

ORDINANCE NO. 82-1

AN ORDINANCE RELATING TO THE CONDUCT OF PUBLIC GATHERINGS FOR CERTAIN TYPES OF PUBLIC ENTERTAINMENT AND AMUSEMENT; ESTABLISHING PERMIT PROCEDURE AND APPLICATION THEREFOR; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR PENALTIES; AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Second Class Township Code empowers supervisors of second class townships with the authority, inter alia, to promote and protect the public safety and health of the citizens of said townships and to regulate the conduct of places of public entertainment, amusement and recreation; and

WHEREAS, the Board of Supervisors of Reed Township takes notice that public gatherings of large number of persons assembling outdoors or in structures especially constructed, erected, or assembled for such public gatherings creates the potential for hazardous conditions, including but not limited to traffic, waste disposal, sanitation, sewage disposal, public health and noise.

NOW, THEREFORE, the Board finds and determines that this Ordinance which prescribes the procedure and rules and regulations for the conduct of public gatherings is necessary to protect the health, safety and welfare of the citizens of Reed Township, Dauphin County, Pennsylvania. This Ordinance shall be liberally construed to accomplish these objectives.

NOW, THEREFORE, be it enacted and ordained by the Supervisors of Reed Township of Dauphin County, Pennsylvania, as follows:

## SECTION 1. Citation

This Ordinance shall be known and cited as the Reed Township, Dauphin County, Pennsylvania Outdoor Amusement Ordinance of 1982.

## SECTION 2. Definitions

(a) The word "applicant" as used in this Ordinance shall mean any person who has applied for a license hereunder.

(b) The term "Board of Supervisors" as used in this Ordinance shall mean the Board of Supervisors of Reed Township of Dauphin County, Pennsylvania.

(c) The term "municipality" as used in this Ordinance shall mean Reed Township, Dauphin County, Pennsylvania.

(d) The term "outdoor amusement" as used in this Ordinance shall mean and include any outdoor theatrical, musical or dramatic performance, festival or carnival, or any other outdoor exhibition, show, entertainment or amusement of any similar nature or kind, for which an admission fee is charged or for which money or any other reward of any nature is in any manner demanded, expected or received. The term "outdoor amusement" shall not include any church or school affair, nor any performance or exhibition that, in the opinion of the Board of Supervisors of the Township, is conducted solely for benevolent or charitable purposes.

(e) The word "person" as used in this Ordinance shall mean any natural person, partnership, association, firm or corporation.

(f) The term "Township" as used in this Ordinance shall mean Reed Township, Dauphin County, Pennsylvania.

(g) The word "Township Secretary" as used in this Ordinance shall mean the Secretary of the Board of Supervisors of Reed Township of Dauphin County, Pennsylvania.

(h) The word "Township Treasurer" as used in this Ordinance shall mean the Treasurer of the Board of Supervisors of Reed Township, Dauphin County, Pennsylvania.

(i) In this Ordinance, words in the singular shall include the plural and the masculine shall include the feminine and neuter.

### SECTION 3. License Requirement

No person either as principal or agent shall conduct or hold, nor shall permit the conduct or holding on premises owned or under the control of such person, any "outdoor amusement" in the Township unless the same shall have been licensed according to the provisions of this Ordinance. An application for the license required by this Ordinance must be filed with the Township Secretary at least ninety (90) days before the date on which the outdoor amusement is proposed to be held. Such application shall be in writing and shall include:

(a) The full name, address and telephone number of the person who proposes to conduct the outdoor amusement; and

(b) The name, address and telephone number of the person(s) who owns the land on which the proposed

outdoor amusement will be conducted; and

(c) The type of outdoor amusement proposed;  
and

(d) The date or dates on which the proposed outdoor amusement is to be conducted; and

(e) The hours during which the proposed outdoor amusement is to be conducted on each date submitted as required by the preceding sub-paragraph; and

(f) The site on which the proposed outdoor amusement is to be conducted; and

(g) A diagrammatic sketch plan of the proposed site of the proposed outdoor amusement, showing the locations and dimensions of the proposed service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, distribution of security personnel, and provisions for food service and food storage, and parking facilities, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

(h) The specific details relating to:

- (1) Food and drink;
- (2) Sanitary facilities;
- (3) Transportation and parking facilities;
- (4) Security and protection of surrounding areas, including specific reference to the number of marshals assisting in the control of

traffic and supervision of those attending the proposed outdoor amusement;

(5) On-site medical facilities and hospital care;

(6) Janitorial service and post-gathering trash removal and site restoration

(i) The number of people per performance per day which the applicant estimates will attend the proposed outdoor amusement. A separate application must be filed for each site and every application must be duly acknowledged with a statement that the facts set forth therein are true and correct under the penalty of perjury.

