

BOROUGH OF LIGONIER  
COUNTY OF WESTMORELAND  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 556

AN ORDINANCE OF THE BOROUGH OF LIGONIER AMENDING AND RESTATING  
THE FORT LIGONIER DAYS ORDINANCE  
(Ordinances 419, 438, 499, 503, 514 & 523)

WHEREAS, the Borough of Ligonier previously enacted Ordinance No. 419 titled the "Fort Ligonier Days Ordinance"; and

WHEREAS, Council amended the Fort Ligonier Days Ordinance by Ordinance No. 438, Ordinance No. 499, Ordinance 503, Ordinance 514 and Ordinance 523; and

WHEREAS, Council now desires to amend and restate the Fort Ligonier Days Ordinance in its entirety.

BE IT ENACTED AND ORDAINED, and it is hereby ordained by the Council of the Borough of Ligonier in session lawfully assembled:

SECTION I

Chapter 89 of the Code of Ordinances of the Borough of Ligonier titled "Fort Ligonier Days" is amended in its entirety by deleting said chapter and restating said chapter as follows:

**§ 89-1. Purpose**

The purpose of the Fort Ligonier Days celebration is to emphasize the historical importance of Fort Ligonier, educate the public as to skills, crafts and living at the time of the French and Indian War, and provide the opportunity for civic organizations and members of the community to promote the Ligonier area. This annual celebration has become of such magnitude and significance that it is necessary to provide for traffic control, crowd control and to regulate certain business activities during the celebration in order to protect the safety and well being of the citizens of the Borough and visitors and their property.

**§ 89-2 Definitions and word usage.**

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

FESTIVAL AREA - Any area, whether indoors or outdoors, designated by the Council for the display and/or sale of merchandise, food and/or beverages during the celebration of Fort Ligonier Days

PERSON - Includes any natural person, corporation, partnership, association or firm.

VENDOR - Includes any person engaged in the sale of food or merchandise during the Fort Ligonier Days celebration but not regularly so engaged during the remainder of the year.

B. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ **89-3. Dates when effective.**

This chapter shall be in effect during the annual preparation for and celebration of Fort Ligonier Days held each year. The dates to be observed shall be established each year by resolution of the Council.

§ **89-4. Lease of public areas.**

The Council may lease the public parking lot on North Market Street, the portions of Main Street and Market Street around the Ligonier Diamond Park and Mellon Park and such other necessary public areas to Fort Ligonier Days, Inc., a nonprofit Pennsylvania corporation, to be subleased by said corporation for arts and crafts booths, food booths and such other uses for the benefit of the celebration as said corporation determines.

§ **89-5. Rental charges.**

Fort Ligonier Days, Inc., a nonprofit Pennsylvania corporation, may establish and collect such rentals for the uses in § 89-4 as it determines to be necessary to offset the cost of the celebration.

§ **89-6. Moratorium on peddling permits.**

No peddling permits shall be issued by the Mayor during the Fort Ligonier Days celebration, and any permits previously issued shall be suspended during this period of time.

§ **89-7. Special traffic regulations.**

Council may by resolution implement special traffic regulations in the borough to protect the safety of the public and to provide for minimum disruption in traffic passing through the borough.

§ **89-8. Designation of Festival Areas.**

- A. Council may on its own initiative or upon application of any interested party consider an outdoor or indoor area for designation as a Festival Area. Requests by interested parties shall be made by an application which shall first be submitted to Fort Ligonier Days, Inc. for review and recommendation. Approved areas shall be designated by resolution of Council for such period of time as Council may determine. Council may terminate the designation of any festival area at any time.
- B. In determining whether an area should be designated as a Festival Area, the following factors shall be considered:
1. Contribution of the area and vendors to the purpose of the Fort Ligonier Days celebration.
  2. Traffic and pedestrian control.
  3. Parking and other accommodations for vendors.
  4. Accessibility for emergency vehicles.
  5. Trash and sanitation.
- C. In order to provide adequate time for assessment and review of applications, applications must be submitted by August 15<sup>th</sup> of each year, except that if Council terminates any designation after that date, any affected party shall have the right to reapply within a reasonable time after receipt of notice of the termination.

§ **89-9. Permits for sales.**

- A. Permits for outdoor sales.
1. It shall be unlawful for any person to engage in the outdoor sale of food or merchandise without a permit during the Fort Ligonier Days celebration, and it shall be unlawful for any property owner to rent, sell or provide space to any person to engage in the outdoor sale of food or merchandise without a permit during the Fort Ligonier Days celebration, except that a permit shall not be required for any borough merchant regularly engaged in business to engage in outdoor sales in the permitted sidewalk right-of-way areas abutting his business premises, provided that the merchant is selling the type of merchandise he normally sells in the day-to-day course of his primary business.
  2. A borough merchant will be required to obtain a permit to engage in

outdoor sales of merchandise in any yard or parking area of the merchant's property, provided that the merchant is selling the type of merchandise he normally sells in the day-to-day course of his primary business on the same property. The merchant must provide the borough with a drawing showing the layout of the outdoor area to scale and the type of items for sale.

B. Permits for indoor sales.

It shall be unlawful for any person or property owner to rent, sell or provide indoor space to a vendor for the sale of food or merchandise without a permit during the Fort Ligonier Days celebration. Any person or property owner wishing to rent, sell or provide indoor space to a vendor must obtain a permit for each vendor in the indoor area and provide the borough with a drawing of the indoor vendor area to scale and a list of each vendor booth in the area and type of items for sale. Together with the application, the person or property owner shall provide the borough with a certificate of insurance listing coverage including comprehensive general liability insurance in an amount not less than \$1,000,000.00 naming the Borough of Ligonier and Fort Ligonier Days, Inc. as additional insureds during the Fort Ligonier Days celebration.

