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CRAWFORD COUNTY

"COURT HOUSE COPY" 79 OCT 9 P 1: 46

SOUTH SHENANGO TOWNSHIP

CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 79-25

ORDINANCE PROVIDING FOR THE LICENSING OF OUTDOOR
AMUSEMENTS IN THE TOWNSHIP OF SOUTH SHENANGO AND
PRESCRIBING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Second Class Township Code, Act of May 1, 1933, P.L. 103, Article I, Section 101, et seq., as amended, provides Supervisors of Second Class Townships with the power, inter alia, to promote the public safety and health of the citizens of a Second Class Township and to regulate the conduct of places of public entertainment, amusement and recreation; and

WHEREAS, South Shenango Township has had and may in the future be requested to permit public assemblages for the purpose of outdoor amusements,

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of South Shenango Township, Crawford County, Pennsylvania, and the same is hereby enacted and ordained, as follows:

Section 1.

(a) The term "outdoor amusement" as used in this Ordinance shall mean and include any outdoor theatrical, musical or dramatic performance, festival or carnival, or other outdoor exhibition, show, entertainment or any outdoor public gathering of any 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, and which is attended by 500 persons or more; provided, however, that the term "outdoor amusement" shall not include any function presented or sponsored by any school district organized pursuant to the authority set forth at the Pennsylvania School Code.

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

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

Section 2.

No person, either as principal or agent shall conduct or hold, nor shall any person permit the conduct or holding on premises owned or under the control of such person, any outdoor amusement in the Township of South Shenango unless such person shall have obtained a license therefore according to the provisions of this Ordinance, which license remains valid and in force. An application for the license required by this Ordinance must be filed with the Secretary of the Board of Supervisors at least sixty (60) 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 names and business addresses of the persons who propose to conduct the outdoor amusement. No license shall be granted to any individual applicant who shall be less than eighteen (18) years of age. If the applicant is a partnership or joint venture, then all parties thereto shall sign as applicants; if the applicant is a corporation, copies of the Articles of Incorporation and Resolution authorizing the application may be required; and

(b) The type of outdoor amusement proposed; and

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

(d) The hours during which the proposed outdoor amusement is to be conducted on each date submitted as required by Subparagraph (c) supra; and

(e) The location and address of the site on which the proposed outdoor amusement is to be conducted and the full legal name and address of the owner and any other person in charge of said premises. Such owner or other person in charge of the property shall sign the application as evidence of his consent to conducting the outdoor amusement thereon; and

(f) The program for the outdoor amusement, or if no program is prepared, a narrative statement as to the purpose for which the public amusement is to be conducted; and

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

(h) A statement of the specific details relating to:

- 1) Food and drink to be available.
- 2) Sanitary facilities.
- 3) Transportation and parking facilities.
- 4) Security and protection of surrounding areas, including specific reference to the number of security personnel or police assisting in the control of traffic and supervision of those attending.
- 5) On site medical facilities and hospital care.
- 6) Janitorial services and provisions for cleanup and trash removal; and

(i) A statement containing the names and addresses of ticket printers to be used and also any plans for assuring the return of monies upon the termination or cancellation of the event as well as the means of notifying said ticket holders of such cancellation; and

(j) Examples of proposed advertising of the event, if any; and

(k) Applicants statement that it shall abide by the terms and provisions of this Ordinance and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Crawford and Township of South Shenango; and

(l) A statement of the number of people per performance per day which the applicant estimates will attend the proposed outdoor amusement.

Section 3.

No license shall be issued under this Ordinance until:

(a) The Board of Supervisors has ascertained to its satisfaction that the proposed public amusement is to be held on suitable premises and under circumstances reasonably calculated, to be free from unsanitary, dangerous or hazardous conditions, either on or about the amusement site, and that the amusement will not create unreasonable noise as prohibited at Section 9 hereof; and

(b) A certified copy of all state and county permits are filed with the Secretary of the Board of Supervisors in any instance in which each state and county permits are required to conduct the proposed outdoor amusement; and

(c) The Board of Supervisors, or their 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, provided, however, that neither such inspection and approval, nor any other act of the Supervisors, or their agents, either consistent with the provisions of this Ordinance or otherwise, shall be deemed to constitute any warranty or guarantee whatsoever as to the safety or suitability of the outdoor amusement site, associated equipment, or proposed activities, and such inspection and approval is conducted exclusively for the limited purpose of establishing minimum standards for the protection of the public interests; and

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

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

(f) The license fee required by this Ordinance has been paid. The Board 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 or 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 4.

