

POLICY 1 OF 2025

BOROUGH OF VANDERGRIFT PUBLIC PROPERTY USE POLICY

The Borough of Vandergrift is pleased that you are interested in the use of its public parks and/or other public property. It is your responsibility to read and follow all rules and regulations listed. If you have any questions, you may make inquiry at the Borough of Vandergrift office during its regular business hours Monday through Friday, 8:30 A.M. to 4:00 P.M. The telephone number for the Borough of Vandergrift is (724) 567-7818.

1. Applications for use of public property of the Borough of Vandergrift shall be accepted up to one year in advance of the intended use but, under no circumstances, less than two (2) months prior to the proposed scheduled event. The Council of the Borough of Vandergrift shall review all requests only at a regularly scheduled Borough Council meeting and only after all of the preliminary review has been completed by the Borough, and after additional requirements have been submitted to the Applicant and once the Applicant has fulfilled all of the requirements to allow the matter to be reviewed by the Borough Council. Applications for Use of Vandergrift Borough Property must be submitted by 12:00 P.M. on the Thursday prior to the next regularly scheduled Borough Council Meeting so that the application may be considered at the time of Borough Council Meeting (presuming that the application is complete, and no other matters must be completed by the Applicant prior to Borough Council action). Late applications do not qualify for exemption under the Sunshine Act due to the expenditure of funds required by the Borough for events. Late applications that do not meet the above-referenced deadline may be heard during the following month's regular Borough Council Meeting. The Borough of Vandergrift holds regularly scheduled Borough Council Meetings on the first Monday of every month.
2. As a condition of the review by the Borough Council, in addition to any other requirements set forth herein, the Applicant must set forth the name(s) and address(es) of the applying person or persons who shall be deemed the Applicants on behalf of themselves and on behalf of an incorporated organization or fraternal organization and who must agree, at all times, to remain on site, or name a designated second who shall remain on site during the use of the property if the use is approved by the Council of the Borough of Vandergrift. In addition thereto, proof of insurance must be supplied with the original application and the use is subject to approval, payment of any and all additional costs or fees as deemed by the Borough of Vandergrift prior to review by Council and agreement to comply with all rules and regulations, as well as, all state, federal and local laws, codes and ordinances in effect at the time of application.

3. Applicants or their approved second, must be at least eighteen (18) years of age. Proof will be required.
4. Applicants must comply with the Borough of Vandergrift Insurance Conditions and Requirements, a copy of which will be provided to Applicants with the Application for Use of Vandergrift Borough Property. Applicants must provide proof of the required insurance coverage at least thirty (30) days prior to the date of the scheduled event in the form of a declarations page and receipt of payment. Failure to comply with the Vandergrift Borough Insurance Conditions and Requirements may result in the revocation of any Application for Use of Vandergrift Borough Property.
5. Facilities may be utilized between the hours of 8:00 A.M. and 10:00 P.M. Additional time for "set-up" may be requested. The time of use of the facility is the only time the user is authorized to be on the property for purposes of the requested use. All hours of use must run consecutively. Set up and clean up shall be done within the requested hours. No early admittance or next day clean-up will be permitted without special permission of the Council of the Borough of Vandergrift. Any costs or fees assessed by the Borough for security shall be applied during the hours of use even if part of the time is only established for set up or clean up.
6. Users are responsible for their own set up and clean up. A \$500.00 refundable deposit for cleaning and garbage removal must be made at the time the application. The Borough of Vandergrift shall have the right to inspect the property following user clean up and if the Borough of Vandergrift shall determine that the clean-up has not been conducted in a manner deemed acceptable by the Borough, the Borough of Vandergrift shall have the option of utilizing Borough employees, when available, to complete any and all clean up with all costs and expense to be incurred by the entity requesting use. It is understood that any and all amounts in excess of the \$500.00 cleaning and garbage deposit deemed and billed to the requesting entity for damage, cleanup or repair of the borough property shall be due and owing immediately upon receipt of the notice which shall be mailed to the applicant at the address provided. A Borough of Vandergrift Public Property Cleaning Agreement shall be provided to all applicants requesting use of Vandergrift Borough Property and must be completed and submitted with the Application for Use of Vandergrift Borough Property before any application will be considered. Applicants shall not be entitled to the use of Borough employees or equipment without separate costs and fees.
7. All rubbish containers are to be emptied completely at the end of the event and filled bags taken to a Vandergrift Borough location provided for cleanup for the event. All rubbish containers are to have new plastic trash can bags of the proper size replaced at the end of the event.