#### SECTION 4. License Criteria

No license shall be issued under this Ordinance until:

(a) The application required by this Ordinance has been approved by the Board of Supervisors; and

(b) A certified copy of all State and County permits are filed with the Township Secretary in any instance in which such State and County permits are required to conduct the proposed outdoor amusement. Said permits shall include, but not by way of limitation, all permits required by the Pennsylvania Department of Environmental Resources; and

(c) A certified copy of the contract or lease agreement between the applicant and the landowner if the applicant and the landowners are not one and the same person; and

(d) The Board of Supervisors, or its agents have inspected the premises where the proposed outdoor amusement is to be held to ascertain whether such premises are suitable for the purpose and free from unsanitary, dangerous or hazardous features; and

(e) The cash bond required by this Ordinance has been paid; and

(f) The evidence of public liability insurance required by this Ordinance has been filed with the Township Secretary; and

(g) The license fee required by this Ordinance has been paid;

(h) The Board of Supervisors may cause any other investigation or inspection to be made to secure the facts needed by it to determine if the application should be approved and the license granted. It may reject the application and refuse to grant the license if any unsanitary, hazardous or dangerous conditions exist, or if the location is deemed by it unsuitable because the conduct of the proposed outdoor amusement thereon would create a traffic hazard, or because of the lack of accommodations for the number of persons and/or vehicles likely to be attracted thereto, or if the proposed outdoor amusement is likely to create unnecessary annoyance to the residents or inhabitants of the locality. In every case the Board of Supervisors approving the application and

issuing a license shall state in the license the type of outdoor amusement authorized and the time for which the license is to remain in effect.

#### SECTION 5. Bond Requirement

Every person applying for a license for an outdoor amusement under this Ordinance shall deposit with the Township Treasurer a cash bond which cash bond shall be in the following amounts:

(a) Anticipated attendance less than 250 persons daily - cash bond to be in the amount of \$1,000.00;

(b) Anticipated attendance 250 or more daily but less than 500 persons daily - cash bond to be in the amount of \$2,500.00;

(c) Anticipated attendance 500 or more persons daily but less than 1,000 persons daily - cash bond to be in the amount of \$5,000.00;

(d) Anticipated attendance 1,000 or more persons daily but less than 5,000 persons daily - cash bond to be in the amount of \$10,000.00;

(e) Anticipated attendance 5,000 or more persons daily but less than 10,000 persons daily - cash bond to be in the amount of \$25,000.00;

(f) Anticipated attendance 10,000 or more persons daily but less than 20,000 persons daily - cash bond to be in the amount of \$40,000.00;

(g) Anticipated attendance 20,000 or more persons daily - cash bond is to be in the amount of \$50,000.00.

Said cash bond shall be conditioned for the faithful observance of the provisions of this Ordinance and the saving harmless of the Township of any and all liabilities and causes of action which might arise by virtue of the granting of said license in said Township, and conditioned further that no damage will occur to the streets, bridges and other public or private property in the Township or adjacent thereto as a result of the outdoor amusement, and that the licensee will not permit any dirt, paper or litter or other debris from the outdoor amusement to remain thereon. Said bond shall also be a guarantee for treating with suitable dust layer those unpaved roads in the vicinity of the licensed premises of the outdoor amusement. The licensee shall treat the roads so designated by the Board of Supervisors with suitable dust layer approved by the Board. Said cash bond shall be further conditioned that the applicant will pay the necessary license fees based on actual attendance to the Township Secretary. Said cash bond shall be further conditioned that the applicant will pay to the Township Treasurer the expense of the Township's deploying or employing additional personnel as a direct result of the outdoor amusement. Such cash bond, or the remaining portion thereof, shall be returned upon certification by the Board of Supervisors that all conditions of this Ordinance have been complied with and that the aforesaid property and roads have been placed in neat condition and all debris removed.