Every person applying for a license for an outdoor amusement under this Ordinance shall deposit with the Township Treasurer a cash bond in the sum of Two Thousand Dollars (\$2,000.00) conditioned for the faithful observance of the provisions of this Ordinance and the saving

harmless of the Township of South Shenango from any and all liabilities and causes of action which might arise by virtue of the granting of such 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, 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 designated by the Board of Supervisors. Before any program is commenced, the licensee shall treat the roads so designated by the Board of Supervisors with suitable dust layer approved by the Board. Such cash bond 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 a neat condition and all debris removed. Said cash bond shall be further conditioned that the applicant will pay the necessary license fees based on actual attendance to the Township Secretary.

Section 5.

Every applicant for a license under this Ordinance shall furnish satisfactory evidence to the Township Secretary that a public liability insurance policy in amounts of not less than Three Hundred Thousand Dollars (\$300,000.00) for one person and Five Hundred Thousand Dollars (\$500,000.00) 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 6.

Before a license is 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 500 or more, but less than 1,000 daily - \$25.00 per day or fraction thereof.
- (b) Anticipated attendance 1,000 or more, but less than 2,000 daily - \$50.00 per day or fraction thereof.
- (c) Anticipated attendance 2,000 or more, but less than 3,500 - \$100.00 per day or fraction thereof.
- (d) Anticipated attendance 3,500 or more, but less than 5,000 - \$200.00 per day or fraction thereof.
- (e) Anticipated attendance 5,000 or more, but less than 10,000 - \$350.00 per day or fraction thereof.
- (f) Anticipated attendance 10,000 or more - \$500.00 per day or fraction thereof.

In case of dispute or disagreement as to the number of people in attendance or reasonably anticipated to attend a public amusement, the judgment of the Supervisors shall be controlling.

Section 7.

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. 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 proposed outdoor amusement is to be conducted; and
- (d) The hours during which the outdoor amusement is to be conducted on each date or date authorized by subparagraph (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 shall expire.
- (g) Any special conditions imposed by the Township Supervisors. A separate license must be issued for every site and a separate fee paid for each. A license shall not be assignable.

Section 8.

After any license has been issued under this Ordinance, the Board of Supervisors, or their agents, may inspect the site designated therein before or during any program, show, or entertainment is begun to insure that no dangerous, hazardous and unsanitary conditions exist. The licensee shall correct any such dangerous, hazardous and unsanitary conditions which may exist before any program, show or entertainment is begun. If he does not, his license shall forthwith be revoked, and no part of the license fee shall be refunded.

Section 9.

No holder of a license under this Ordinance shall make or permit to be made any unnecessary or unreasonable noise by loud speaker, amplifying device or any other means which would disturb the residents in the vicinity of the premises wherein such licensed outdoor

amusement is held.

Section 10.

At no time shall any directional signs to the site named in the application for license hereunder be posted along any roads in the Township except those designated by the Board of Supervisors.

Section 11.

No person granted a license under this Ordinance shall permit upon the site 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) Any possession, sale or use of intoxicants and/or drugs of any kind.

Section 12.

The Board of Supervisors or the Township Housing Inspector shall have the authority to revoke and shall forthwith revoke any license granted under this Ordinance if at any time dangerous, hazardous and unsanitary conditions develop on the site designated in the license, or if the outdoor amusement is conducted in a fashion inconsistent with the facts set forth in the license application or the permit issued pursuant thereto, or if the licensee violates in any way any provision of this Ordinance, and no part of the license fee shall be refunded.

Section 13.

Any person who shall violate any of the provisions of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) 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.

Section 14.

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 therein.

ADOPTED by the Township Board of Supervisors this 8th day of Oct., A.D., 1979.

SOUTH SHENANGO TOWNSHIP BOARD OF SUPERVISORS

BY: Gerald P. Meador
President

Carl E. Kuhlert

ATTEST:

BY: Rebecca A. Tokar
Secretary

Marshall S. Livingston

APPROVED:

BY: _____
Mayor

CRAWFORD COUNTY

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