

ORDINANCE NO. 10

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

WHEREAS, the Second Class Township Code, Act of May 1, 1933, P.L. 103 Article 1, 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, the Township of Farmington has had and may in the future be requested to permit the mass gathering of substantial numbers of people for the purposes of mass musical or public entertainment and amusement of various designations and which are not part of a regularly recognized, organized and annual gathering such as County Fairs, Old Times gatherings, Reunions held on property dedicated to general public assemblage; and

WHEREAS, The Board of Supervisors of the Township of Farmington takes public notice that public gatherings of people numbering more than Five Hundred (500) for a continuous period of two (2) hours or more and more than ten percent (10%) of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the public gathering creates hazardous conditions, including but not limited to traffic, solid waste disposal, drugs; including alcoholic beverages, 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 conducting public gatherings is necessary to protect the health, safety and welfare

of the citizens of the Township of Farmington, Tioga County, Pennsylvania. This Ordinance shall be liberally construed to accomplish this purpose.

NOW, THEREFORE, BE IT ORDAINED by the Supervisors of the Township of Farmington, County of Tioga, Commonwealth of Pennsylvania, as follows:

SECTION 1. DEFINITIONS.

A. As used in this ordinance unless the context requires otherwise:

1. "PERSON IN CHARGE OF PROPERTY" means an agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property.
2. "PUBLIC GATHERING" means all assemblies of people for the purpose of public amusement reasonably anticipated to number more than five hundred (500) for a continuous period of two (2) hours or more, more than ten percent (10%) of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the gathering, whether or not an admission fee is charged.
3. "SPONSOR" means any natural person, association, partnership, firm, corporation, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts or causes to be advertised, a public gathering.

SECTION 2. BASIS CLAUSE.

It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a public gathering, unless a permit has been obtained

pursuant to this ordinance. A separate permit shall be required for each public gathering for the period of time designated by the permit.

SECTION 3. PERMIT REQUIREMENT.

A. No public gathering may be held within the boundaries of the Township of Farmington, Tioga County, Pennsylvania unless the sponsor, the owner of property, and the person in charge of property upon which the gathering will be conducted, jointly apply for and be granted a permit as herein provided.

1. No permit shall be available for an extent of more than forty-eight (48) hours duration unless application and permit specifically allow for an extension of that period.
2. No applicant shall be under twenty-one (21) years of age.
3. No permit may be transferred or assigned.
4. In case of dispute over the number of people reasonable anticipated to attend the public gathering, the decision of the Board of Supervisors of the Township of Farmington shall control.

SECTION 4. APPLICATION.

A. Written application for each public gathering shall be made to the Board of Supervisors of the Township of Farmington according to the following schedule:

A gathering numbering 500 - 2,000 persons, twenty (20) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 2,000 - 3,500 persons, thirty (30) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 3,500 - 5,000 persons,
forty-five (45) days prior to the first day
upon which the public gathering is to commence.

A gathering numbering over 5,000 persons, sixty
(60) days prior to the first day upon which the
public gathering is to commence.

B. Application shall be made on forms specified by the
Board of Supervisors of the Township of Farmington
and shall contain at least the following information:

1. The full legal name, address and telephone
numbers of all sponsors.
2. The full legal name and address of the owner
and person in charge of the property to be
utilized for the public gathering.
3. If the sponsor-applicant is a partnership or
joint venture, then all parties thereto shall
sign as applicants. If the sponsor-applicant
is a corporation, copies of the articles of
incorporation, bylaws, and resolution authorizing
the application may be required.
4. The location and address of the property to be
utilized for the public gathering.
5. The program for the public gathering, or if no
program is prepared, a narrative statement as
to the purpose for which the public gathering is
to be conducted.
6. A diagrammatic sketch plan of the proposed site
of the mass gathering showing the locations and
dimensions of the proposed service roads,
portable 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.

7. Evidence that all permits and licenses as required by state and county statutes and rules and regulations enacted thereunder has been obtained, or will be obtained.

8. A statement of the number of persons expected to attend such event and the duration of such attendance.

9. 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.
- (5) On site medical facilities and hospital care.
- (6) Janitorial services and post gathering trash removal.

