

AN ORDINANCE OF
CLIFFORD TOWNSHIP
SUSQUEHANNA COUNTY, PENNSYLVANIA

Be It Enacted by the Board of Supervisors of Clifford Township, Susquehanna County, Pennsylvania, as follows:

AN ORDINANCE PROVIDING FOR THE LICENSING OF AND REGULATION OF PLACES OF PUBLIC OUTDOOR AMUSEMENTS IN THE TOWNSHIP OF CLIFFORD, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

Be It Enacted And Ordained by the Board of Supervisors of Clifford Township, Susquehanna County, Pennsylvania, and it is hereby Enacted and Ordained by authority of the same, pursuant to the provisions of the Act of Assembly of May 1, 1933, P. L. 103, Article VII, #702, 53 P. S. 65733, as amended, Cl. XXV; 53 P. S. 65741, as added, renumbered and amended; and Cl. LXII, 53 P. S. 65762, as added, as follows:

SECTION 1: Definitions.

(a) The term "Public 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. Any church, fire company or school affair, or any performance or exhibition conducted solely for benevolent or charitable purposes, shall be required to submit an application as hereinafter provided, but shall not be required to pay the license fee hereinafter provided, nor comply with the other provisions of this Ordinance, unless the Board of Supervisors shall require such compliance in proper cases.

(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 permit the conduct or holding on premises owned or under the control of such person, any "Public Outdoor Amusement" in the Township of Clifford 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 Secretary of the Board of Supervisors at least sixty (60) days before the date on which the public outdoor amusement is proposed to be held.

Such application shall be in writing and shall include:

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

(b) The type of outdoor amusement proposed, including the number of performers, and their names; 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) above; and

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

(f) The maximum number of tickets to be offered for sale for each performance, and the number of people per performance per day, which the applicant estimates will attend the proposed outdoor amusement; and

(g) The food, housing, parking, sanitary, medical, and crowd control arrangements and facilities to be provided by the applicant for each day.

A separate application must be filed for each site and every application must be duly verified by the applicant that the facts set forth therein are true and correct under the penalties of perjury. The Secretary of the Board shall provide official application forms which must be used by the applicant.

SECTION 3:

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 Secretary of the Board of Supervisors in any instance in which such 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; 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 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 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, in 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.

(g) The applicable Pennsylvania Department of Environmental Resources Rules and Regulations including but not limited to Title 25, Chapter 71, Administration of Sewage Facilities Program; Chapter 73, Standards for Sewage Disposal Facilities; Chapter 151, Food Establishments; Chapter 191, Organized Camp and Campgrounds; and Chapter 243, Nuisances, shall be complied with by the applicant.

SECTION 4:

Every person applying for a license for an outdoor amusement under this Ordinance shall deposit with the Township Treasurer a cash bond as follows:

Estimated daily attendance of less than one hundred (100) persons, None; estimated daily attendance of one hundred (100) persons to five thousand (5,000) persons, two hundred fifty (\$250.00) dollar bond; estimated daily attendance of five thousand (5,000) persons to ten thousand (10,000) persons, one thousand (\$1,000) dollar bond; estimated daily attendance of ten thousand (10,000) persons to twenty thousand (20,000) persons, ten thousand (\$10,000) dollar bond; estimated daily attendance over twenty thousand (20,000) persons, twenty five thousand (\$25,000) dollar bond.

Said bond shall be conditioned for the faithful observance of the provisions of this Ordinance and saving harmless the Township of Clifford 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, roads, 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 or therein. Said bond shall also be a guarantee for treating with suitable dust layer those unpaved roads in the vicinity of the licensed premises, and before the outdoor amusement may be 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 and clean condition and all debris removed. Said cash bond shall be further conditioned that the applicant will pay the necessary license fees based on the 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 from an insurance company registered to do business in Pennsylvania, in amounts of not less than Three Hundred Thousand (\$300,00) Dollars for one person and Five Hundred Thousand (\$500,000) Dollars for any one accident, will be in force and effect during the period in which such outdoor amusement is to be conducted in the Township.

SECTION 6:

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 of less than 100 persons daily, none.
- (b) Anticipated attendance of less than 1,000 persons daily, \$ 50.00 per day or fraction thereof.
- (c) Anticipated attendance of more than 1,000 persons but less than 5,000 persons daily, \$ 100.00 per day or fraction thereof.
- (d) Anticipated attendance of more than 5,000 persons but less than 10,000 persons daily, \$ 150.00 per day or fraction thereof.
- (e) Anticipated attendance of more than 10,000 persons but less than 20,000 persons daily, \$ 200.00 per day or fraction thereof.
- (f) Anticipated attendance of more than 20,000 persons daily, \$ 250.00 per day or fraction thereof.

SECTION 7:

...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 public 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 dates authorized by subparagraph (c) above; 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; and
- (g) That the license shall not be assignable.

SECTION 8:

After any license has been issued under this Ordinance, the Board of Supervisors, or their agents, shall inspect the site designated therein before 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 be revoked forthwith, and no part of the license fee shall be refunded.

SECTION 9:

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 obscene 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 10:

The Board of Supervisors 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 licensee violates in any way any provision of this Ordinance, and no part of the license fee will be refunded.

SECTION 11:

Any person who shall violate any of the provisions of this Ordinance, shall upon conviction thereof, in a summary proceeding before any Magistrate in Susquehanna County, be sentenced to pay a fine of not more than \$ 300.00 and the costs of prosecution for each violation thereof, and in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days; provided, however, that each day's violation shall constitute a separate violation of this Ordinance.

SECTION 12:

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 provisions not been included therein.

SECTION 13:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 14:

This Ordinance shall become effective five (5) days after the date of its adoption.

Enacted and Ordained this FIFTH day of OCTOBER, 1977.
(Seventh) (September)

BOARD OF SUPERVISORS
OF CLIFFORD TOWNSHIP,
SUSQUEHANNA COUNTY, PENNSYLVANIA

(s) Paul Vauter

Paul Vauter

(s) Kenneth Jones

Kenneth G. Jones

(s) Dennis Pfahl

Dennis Pfahl

Supervisors

ATTEST:

(s) James Kenyon

James Kenyon

Township Secretary

Ulric J. McHale, Esquire
735 Main Street
Forest City, PA 18421
Township Solicitor