

THOMPSON TOWNSHIP
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 31

**AN ORDINANCE RELATING TO THE CONDUCT OF PUBLIC GATHERINGS;
ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES;
PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING
PENALTIES; AND OTHER MATTERS PERTAINING THERETO.**

Whereas, the Second Class Township Code, Act of May 1, 1933, (P.L. 103, No. 69) as codified in 53 P.S. § 66501 *et seq.*, as amended, provides townships of the second class with the authority and power to promote and protect the public safety and health of the citizens, as well as prohibit nuisances within the township, as well as to regulate the conduct of places of public entertainment, amusement and recreation; and

Whereas, Thompson Township has been and may in the future be a location for mass gatherings of substantial numbers of people for purposes of public entertainment, amusement, and recreation at various designations throughout the township, whether such gatherings be held on private property or property dedicated to general public assemblage; and

Whereas, the Board of Supervisors of Thompson Township takes notice that public gatherings of people numbering more than five hundred (500) for a continuous period of six (6) hours or more, may create hazardous conditions or nuisances, including, but not limited to, excessive vehicular and pedestrian traffic, failure to have proper solid waste disposal, sanitation and sewage disposal facilities, excessive noise, disorderly or lewd conduct; and other illegal conduct or acts, all of which constitute a direct threat to public health, safety and welfare, or constitute a public nuisance; and

Whereas, the Board of Supervisors has studied and determined that an Ordinance which prescribe the procedure, rules and regulations for conducting public gatherings is necessary to protect the health, safety and welfare of the citizens of Thompson Township, as well as eliminating public nuisances from occurring within Thompson Township and desires to adopt an Ordinance to accomplish these objectives;

Now, therefore, Be It Ordained by the Supervisors of Thompson Township, County of Susquehanna, Commonwealth of Pennsylvania, and it is hereby Ordained as follows:

Section I. Title.

This Ordinance shall be known as the Thompson Township Public Gathering Ordinance.

Section II. Definitions.

As used in this Ordinance, unless context requires otherwise:

- A. "Person in charge of Property" means an agent and his principal, occupant, lessee, contract purchaser, or persons other than the owner, having possession or control of property in Thompson Township.
- B. "Public Gathering" means all assemblies of people gathered for purposes of public entertainment, amusement or recreation, reasonably anticipated to number more than five hundred (500) for a continuous period of six (6) hours or more, whether or not an admission fee is charged.
- C. "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 III. Prohibited Activity.

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 permit shall be required if the attendees will be (1) outdoors; (2) in structures specially constructed, erected, or assembled for the sole purpose of conducting the public gathering; or (3) in structures not already licensed for conducting such public gatherings. A separate permit shall be required for each public gathering for the period of time designated by the permit.

Section IV. Permit Requirements.

A. No public gathering may be held within the boundaries of Thompson Township, Susquehanna 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 are granted a permit as herein provided.

- (1) No permit shall be granted for a public gathering of more than forty-eight (48) hours duration unless the application specifically requests, and the permit specifically allows an extension.
- (2) No applicant shall be under eighteen (18) years of age.
- (3) No permit may be transferred or assigned.
- (4) In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Board of Supervisors of Thompson Township shall control, based on all facts available and brought to its attention by whatsoever source.

Section V. Application Process.

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

For a public gathering numbering 500 to 2,000 persons, written application must be made thirty (30) days prior to the first day upon which public announcement, promotion or advertising is to be made or the day upon which the public gathering is to commence, whichever occurs first.

For a public gathering numbering 2,001 or more persons, written application must be made sixty (60) days prior to the first day upon which public announcement, promotion or advertising is to be made or the day upon which the public gathering is to commence, whichever occurs first.

B. Written application for a permit shall be made on forms provided by the Board of Supervisors of Thompson Township and shall contain at least the following information:

(1) The full legal names, addresses 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 partners and parties to the joint venture thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, and corporate resolution authorizing the application shall 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 plan of the proposed site of the public gathering showing the location and dimensions of the area where the, programmed entertainment, amusement or recreation is to be conducted, areas for spectators, or persons attending the event, all structures existing and to be constructed, proposed parking area and service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, facilities for staging and distribution of security personnel, and facilities for food and beverage storage, preparation and service, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

(7) Proof that a permit has been obtained from the Council of Governments Sewage Enforcement Committee with respect to use of portable sewage disposal facilities, as well as the disposal and/or discharge of said sewage as required by the Sewage Facilities Act.

