Such regulations regarding such permit and its associated fees, conditions, and regulations shall be pursuant to those established in the Code and amendments, resolutions and ordinances hereafter enacted by the Borough Council. A Special Events Permit as established herein in no way or manner exempts any person, firm, entity, etc. from the rules and regulations of Section 240 of the Code of the Borough of Hanover.

SECTION 16. INSURANCE REQUIRED TO CONDUCT EVENT. An applicant for an event must provide proof of comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00) to protect the Borough against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the event. Such insurance shall name the Borough of Hanover, its officers, employees, agents and, if required, any other public entity involved in the event, as an additional insured on a separate endorsement maintained for the duration of the event. In the event that the permit requires the closing of a road under the jurisdiction of the Commonwealth of

Pennsylvania, the Applicant must also name the Pennsylvania Department of Transportation as an additional insured. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the Borough by the carrier and the Applicant.

SECTION 17. INDEMNIFICATION. The Applicant for an event shall indemnify and hold harmless the Borough, its officers, employees, agents and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Event.

SECTION 18. CONDITION OF PREMISES AFTER EVENT. The Applicant is required to return any public property upon which the event is held to its condition prior to the conduct of the Event. Failure to do so may result in the Applicant and sponsoring organization being prohibited from being issued a Special Events permit for a future Event or being required to post a bond to insure compliance with the requirement to clean up after the Event. In addition, the Applicant will be responsible for any costs or expenses incurred by the Borough in restoring the premises to their condition prior to the conduct of the Event.

SECTION 19. ULAWFUL CONDUCT. It shall be unlawful for any person to organize, present or conduct, or attempt to organize, present or conduct an event without first having obtained a permit therefor as herein provided or to otherwise violate any of the provisions of this Ordinance. It shall also be unlawful for any person to fail to comply with all directions and conditions of an event permit.

SECTION 20. PENALTIES. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof before a District Justice or other court of competent jurisdiction, be sentenced to pay a civil penalty not to exceed \$600.00 for each and every offense, plus the costs of prosecution and reasonable attorney fees incurred by the Borough of Hanover in enforcement proceedings. Each day in which a person is in violation of this Ordinance and each section of this Ordinance violated by a person shall be considered a separate violation hereunder.

SECTION 21. The Borough of Hanover reserves the right, from time to time, to adopt by resolution of the Borough Council modifications of, supplements to, or amendments to the Special Events Permit Application and the list of those events classified as Community Events.

SECTION 22. SEVERABILITY. The provisions of this Ordinance shall be severable and if any provision or provisions shall be held to be unconstitutional, invalid, or void, such provision or provisions shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared that this Ordinance would have been adopted if such unconstitutional, invalid, or void provision or provisions had not been included herein.

SECTION 23. REPEALER. All Ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed. The enactment of this Ordinance specifically repeals Paragraphs A and B of Chapter 240, Section 1 of the Code of the Borough of Hanover entitled "Licensing for Public Entertainment and Soliciting."

SECTION 24. EFFECTIVE DATE. This Ordinance and its provisions shall take effect immediately upon enactment and approval. Special Events approved prior to the enactment of this Ordinance shall be exempt here from and shall not be subject the provisions and regulations established herein. Any person, corporation, entity, or organization seeking to hold a Special Event that has not gained prior approval by the Borough Council at the time of this Ordinance's enactment shall be subject to all of the rules, regulations, and provisions hereby established.

ENACTED AND ORDAINED by the Hanover Borough Council this 22nd day of July, 2015.

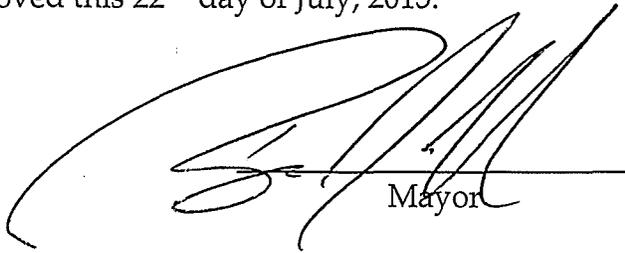
ATTEST:

BOROUGH COUNCIL OF
THE BOROUGH OF HANOVER

D/June 1 May

By: John H. Green

Approved this 22nd day of July, 2015.



Mayor