8. If marking of vendor tent areas for the event is necessary, such markings shall be made with chalk or tape. Use of paint on Borough streets or public property is strictly prohibited (with the exception of markings made on grass in a public park).
9. All food vendors for events must have appropriate certification from Westmoreland County or their respective county public health department. All other vendors must sign a waiver indicating that they have personal liability insurance to indemnify and hold harmless the event organizers and insurance holder, and the Borough of Vandergrift must be named as an additional insured under the policy. A copy of all insurance documentation must be provided to the Borough at least one (1) week before the event. The Borough reserves the right to prohibit any unauthorized or non-certified food vendors from participating.
10. Applicants must indicate whether the requested use of Vandergrift Borough Property will require a police presence, and payment of any and all fees for the police presence will be a requirement prior to final approval of any Application for Use of Vandergrift Borough Property. The Borough of Vandergrift reserves the right to evaluate the requested use of Borough Property, and if police presence is deemed necessary by the Council of the Borough of Vandergrift, the payment of any and all costs, fees and expenses for the police presence will be a requirement prior to final approval of any Application for Use of Vandergrift Borough Property.
11. No alcoholic beverages are permitted absent an appropriate special permit license issued by the Pennsylvania Liquor Control Board (proof of same to be provided to the Borough).
12. No use of incendiary devices, of any type, is permitted.
13. Performer conduct and performance content, whether live or recorded, must be appropriate for families and general audiences. Profane, lewd, indecent or slanderous conduct or content that is violent in nature is unacceptable and can void any previously permitted use and can cause the Borough to discontinue use at any time.
14. A permit may be denied, or its grant may be conditioned or limited by the Borough, or an issued permit may be revoked upon the following grounds:
 - a. **Receipt of Multiple Requests:** a fully executed application for the same time and place has been received at an earlier time, reserving an area for an event or activities which do not reasonably permit multiple events in the particular area.
 - b. **Impact on Public Safety:** it reasonably appears that the proposed event, due to its nature, location, anticipated number

of attendees or other factors, will present a threat to public safety or health or would be unlawful (including, without limitation, where a permit or license is required by the Pennsylvania Department of Health or Pennsylvania Liquor Control Board has not been obtained).

- c. **Incompatible Use:** the proposed event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for, would be inconsistent or incompatible with the purpose(s) for which the area sought to be reserved is normally used, or with other uses of the area sought to be reserved.
- d. **Failure to Meet Conditions:** the application proposes activities contrary to one or more of the purposes, conditions or limits specified within this policy.
- e. **No Responsible Person:** there is no person authorized to sign an application on behalf of the applicant applying for a permit and/or there is no person willing or able, as demonstrated by the Borough by reasonable evidence, to accept responsibility for and perform the applicant's obligations set forth in this policy, including, without limitation, the applicant's indemnification obligations.
- f. The proposed event cannot be accommodated within a reasonable allocation of Borough funds and/or resources, considering the event's public appeal and the anticipated participation of the general public therein.
- g. **Failure of the Event to be Consistent with the Application:** The Borough reasonably determines at any time, following consultation with the Police Chief, or other appropriate Borough officials, that any material information set forth in the application is incorrect or misleading, or has become since the submission of the application incorrect or misleading and the permit must be revoked, modified, conditioned or limited consistent with this policy.
- h. **Prohibited Items:** Prohibited items are not allowed at events and an event permit will be denied or revoked if at any time it appears that prohibited items will be used, or are being used, during an event, and the Borough has not granted special permission in the permit covering such use. It will not be grounds for rejection of a permit that an applicant wishes event attendees to carry or use a prohibited item in an expressive or symbolic way, including without limitation a symbolic weapon,

open flame or other similar item, provided that all attendees must be licensed to carry such weapons if required by law and the use of such items must be otherwise lawful, and further provided that the event applicant pays for any additional police, fire and emergency medical personnel required to maintain public safety in accordance with this policy. If any prohibited item for which special permission has been received is held or used during the demonstration in an intimidating, threatening, dangerous or harmful manner, such use will be unlawful, and the permit's allowance of such use shall be automatically revoked. The person responsible for the unlawful use of the item will be directed by law enforcement to leave the demonstration area, and any person refusing to do so shall be subject to arrest for trespassing.