10. A certified copy of the bond or verified evidence of other suitable financial arrangements, as hereinafter required, must be attached to the application.

11. A statement containing the names and addresses of licensed ticket printers to be used and the plans for assuring the return of monies upon the termination or cancellation of the event as well as the means of notifying potential

and existing ticket holders of such cancellation, where the anticipated number of people attending is over 5,000 persons.

12. Examples of proposed advertising of the event, if any.

13. Applicants' statement that they shall abide by the terms and provisions of this ordinance, and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Tioga and Township of Farmington.

C. Each application shall be accompanied with a cash fee to cover the cost of inspection, investigation, issuance, and administration of the permit in the following amounts:

<u>Persons Reasonably Anticipated</u>	<u>Amount of Fee</u>
500 to 2,000	\$ 50.00
2,000 to 3,500	100.00
3,500 to 5,000	250.00
5,000 to 10,000	500.00
over 10,000	2,000.00

1. No part of the permit fee is refundable.

D. The Board of Supervisors, or their agent, shall either grant or deny the application for permit according to the following schedule:

A gathering numbering 500 - 2,000 persons, five (5) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 2,000 - 3,500 persons, ten (10) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 3,500 - 5,000 persons, fifteen (15) days prior to the first day upon which the public gathering is to commence.

A gathering numbering over 5,000 persons, twenty (20) days prior to the first day upon which the public gathering is to commence.

SECTION 5. BOND OF INDEMNITY, INSURANCE.

A. The applicants shall submit with their application

a corporate bond of indemnity in a form approved by the Township Solicitor, or cash deposit to save and protect township streets, pavements, bridges, road signs and all other township property from any and all damage that might be caused by vehicles, employees, or participants in the public gathering, and to be used, if necessary, to restore the premises where such public gathering is held to a sanitary condition and pay all charges and losses to the township for damages to the streets, pavements, bridges, and all other township property.

1. Should the permitted public gathering necessitate that the township deploy or employ additional personnel as a direct result of the public gathering, such added expense shall be recoverable from the principals and/or their indemnitor. The cash deposit or its balance will be returned to the applicants upon final audit of the township as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessitated.

2. The corporate bond of indemnity or cash deposit shall be in the following amounts:

<u>Persons Reasonable Anticipated</u>	<u>Cash Deposit or Bond Amount</u>
500 to 2,000	\$ 500.00
2,000 to 3,500	1,000.00
3,500 to 5,000	2,000.00
5,000 to 10,000	10,000.00
over 10,000	25,000.00

3. The property owner or person in charge of the property making application shall sign as an additional indemnitor, to insure against damage to streets, pavements, bridges, road signs, and all other township property, to meet costs of the township for deploying or employing personnel

directly attributable to the conduct of the public gathering, and to insure that the property will be restored to a sanitary condition.

SECTION 6. CONDITIONS OF APPROVAL.

A. No permits shall be issued by the Board of Supervisors of the Township of Farmington, or their agent, unless all of the conditions recited herein have been satisfactorily concluded according to the following schedule:

A gathering numbering 500 - 2,000 persons, six (6) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 2,000 - 3,500 persons, eleven (11) days prior to the first day upon which the public gathering is to commence.

A gathering numbering 3,500 - 5,000 persons, sixteen (16) days prior to the first day upon which the public gathering is to commence.

A gathering numbering over 5,000 persons, twenty-one (21) days prior to the first day upon which the public gathering is to commence.

1. Sanitary Facilities: Written approval of the Pennsylvania Department of Environmental Resources, indicating that applicants' plan for water supply, toilet facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable state and County laws, rules and regulations relating to the public health.

