

Regulations Affecting Private Unattended Winter Holiday Season Displays on the Chester County Historic Courthouse Property

1. Definition of terms:
 - a. *Winter holiday season* - that period beginning the last weekend in November and ending on the second Sunday in January of the following year.
 - b. *Display* – may include one or more symbols, religious or otherwise, with attendant decorations.
2. With the exception of Signs placed upon the Chester County Courthouse property in accordance with Chester County’s Sign Posting policy, and displays allowed during the winter holiday season in accordance with these Regulations, all unattended privately owned displays are prohibited.
3. In order to celebrate the diversity of the community, to bring the community together to celebrate the holiday season and to foster holiday spirit in the downtown West Chester area, the County has designated three 100 square foot areas (each 10 feet by 10 feet square) (“Winter Holiday Display Areas”), in the vicinity of the corner of the Chester County Historic Courthouse on High and Market Streets in West Chester, in which areas privately owned unattended non-commercial winter holiday season Displays will be permitted in accordance with these Regulations. Historically, the County had provided space to the West Chester Chamber of Commerce for a secular holiday tree located on the lawn area of the Historic Courthouse fronting on High Street. In continuing historical support of the Borough of West Chester, such secular holiday tree shall continue to be permitted under these regulations provided it conforms to the size, location, layout and general design of secular holiday trees erected by the Chamber in the past. The West Chester Chamber of Commerce secular holiday tree, if any, for the 2009-2010 winter holiday season and for all subsequent years thereafter shall be accompanied by the disclaimer sign required by paragraph 11, below.
4. While these Regulations are content-neutral in terms of the message intended to be conveyed by each Display, such Displays should be in keeping with the winter holiday season.
5. In addition to the secular holiday tree, historically placed, and maintained by the West Chester Chamber of Commerce, a maximum of three other Displays, one per each Winter Holiday Display Area, may be in place at any one time.

6. Any individual or group may place a Display once per winter holiday season.
7. Applications for placement of a Display for the 2009-2010 winter holiday season will be accepted on or before November 23, 2009, and shall be acted upon on a first-come, first-served basis. In subsequent years, applications will be accepted and acted upon on a first-come, first-served basis, beginning on the Tuesday immediately following the beginning of November of each year. An approved Applicant may place its Display in the assigned Winter Holiday Display Area for all or part of the winter holiday season. If an Applicant erects a Display and removes it before the end of the winter holiday season, such Display may not be re-erected for that winter holiday season. Applications must contain drawings, plans or other documents that adequately describe the Display.
8. All Applications shall be filed with the Board of Commissioners of Chester County. The Commissioners shall authorize a designee to implement these regulations. The Commissioners' designee will examine, in consultation with the County's Solicitor, both applications and proposed displays to review compliance with these Regulations and will advise the Board of Commissioners with respect to the same. Applications which do not comply with these requirements will not be approved and will be returned to the Applicant with a brief explanation and request to re-file. Displays which do not comply will not be permitted. Displays which fall into non-compliance after being erected will be subject to removal by the County at the cost of the Applicant. All Displays must comply with all applicable zoning, building, health, safety and other related laws and Regulations and shall not damage the Historic Courthouse or its lawns, foliage, facilities, monuments or other features. No holes may be dug in the lawn areas in connection with installation and erection of any Display. Decisions on applications in 2009 will be made within five business days of receipt by the Commissioners' designee. Decisions on applications in subsequent years will be made within 15 business days after receipt by the Commissioners' designee.
9. There will no charge for an application and no charge for electricity used for the Display. Electric service will be available only for use in lighting. Heavy duty extension cords with adequate safety features (14-gauge minimum, 15-amp minimum) must be used. Only grounded extension cords shall be used. No audio features are allowed on Displays. No more than three (3) spotlights (not exceeding 100 watts each) may be staked on the ground within the Winter

10. No Display shall be more than 10 feet high above the ground level, nor more than 8 feet wide nor more than 8 feet deep, and no Display shall present a threat to health or safety. All Displays shall be securely affixed to the ground to prevent toppling and all accompanying decorations shall be securely attached in such manner as to prevent such decorations from separating from the Display or becoming air borne.
11. Each Display must be accompanied by a weather-proof disclaimer sign, 12 inches high and 12 inches wide, within the 100 foot square area and in proximity to the Display, no less than 24 inches nor more than 36 inches above the ground, stating in clear and visible letters: "This Display has been placed and is owned by (name of the individual or organization)," clearly displaying the name of the sponsor.
12. The Board of Commissioners reserves the right to make reasonable amendments to these Regulations, or to revoke the Regulations in their entirety.
13. Each Applicant, as part of and by filing an application, shall agree to restore the ground and the premises to its original condition and shall provide to the County either a bond to cover and guarantee the cost of clean up and repairs in the amount of Five Thousand Dollars (\$5,000) or a signed agreement to pay and indemnify the County for any costs, damages and/or other expenses incurred in connection with or relating to the Display, such agreement to be accompanied by a written representation that the Applicant or its members or sponsors have sufficient financial resources to pay and indemnify the County for any costs and expenses incurred in restoring the grounds and premises should the Applicant fail to do so.
14. To the fullest extent permitted by law, the Applicant, by its application, shall agree to indemnify and hold harmless the County, its agents and employees from and against any and all liabilities, damages, losses, claims, demands, suits, costs or expenses, including reasonable attorney's fees and costs, for injury to or death of any person or damage to any property arising out of or caused either wholly or in part by reason of Applicant's use of County property, whether or not such claim, damage, loss or expense is caused in part by any party indemnified hereunder. A successful Applicant, before erecting a Display, shall furnish the

15. The County will not permit any Display which is obscene as defined by 18 Pa. C.S. § 5903 et. seq. (Pa Crimes Code), or which is otherwise unprotected by the First Amendment. The County reserves the right to remove such Displays as fail to conform to these Regulations and will not be responsible to the Applicant for any damage to or destruction of the Display in conjunction with such removal.
16. The advertising or selling of merchandise is not permitted from any Display.