- i. Nothing in this policy shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker or similar device necessary for providing mobility so that the person may participate in a permitted event.
 - j. Nothing in these regulations shall prohibit certified law enforcement officers or other public safety officials acting in their official capacity from carrying or possessing materials, weapons and/or devices used in the performance of law enforcement duties.
15. A permit may be modified, or its grant may be conditioned or limited by the Borough where necessary to meet the requirements of these regulations or to further their purposes. Such conditions and limits may include, for example, requiring the event to be relocated to an alternative venue if doing so is required to safely accommodate the number of anticipated attendees or type of event; provided, however, that with respect to demonstrations only, the Borough shall consider whether the alternative venue is suitable for communicating the content of the demonstration. The Borough reserves the right to limit the number of persons allowed at events based on the location or nature of the event, and to require that the applicant provide a certain number of individuals, who may be volunteers within the applicant's organization, to act as crowd managers to assist with ensuring that the assembly is and remains lawful and in compliance with these regulations and liaising with Borough officials prior to and during the event.
16. Any Applicant shall have the right to appeal the denial of an event permit to the Borough Solicitor. The denied Applicant shall make the appeal within three (3) business days after the receipt of the denial by filing a written notice with the Borough Secretary and a copy of the notice to the Borough Solicitor. The Borough Solicitor's Office is located at 159 Lincoln Avenue, Vandergrift, PA 15690. (The fax number is 724-568-2500). The Borough Solicitor shall act

upon the appeal and render a written decision within two (2) business days following receipt of the appeal. In the event of a denial which affects an event that is to be held in response to spontaneous speech, the Borough Solicitor will issue a written decision within one (1) business day following receipt of the appeal. If time is insufficient for the one (1) day evaluation period and the Borough Solicitor does not provide an opinion on the denial within the one-day period, the Applicant may immediately appeal the Borough's decision to a court of competent jurisdiction or take other action as is legally available to it. In the event that the Borough Solicitor rejects an Applicant's appeal, the Applicant may file an immediate request for review with a court of competent jurisdiction, or take such other action as is legally available to it.

17. This policy shall apply to any and all uses of Vandergrift Borough Property, regardless of the person or entity submitting an application.
18. The requirements of any application shall be part and parcel of this policy. All fees and costs must be paid in advance of issuance of any permit.
19. If event users block a public street, there must be a twelve (12) foot lane for emergency vehicles to pass through.

RESOLUTION 3 OF 2025

**RESOLUTION OF THE BOROUGH OF VANDERGRIFF
TO ADOPT A MODIFIABLE PUBLIC USE POLICY FOR
PUBLIC AREAS OF THE BOROUGH OF VANDERGRIFF**

WHEREAS, the Borough of Vandergrift is empowered to adopt Resolutions regarding Public Policy to protect the health, safety, and welfare of the public, and for the benefits of the residents, citizens, and general public of the Borough of Vandergrift by and through the powers granted under and pursuant to the Borough Code of the Commonwealth of Pennsylvania at 8 Pa.C.S. Section 101 et. seq.; and,

WHEREAS, the Borough of Vandergrift desires to create a Policy, modifiable, from time to time hereafter, to establish uniform regulations associated with the use of public property of the Borough of Vandergrift;

NOW THEREFORE, pursuant to the powers granted to the Borough of Vandergrift Council as set forth in 8 Pa.C.S. Section 3301.1(c) the Borough of Vandergrift does hereby enact this Resolution as follows:

RESOLVED that the Borough of Vandergrift does hereby adopt the attached Policy 1 of 2025 – Borough of Vandergrift Public Property Use Policy for the use of public property of the Borough of Vandergrift, which shall be modifiable from time to time hereafter by Resolution of the Council of the Borough of Vandergrift, to amend the Policy and to attach thereto such future guidelines, which are in the best interests of the health, safety, welfare of the citizens of the Borough of Vandergrift.