(8) Evidence that an approved emergency services plan has been obtained from the Susquehanna County Emergency Management personnel. Said emergency management plan shall specifically state the number of ambulances and EMT personnel required to be present at the public gathering.

(9) Evidence that all permits and licenses required by State and County statutes, ordinances and regulations enacted thereunder have been obtained, or will be obtained.

(10) A statement of the number of persons expected to attend the public gathering and the duration of the public gathering.

(11) A statement regarding the first day upon which public announcement, promotion, or advertising is to be made.

(12) Specific information and details relating to:

i. Food and drink facilities and providers thereof.

ii. Sanitary and waste disposal facilities and providers thereof.

iii. Transportation and parking facilities.

iv. Security and protection of surrounding areas, including specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending, and providers thereof.

v. The procedures to be utilized, if any, to inspect and search participants for weapons, controlled substances, and/or contraband.

vi. On-site medical facilities and providers thereof.

vii. Janitorial services and post-gathering trash removal and site restoration and providers thereof.

viii. Lighting and other utility services.

(13) Certificates of Insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing Comprehensive General Liability Insurance or Special Event Public Liability, in an amount of at least \$1,000,000.00 (1 Million Dollars) for personal injury and \$100,000 (One Hundred Thousand Dollars) for property damage, which policies shall name the Township as additional named insured.

(14) Examples of proposed advertising of the event, if any.

(15) Applicants' statement that they shall abide by the terms and provisions of this Ordinance, and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, County of Susquehanna, and Township of Thompson.

C. Each application will acknowledge and consent to the potential participation of appropriate law enforcement personnel in connection with the inspection of patrons prior to entering the public gathering for any weapons, controlled substances, and/or contraband. Any public advertisement or tickets shall plainly state that attendance and/or participation at the public gathering shall be conditioned upon the patron consenting to a potential search of his or her person, vehicle, and bags, containers, purses, luggage, or similar items which the patron attempts to take to the public gathering.

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

No. Persons Reasonably Anticipated	Fee
500 - 1,000	\$150.00
1,001 - 1,500	\$250.00
1,501-2,000	\$350.00
Over 2,000	\$500.00

In the event that the public gathering is cancelled or not conducted, for whatever reason, the permit fee will be refunded by the Township, less \$100, which will be retained to cover administrative costs.

E. The Board of Supervisors, or their agent, shall either grant or deny the permit within fourteen (14) days of the submission of the completed application together with all of the items required by this Ordinance.

Section VI. Bond of Indemnity.

A. As an additional condition to the issuance of a permit for a public gathering as defined herein, the Township of Thompson may require, at its discretion after consideration of the

application submitted, that the Applicant submit a bond, with a licensed commercial surety, letter of credit or cash as security deposit in an amount to be determined in accord with the schedule set forth below and in a form approved by the Township Supervisors to save and protect and indemnify the Township from any loss or expense sustained as a result of (1) loss or damage to Township streets, pavements, bridges, road signs, and all other Township property caused by persons sponsoring, working at, or attending and participating in the public gathering and any and all vehicles or other instrumentalities in their control, and (2) failure of the persons to whom a permit was issued to perform their obligations under the permit granted by the Township including, but not limited to, such things as restoring the premises where the public gathering was held to a sanitary condition, or providing necessary security or traffic control.

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

No. Persons Reasonably Anticipated	Cash/Bond Amount
500 to 1,000	\$500.00
1,001 to 2,000	\$1,000.00
Over 2,000	\$5,000.00

The Board of Supervisors may, in its discretion, require a bond and/or cash in a greater amount than listed above where circumstances warrant greater protection for the Township.

Section VII. Conditions of Approval.

A. Any permit issued by the Board of Supervisors of Thompson Township, or its duly appointed agent, shall be expressly conditioned upon the satisfaction and completion of the conditions recited in this Section, according to the following schedule:

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

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

B. Failure to satisfy the following conditions within the time frame set forth above shall constitute grounds for the immediate revocation of the Permit by the Township and the cancellation of the public gathering:

(1) Sanitary Facilities: A written permit from the Council of Governments Sewage Enforcement Committee, indicating that the applicants' plan for sanitary toilet facilities, sewage disposal facilities, washing facilities, conforming with applicable laws, ordinances, rules and regulations relating to the Sewage Facilities Act.

(2) Water and Food Preparation: Written approval, as applicable, from the Department of Health relative to water supplies and food preparation.