SECTION 6. License Fees

Before a license shall be issued to any person whose application under this Ordinance has been approved by the Board of Supervisors, that person shall pay to the Township Secretary a fee according to the following schedule:

(a) Anticipated attendance less than 250 persons daily - \$25.00 per day or fraction thereof;

(b) Anticipated attendance of 250 or more daily but less than 500 daily - \$75.00 per day or fraction thereof;

(c) Anticipated attendance of 500 or more daily but less than 1,000 daily - \$150.00 per day or fraction thereof;

(d) Anticipated attendance of 1,000 or more but less than 5,000 daily - \$500.00 per day or fraction thereof;

(e) Anticipated attendance of 5,000 or more daily but less than 10,000 daily - \$1,000.00 per day or fraction thereof;

(f) Anticipated attendance 10,000 or more but less than 20,000 daily - \$2,000.00 per day or fraction thereof;

(g) Over 20,000 daily - \$3,000.00 per day or fraction thereof;

(h) No portion of the license fee shall be refundable.

## SECTION 7. Liability Insurance

Every applicant for a license under this Ordinance shall furnish satisfactory evidence to the Township Secretary that a public liability insurance policy in the amounts of not less than Three Hundred Thousand (\$300,000.00) Dollars for one person and Five Hundred Thousand (\$500,000.00) Dollars for any one accident will be in force and effect during the period which such outdoor amusement is to be conducted in the Township. Such policy shall be subject to the approval of the Township Solicitor.

## SECTION 8. License

When all of the requirements of this Ordinance have been met and the application has been approved by the Board, the Township Secretary shall issue a license hereunder to conduct the outdoor amusement. Said license shall be issued at least thirty (30) days prior to the date of the outdoor amusement. The license shall in every case state:

(a) The name and business address of the person authorized to conduct the outdoor amusement; and

(b) The type of outdoor amusement authorized;  
and

(c) The date or dates on which the outdoor amusement is to be conducted; and

(d) The hours during which the outdoor amusement is to be conducted on each date or dates authorized by sub-paragraph (c) supra; and

(e) The site on which the outdoor amusement is to be conducted; and

(f) The hour and date on which the license was issued for each site and a separate fee paid for each;

(g) A license shall not be assignable.

#### SECTION 9. Inspection of Premises

After any license has been issued under this Ordinance, the Board of Supervisors, or its agents, shall inspect the site designated therein before any program, show or entertainment is begun to insure that no dangerous, hazardous or unsanitary conditions exist. The Supervisors shall give the licensee a reasonable time as determined by the Supervisors to correct such dangerous, hazardous or unsanitary conditions that may exist. If the applicant does not make appropriate corrections, his license shall forthwith be revoked and no part of the license fee shall be refunded. The cost to the Township of the inspections herein required shall be paid by the applicant in addition to the license fees hereinbefore required.

#### SECTION 10. Hours of Entertainment

No holder of a license under this Ordinance shall make or permit to be made on the licensed premises any programmed entertainment nor any other noise over a loudspeaker or any other amplifying device between the hours of eleven o'clock (11:00) p.m. and nine o'clock (9:00) a.m.

#### SECTION 11. Unauthorized conduct

No person granted a license under this Ordinance shall permit upon the site named therein:

- (a) Any disorderly or immoral conduct; or
- (b) Any gambling; or
- (c) Any sale of obscene literature, pictures, film or other objects; or
- (d) Any indecent, immoral or lewd act or performance; or
- (e) Open nakedness; or
- (f) Any possession, sale or use of intoxicants and/or drugs of any kind.

#### SECTION 12. Revocation of License

This Board of Supervisors shall forthwith revoke any license granted under this Ordinance if at any time dangerous, hazardous or unsanitary conditions develop on the site designated in the license or if the licensee violates in any way any provision of this Ordinance, and in such event no part of the license fee shall be refunded.

#### SECTION 13. Equitable Remedies

The Board of Supervisors shall have the power to institute in the Court of Common Pleas of Dauphin County suits in equity to restrain or prevent violations of this Ordinance. In cases where the Municipality revokes any permits deemed improperly issued under the provisions of this Ordinance, or in other cases where the circumstances require or the public health may be endangered, a mandatory preliminary injunction may be issued upon the terms prescribed by the Court, notice of the application therefore having been given to

the Defendant in accordance with the rules of equity practice, and in any such case the Municipality shall not be required to post bond.

SECTION 14. Summary Proceedings

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution for each violation thereof, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. For this purpose, each day on which a violation exists shall constitute a separate offense.

SECTION 15. Severability

The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included herein.

Ordained and enacted as an Ordinance of the Township of Reed, Dauphin County, Pennsylvania, this *2nd* day of *February*, 1982.

ATTEST:

REED TOWNSHIP BOARD OF SUPERVISORS

  
*Marjorie Sabkey*  
Secretary

*Dale A. Schock*  
Chairman