RESOLVED at Vandergrift, Pennsylvania this 3rd day of February, 2025.

BOROUGH OF VANDERGRIFF

By:

THOMAS HOLMES, President
Vandergrift Borough Council

ATTEST:

_____(SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:

LENNY COLLINI, Mayor

APPLICATION FOR USE OF VANDERGRIFT BOROUGH PROPERTY

NAME OF APPLICANT: _____

LEGAL ADDRESS OF APPLICANT: _____

IF CORPORATE, NAME OF
POINT OF CONTACT MAKING
APPLICATION: _____

PHONE NUMBER OF
POINT OF CONTACT: _____

EMAIL ADDRESS OF APPLICANT _____

TAX ID NUMBER OF CORPORATE
ENTITY: _____

AREA REQUESTED: _____

DATE REQUESTED: _____

TIME REQUESTED: _____

WILL THIS REQUEST REQUIRE THE CLOSURE OF ANY STREETS? ____ YES ____ NO

WILL THIS REQUESTED USE REQUIRE A POLICE PRESENCE? ____ YES ____ NO
(Even if the answer is no, the Borough reserves the right to evaluate the use and, if police presence is deemed necessary by the Council of the Borough of Vandergrift, any and all fees for police presence will be a requirement prior to final approval.)

HAVE YOU SECURED INSURANCE NAMING YOUR ENTITY AND THE BOROUGH OF
VANDERGRIFT AS INSUREDS SUBJECT TO BOROUGH INSURANCE
REQUIREMENTS?

____ YES ____ NO (Please attach a copy of the declarations page of the paid policy and verification that the policy has been paid in full.)

NATURE OF EVENT PLANNED (Please set forth, in detail, the nature of the event that you plan for the Borough property, the number of persons intended to be present at the event, the nature of the presentation at the event and any other information deemed pertinent. The Borough of Vandergrift reserves the right to delay action on any application in which the Borough deems the information provided is insufficient to allow the Borough an opportunity to evaluate the request.)

(Attach additional pages or documents if necessary.)

THE UNDERSIGNED, BY THEIR SIGNATURE, DOES HEREBY SET FORTH THAT THE INFORMATION SET FORTH ON THIS APPLICATION AND ON ANY ATTACHMENT THERETO, IS TRUE AND CORRECT AND ACKNOWLEDGES THAT ANY FALSE INFORMATION CONTAINED ON THIS APPLICATION OR ANY ATTACHMENT THERETO CAN SUBJECT THE UNDERSIGNED TO CANCELLATION OF THE EVENT PRIOR TO OR DURING THE EVENT.

SIGNATURE

PRINTED NAME

BOROUGH USE ONLY

FILING FEE PAID (DATE): _____ RECEIPT # _____ AMOUNT: \$ _____

SECURITY DEPOSIT PAID (DATE): _____ RECEIPT # _____ AMOUNT: \$ _____

BOROUGH OF VANDERGRIFF PUBLIC PROPERTY CLEANING AGREEMENT

The Council of the Borough of Vandergrift requires the renter of any public space in the Borough of Vandergrift to clean the public space before vacating the premises (within their rental hours, or after, subject to approval of Borough Council) and to restore it to the manner in which it was found upon their arrival. Failure to comply will result in a statement of amount due and owing to the Borough of Vandergrift.

It shall be the responsibility of the renter to:

1. Clean all debris, litter and trash from the public area.
2. The same shall be bagged and sealed in garbage bags and shall be deposited in an area designated by the Borough of Vandergrift so the same may be collected by the Borough of Vandergrift. All approved glass and metal shall be separated and prepared for recycling by the Borough of Vandergrift and shall not be comingled with any trash. Any comingled trash, which requires separation, shall be subject to a separation fee by the Borough of Vandergrift in the amount of \$250.00.
3. Any and all tables and benches of the Borough of Vandergrift shall be inspected, cleaned of any debris of any type, kind or sort, any damage repaired to the satisfaction of the Borough of Vandergrift and returned to the location where they were originally found. Any damage to any table or bench shall result in the loss or partial loss of the cleaning/damage deposit.
4. If any grass or a part of the park is damaged or destroyed as a result of the use, for example, by excessive wear and tear, heavy equipment and the like, the damage must be repaired (within their rental hours) and if wear and tear of grass causes necessary re-seeding, the deposit shall be held until such time as proper and approved seeding is completed, during the growing season.
5. Remove all personal belongings from Borough property.
6. Any lighting, owned by the Borough of Vandergrift, and controlled by the user shall be turned off upon completion of the use and any keys for any Borough structures utilized during the rental process shall be returned to the Borough office no later than 10:00 A.M. on the first business day following the rental use.