C. Permits not to be issued except in the Festival area.

The permits specified in §89-9A and §89-9B may be issued only in the Festival Area. No such permits shall be issued outside the Festival Area and no person shall conduct sales described in §89-9A or §89-9B outside the Festival Area.

D. Moratorium on Garage Sale, Yard Sale, Tag Sale, or Porch Sale permits.

No person shall rent, sell or provide space to any person, or engage or conduct any garage sale, yard sale, tag sale, or porch sale and no permits for such sales shall be issued during the Fort Ligonier Days celebration, and any permits previously issued shall be suspended during this time.

**§ 89-10. Permit application; Advisory Committee; fee.**

Any person who may desire to engage in the indoor or outdoor sale of food or merchandise, except for a borough merchant as set forth in § 89-9A subparagraph (1), shall file an application on a form provided by the borough with the Borough Secretary and pay the required fee established by resolution of Council. Upon approval of the application by the Borough Council, the Mayor shall issue a permit to the applicant. The Council shall have the power to appoint an Advisory Committee to process the applications and shall also have the power to pay over all or part of the collected permit fees to the Advisory Committee to help defray the costs of the celebration. The Advisory Committee hereunder shall be Fort Ligonier Days, Inc. The Council may give power to the Mayor to approve permits which

meet the requirements of the Fort Ligonier Days Ordinance and which have been approved by the Fort Ligonier Days, Inc.

§ **89-11. Display of permits.**

All persons must display the permits issued hereunder.

§ **89-12. Council to regulate sales.**

The Council shall have the right to prohibit entirely, or regulate by resolution, the character and type of any indoor or outdoor sales establishment requiring a permit. The Council shall have the power to determine locations thereof in the borough as well as the time of opening and closing and shall in all respects have complete control of said establishments and shall prohibit the same if it deems said establishment to be unnecessary or detrimental to the Fort Ligonier Days celebration or detrimental to the health, safety or welfare of the citizens of the borough. Further, no permit issued to a food vendor shall be valid unless said vendor has also complied with any and all regulations promulgated by the Commonwealth of Pennsylvania concerning the preparation and sale of food and beverages.

§ **89-13. Regulation of dogs, cats and/or other pets in the Festival Area.**

Dogs, cats and/or other pets are prohibited in the Festival Area during scheduled festival hours. This section does not apply to animals in the Fort Ligonier Days Parade.

§ **89-14. Regulation of tents, awnings, and temporary enclosures.**

No person shall place, erect or maintain any tent, awning, temporary enclosure, or any other structure on his property, or allow any person to do the same on said property, to the extent that such tent, awning, temporary enclosure, or other structure may:

- 1) Extend over or above any sidewalk, street or any other public area;
- 2) Create a public hazard, including, but not limited to, the effects that may be created by inclement weather; and,
- 3) Obstruct the safe passage of the public or access of emergency personnel or vehicles.

The Borough reserves the right to inspect any such tent, awning, temporary enclosure, or any other structure, and can order its immediate removal if it fails to comply with the requirements listed in this Section 89-14. Failure to comply with such order is deemed an immediate violation of this Chapter subject to the penalties stated in Section 89-17. This Section 89-14 shall not apply to public areas leased by the Borough to Fort Ligonier Days, Inc.

§ **89-15. Revocation of permit.**

Any permit may be revoked by the Mayor or Chief of Police at any time upon failure of the permittee to follow the regulations set forth by the Council.

§ **89-16. Indemnification of borough.**

Any person who displays or sells food or merchandise under the provisions of this chapter hereby indemnifies the borough against any and all liability resulting from the uses permitted hereunder.

§ **89-17. Violations and penalties.**

Any person and/or property owner who shall violate any provision of this chapter shall pay a penalty of \$600.00. If said penalty is not voluntarily paid to the Borough, the Borough shall initiate a civil enforcement proceeding before a magisterial district judge. The Borough delegates the initial determination of ordinance violation and the service of notice of violation to any member of the Borough Police Department. A separate offense shall arise for each day or portion of a day in which a violation is found to exist or for each section of the ordinance which is found to have been violated. Any person and/or property owner found guilty of violating this ordinance shall be assessed court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings. In addition to or in lieu of enforcement through a civil action, the Borough may enforce this ordinance through an action in equity brought in the Court of Common Pleas of Westmoreland County.

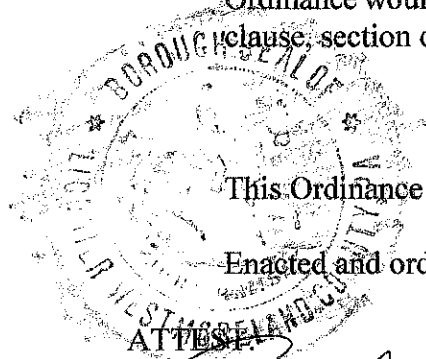
§ **89-18. Severability.**

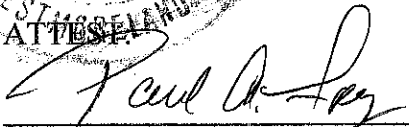
If any sentence, clause, section or part of this Ordinance is for any reason be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance. It is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

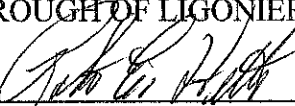
SECTION II

This Ordinance shall become effective upon enactment.


Enacted and ordained this 11<sup>th</sup> day of April, 2013.



  
Secretary

BOROUGH OF LIGONIER  
By:   
President of Council

Examined and approved this 11th day of April, 2013.

  
Mayor