2. Public Safety: Written statement of the Township of Farmington Constable indicating that plans have been made to meet the following conditions:

- a. Applicants have provided for adequate traffic control and crowd control personnel.
 1. e. one marshall for every fifty (50) motor vehicles reasonably anticipated to be at the location and one marshal for each one hundred fifty (150) persons reasonably anticipated to be in attendance.
 - b. A list of those marshalls must be presented to the Township of Farmington Constable with the application. The marshalls must be orientated and instructed by the Constable and the sponsor of the public gathering prior to the commencement of the gathering.
 - c. Applicants have completely enclosed the ground where the public gathering is to be held with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height.
 - d. Adequate lighting must be provided subject to approval of the Board of Supervisors.
3. Medical Services: Written approval by the Pennsylvania Department of Environmental Resources indicating that sufficient medical service has been provided by the applicant. Each public gathering shall have as a minimum one ambulance staffed by two adult individuals trained in the first-aid techniques in attendance at all times.
4. Parking Facilities: Written approval of the Township of Farmington Constable indicating that parking is available within or adjacent to the premises upon which the public gathering is to be conducted as herein provided:

- a. Such parking facilities shall provide parking space for one vehicle for every four persons reasonably anticipated to be in attendance at the public gathering.
- b. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area; provided, however, that should buses be used to transport the public to the public gathering, it shall be shown that public parking, as described above, is available at any site from which buses are scheduled to pick up persons to transport them to the public gathering.

SECTION 7. STRUCTURES.

All facilities, including stage, to be specially assembled, constructed, or erected for the public gathering must be in place at least twenty-four (24) hours before the commencement of the public gathering and be approved by the Township of Farmington Supervisors or their approved agent.

SECTION 8. CONDUCT OF PUBLIC ASSEMBLY.

- A. No permittee, or persons having control of the public gathering, shall condone the presence of alcoholic beverages or drugs or the consumption of alcoholic beverages or drugs on the property and no person during the public gathering shall take or carry onto the property, or consume thereon, alcoholic beverages or drugs.
- B. The burden of preserving order during the public

gathering is upon the permittees of the public gathering. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this ordinance, or other ordinances of Tioga County or of the Township of Farmington, of the permit granted hereunder may be cause for immediate revocation of the permit by the Board of Supervisors of the Township of Farmington or by the Pennsylvania Department of Environmental Resources upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

G. The Board of Supervisors of the Township of Farmington, its authorized agents and representatives, and the representatives of the county and township departments having responsibility for approval under this ordinance shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

D. No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than five hundred (500) feet from any school house, church, dwelling unit, or any other place of permanent human habitation, and there will be no programmed entertainment provided between the hours of eleven

o'clock p. m. and ten o'clock a. m.

- E. If at any time during the conduct of the public gathering, the number of persons in attendance exceeds by ten percent (10%) the number of persons represented by the applicants for the permit anticipated to be in attendance, the Board of Supervisors of the Township of Farmington, the Pennsylvania Department of Environmental Resources, or the Township Constable, shall have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.
- F. Any applicant with more than a ten percent (10%) proprietary interest, if any, in the public gathering, and the owner of property or person in charge of the property, or their designated agents or representatives shall be required to be in attendance at the public gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any state, county, or township laws, rules or regulations.
- G. Public gatherings operating without a permit under this ordinance based on a reasonable anticipation of less than Five Hundred (500) persons in attendance, shall limit attendance therein to Four hundred ninety-nine (499) persons, and printed tickets, if utilized, cannot number more than four hundred ninety-nine (499).

SECTION 9. PENALTIES.

Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering

without obtaining the permit provided in this ordinance, or who knowingly conducts, permits or allows a public gathering with a permit but in violation of the terms and provisions of this ordinance and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, shall upon conviction thereof by any Justice of the Peace, be subject to a fine of not less than Three Hundred (\$300.00) Dollars, together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days. A failure from day-to-day to comply with this ordinance shall be a separate offense for each day.

SECTION 10. CONFORMANCE WITH OTHER LAW.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all state laws, rules and regulations, county and township ordinances which are now, or may be in the future, in effect which pertain to the conduct of public gatherings.

SECTION 11. SEPARABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

ORDAINED AND ENACTED as an Ordinance of the Township of Farmington, Tioga County, Pennsylvania, this _____ day of November, 1980.

TOWNSHIP OF FARMINGTON
COUNTY OF TIoga
STATE OF PENNSYLVANIA

BY: Kenneth Butler
Charles F. Johnson
Bernard J. Stratton