The renter acknowledges that they shall be responsible to the Borough of Vandergrift for any and all amounts deemed due and owing for damage or for failure to clean appropriately following use. The Borough of Vandergrift shall, in their sole discretion, determine whether assessment of any of said amounts are necessary in order to restore the property to the condition in which it existed prior to the rental use.

Dated: _____

Signature of Renter

NOTICE OF REQUIREMENTS PURSUANT TO PLCB REGULATIONS

NOTICE is hereby given by the Borough of Vandergrift that no alcoholic beverages shall be served except in a circumstance where a PLCB licensee is exempt or under circumstances where the Pennsylvania Liquor Control Board has issued a Special Occasion Permit to an eligible entity. If the applicant is an eligible entity pursuant to the rules of the Pennsylvania Liquor Control Board, said entity shall apply for a Special Occasion Permit and the same shall be prominently displayed. If an eligible entity is exempt from the requirements to apply for a Special Occasion Permit, said entity shall executed an Affidavit of Exemption. A copy of the same may be sent to the Pennsylvania Liquor Control Board or shared with law enforcement officials as deemed required by said law enforcement officials or the Pennsylvania Liquor Control Board without restriction.

BOROUGH OF VANDERGRIFT INSURANCE CONDITIONS AND REQUIREMENTS

You or your organization (vendor) have made a request to use facilities, streets, or parks of the Borough of Vandergrift. In accordance with Vandergrift Borough policies and ordinances, the Borough of Vandergrift requires that you comply with insurance requirements to protect the Borough of Vandergrift from legal actions, claims, demands, suits or judgments, which may be filed as a result of an incident or harm that occurs during your events. Failure to comply with these requirements can result in the Borough of Vandergrift cancelling any permission granted for the use of a Vandergrift Borough facility, park, or street. Revocation may occur immediately prior to an event, which could cause substantial detriment to your organization and therefore, it is important that these conditions are complied with not later than thirty (30) days prior to the date of your scheduled event.

The conditions are as follows:

1. Any individual, group, or entity requesting the use of Vandergrift Borough property shall, at all times, carry insurance coverage as follows:
 - a. Commercial General Liability. Commercial General Liability Insurance covering product liability and completed operations, bodily injury, property damage, personal injury, with limits of not less than \$1 Million Dollars per occurrence and \$2 Million Dollars general aggregate.
 - b. Umbrella Liability. Umbrella Liability not less than \$1 Million limit per occurrence and \$1 Million general aggregate.
 - c. Commercial Automobile Liability. Commercial Automobile Liability covering all owned, hired, leased, and non-owned vehicles, not less than \$1 Million dollars per person and \$1 Million Dollars combined single limit per accident.
 - d. Workers Compensation. Workers Compensation with compliance with all applicable laws, statutes, rules, and regulations.

All vendors seeking to utilize the property of the Borough of Vandergrift shall name the Borough of Vandergrift as an additional insured on their insurance policies containing the required coverage. Not less than 30 days prior to the date of the scheduled usage, the vendor shall provide the Borough of Vandergrift an insurance certificate and receipt for payment indicating the foregoing coverage, issued by an insurance company that is fully licensed and has a minimum a.m. best rating of AVII or equivalent. Vendors shall provide the Borough of Vandergrift with not less than thirty (30) days prior written notice of any cancellation, non-renewal, termination, or modification of the insurance policies, which may adversely affect the interest of the Borough.

The Borough of Vandergrift reserves the right to revoke any use authorization granted by the Council of the Borough of Vandergrift should the vendor cancel, terminate, modify or in any way tamper with the required insurance.