(3) Public Safety / Security: Applicants must demonstrate that a plan, and means to implement the plan, exists to provide for adequate traffic control and crowd control. Identification of the security personnel, or company or persons supplying this service must be provided. The Supervisors, or their designated agent, in their sole discretion may require

additional security personnel depending upon the circumstances presented by a particular public gathering.

- (4) **Public Safety / Inspections:** Applicants must demonstrate that a plan, and a means to implement the plan, if necessary, exists to provide adequate inspections of patrons, vehicles, handbags, containers, bags and similar items for weapons, controlled substances, and/or contraband. Applicants must further demonstrate that the advertisements and/or tickets to the event clearly indicate that patrons may be subject to security searches for weapons, controlled substances and/or contraband. Applicants must also indicate whether they have contacted the Pennsylvania State Police for assistance in said public safety inspections.
- (5) **Enclosures:** Applicants must demonstrate a plan, and means to implement the plan, exists to have the location where the public gathering is to be held enclosed with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height, if admission is charged and attendance is reasonably expected to exceed 2,000 persons.
- (6) **Medical Services:** Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the public gathering. Applicants must demonstrate the presence of the requisite number of ambulances and EMT personnel as required by the Emergency Management Plan.
- (7) **Parking Facilities.** Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. There must be adequate parking facilities to accommodate one vehicle for every four persons reasonably anticipated to be in attendance. There must also be provided adequate ingress and egress to and from parking areas to facilitate the movement of any vehicle at any time to or from the parking area and to permit access of emergency vehicles.
- (8) **Noise.** Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide limitations upon excessive and unreasonable noise levels from arising out of the public gathering.

Section VIII. Conduct of Public Assembly.

A. The public gathering must maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, and medical service facilities, and other facilities and utilities provided in accordance with the plans submitted and approved, and in a safe and healthful manner. The sponsor, owner and/or person in charge of property shall be liable for all expenses incurred in connection with these services.

B. The sponsor, owner and person in charge of property shall not allow or condone any illegal conduct on the premises, including, but not limited to, disorderly conduct or illegal possession, sale or use of controlled substances or intoxicating beverages.

C. The burden of preserving order during the public gathering is upon the sponsor, owner and person in charge of property. 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 Susquehanna County or Thompson Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation by the Board of Supervisors of Thompson Township or by the Department of Environmental Protection or by the Pennsylvania State Police, upon notification to the sponsor, owner and/or person in charge of the property that a violation exists and the failure of the person in charge of the property to take immediate action to correct the violation. Upon revocation of any permit, the sponsor, owner and/or person in

charge of the property shall immediately terminate the public gathering and provide for the orderly dispersal of those in attendance.

D. The Board of Supervisors of Thompson Township, its authorized agents and representatives, 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.

E. No programmed entertainment, amusement or recreation or use of sound amplification equipment shall be provided or permitted between the hours of 12:00 A.M. and 8:00 A.M.

F. The sponsor, owner or person in charge of the property 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, ordinances, rules or regulations. The Board of Supervisors, or their authorized representative, may, in their discretion, designate an agent for the sponsor, owner and person in charge of the property to be present in place of the sponsor, owner or person in charge of the property. In the case that an applicant desires such a designated agent, the request for such designation must appear in the permit application and be approved.

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).

H. At the conclusion of the program, the sponsor, owner, and person in charge of the property, or their designated agent(s) shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the permitted premises, except permanent residents, unless overnight camping or other facilities were approved by the Township pursuant to the application process and this Ordinance.

Section IX. Conformance with Other Law.

This Ordinance shall in no way be substitute for, nor eliminate the necessity of, complying with any and all federal and 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 X. Penalties.

Any person who initiates, organizes, promotes, permits, conducts, or causes to be advertised a public gathering without obtaining the permit required under this Ordinance, or who knowingly conducts, permits or allows a public gathering with a permit but in violation of the terms and conditions this Ordinance and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof by any District Magistrate, shall be subject to a fine of not more than Two Thousand Five Hundred (\$2,500.00) Dollars or less than Three Hundred (\$300) Dollars, together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period of not exceeding thirty (30) days.

Section XI. Severability.

The provisions of this Ordinance shall be severable, and if any provisions hereof 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 legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

Section XII. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted as an Ordinance of Thompson Township, Susquehanna County, Pennsylvania, this *1st* day of *March*, 2004.

Thompson Township Board of Supervisors

Chairman *Michael J. Green*

Supervisor *Ardith Callender*

Supervisor *Thomas John*

Attest: *[Signature]*
Secretary *[Signature]*

SEAL: