

ORDINANCE OF EAST LAMPETER TOWNSHIP
REQUIRING A PERMIT FOR EVENTS INCLUDING MEDIA
PRODUCTIONS, CIRCUSES, CARNIVALS, RECREATIONAL
ACTIVITIES, ATHLETIC EVENTS AND THE LIKE; AUTHORIZING
THE ESTABLISHMENT OF PERMIT FEES; AND PRESCRIBING
PENALTIES FOR VIOLATION

BACKGROUND:

WHEREAS, the Township recognizes that certain planned events contribute to the fabric of the Township and the County of Lancaster community as a whole. Being so, the Township wishes to encourage such events in order for the community to reap the benefits of such events.

WHEREAS, the Township also recognizes that such events may involve an accumulation of an unusually large number of people and may cause a substantial and disproportionate impact upon township roadways and facilities and require planning for the provision of additional safety personnel to protect the health, safety and welfare of the community, all at a cost to the Township.

WHEREAS, the Township desires to ensure the health, safety and welfare of the community and Township property by ensuring that such events are carried out safely.

WHEREAS, the Township desires to create a permit and fee schedule to alleviate the social and economic burdens of such events in a manner that will continue to allow such events to take place.

WHEREAS, Section 1506 of the Pennsylvania Second Class Township Code, 53 P.S. §66506, provides that "the board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the...health and welfare of the township and its citizens, trade, commerce and manufacturer";

WHEREAS, Section 1527 of the Second Class Township Code, 53 P.S. §66527, authorizes a Board of Supervisors "to adopt ordinances to secure the safety of persons or property within the township";

NOW THEREFORE, the Board of Supervisors of East Lampeter Township does hereby enact and ordain as follows:

Section 1. Definitions.

The following words or phrases, when used in this ordinance, shall have the meaning ascribed to them in this Ordinance, except where the context clearly indicates a different meaning:

CIRCUSES OR CARNIVALS – An itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

EVENT– Any gathering of fifty (50) or more individuals on public property, whether held indoors or outdoors, for any organized purpose, which as a result of the size of the property involved and the number of individuals in attendance is likely to cause an impact, whether social, environmental, economic, or otherwise, on any adjacent property, whether private or public, or on any roadway. Events may include, but are not limited to: media productions, circuses or carnivals, festivals or concerts, artisan or craft exhibitions, athletic events carried on in places other than those specifically designated for such events, and road activities.

MEDIA PRODUCTIONS – Any event, the primary purpose of which is to facilitate the creation, in whole or in part, of a motion picture, television show, radio communication, or otherwise create video, sound, or other communication.

PRIVATE SCHOOL – An educational institution, the contributions to which are tax-deductible for federal income tax purposes. This term includes parochial schools.

PURELY PUBLIC CHARITY – A charity as defined by the Purely Public Charity Act, Title 10, sec. 371 et. seq.

PUBLIC PROPERTY OR RESOURCES – Any property owned by a government entity, including the Township, and any instrumentality of a government entity, including public utilities, government employees or personnel, and the like.

RESPONSIBLE PARTY – The individual or individuals who wish to hold an Event and who will be accountable to the Township in assuring compliance with this Ordinance. There may be more than one Responsible Party, and at least one such individual shall be physically present at the Event for the dates and hours of the Event.

ROAD ACTIVITIES – Any event which will take place primarily on one or more roadways within the Township, including but not limited to: road rallies, motorcades, parades, marches and bicycle or foot races.

SAFETY PERSONNEL – A public servant who may include one or more of the following individuals: police officers, firefighters, fire police, emergency medical

technicians, ambulance personnel, or other like individuals and the entities which coordinate such individuals.

TOWNSHIP – East Lampeter Township.

TOWNSHIP MANAGER – The East Lampeter Township Manager. This term shall also include any person specifically designated by the East Lampeter Township Manager to act on his or her behalf.

Section 2. Permit Required.

It shall be unlawful for any person to hold or conduct any Event, as defined in this Ordinance, within the Township without first having obtained a permit for such Event from the Township Manager for which a fee for the use of the Township or its Safety Personnel shall be paid as established herein.

Section 3. Exemption.

The following Events shall be exempt from the requirement to pay the non-refundable application fee as required by Section 4(2) of this Ordinance, but shall nevertheless be required to apply for and obtain a permit as required by Section 4(1) of this Ordinance:

- A. An Event held by or for the benefit of a government body;
- B. An Event held by or for the benefit of a volunteer fire company or ambulance association; and
- C. Any other Event which is operated in a manner in which substantially all of the net proceeds will be distributed to or are for the benefit of a purely public charity or for a public or private school.

Section 4. Application.

1. A written application for a permit under this Ordinance shall be submitted to the Township Manager by a Responsible Party at least thirty (30) days prior to the Event and shall provide:
 - A. The full name, address, telephone number, date of birth, driver's license number or state identification card number and business affiliation, if any, of the Responsible Party requesting the permit;
 - B. A list of the address(es) or location(s) of the Event, and a map depicting the precise location(s) of the Event;
 - C. The date(s) and hours during which the Event will take place;

- D. A description of the Event, including the purpose of the Event, an approximation of the number of individuals who will be involved, and the nature of the activity or activities to take place during the Event, including any potentially dangerous or hazardous activities;
- E. A statement describing the use of any Public Property or Resources or any public highway, including a description of any necessary traffic control plan;
- F. Whether it is likely that the Event will include use of alcoholic beverages or any other substance that would be likely to cause intoxication;
- G. A description of the safeguards to be taken to protect adjacent properties from the effects of the Event, including noise control, crowd control, air pollutants, and provisions for the disposition of waste and other rubbish which results from the Event, and
- H. Proof of the availability of a policy of liability insurance covering the Event, naming the Township as an additional insured, in an amount which matches the amount of insurance carried by the Township at the time of the application, or \$2,000,000.00, whichever is greater.

2. The Responsible Party shall remit with the application a non-refundable application fee which shall be set by the Board of Supervisors of the Township, pursuant to Resolution.

Section 5. Review of Application. Grant or Denial.

Every application shall be reviewed by the Township Manager within ten (10) business days after the application is submitted.

Upon the review of any application, the Township Manager shall determine the need, if any, for additional safety personnel as a result of the event, determine the cost for such additional safety personnel, and promptly notify the Responsible Party in writing of such cost along with a statement outlining the specific safety personnel required and the purpose for which the safety personnel are required. Within five (5) days of such notice, the Responsible Party shall pay to the Township the full cost of the additional safety personnel.

Upon receipt of the payment of the cost for additional safety personnel, the Township Manager shall grant the application and issue the permit to the Responsible Party.

At all times during the event, the Responsible Party shall have the permit available for inspection.

An application for permit may only be denied for the following reasons:

- 1. The application is incomplete;

2. One or more of the statements in the application is not true;
3. The Responsible Party or any agent or representative of the Responsible Party who will attend the event has previously violated any of terms or provisions of this Ordinance or any prior permit issued thereunder; or
4. The Responsible Party has failed or refused to pay the cost of the additional safety personnel as required by this Section;
5. If more than one application is filed requesting the use of the same location on the same date and during the same time, the Township Manager shall use reasonable efforts to accommodate all applicants. However, if such accommodation is not possible, the application submitted first will be granted, and all subsequent applications will be denied.

In the event one or more of the above are discovered, the Township Manager may, in his or her discretion, deny the application and refuse to grant the permit. Upon denial of an application, the Township Manager shall cause to be issued a letter notifying the Responsible Party of the denial, along with a statement of the reason(s) for such denial, as soon as practical.

Section 6. Cancellation of Permit.

A permit granted under this Ordinance may be cancelled at any time after issuance, up to and until the conclusion of the Event, if any of the reasons for denial of the application as provided in Section 5 should be discovered or become apparent. Upon cancellation of a permit, the Township Manager shall cause to be issued a letter notifying the Responsible Party of the cancellation, along with a statement of the reason(s) for such cancellation, as soon as practical.

Section 7. Refund of Safety Personnel Costs.

A Responsible Party shall not receive a refund of the additional safety personnel costs paid in connection with the issuance of a permit unless:

1. The property on which the Event is to occur is subjected to an act of God, fire, flood, hurricane or other natural disaster which renders the property unusable on the date(s) the Event is scheduled to take place; and
2. The additional safety personnel costs paid by the Responsible Party have not been dedicated to secure such additional safety personnel for the Event by virtue of a contract with the safety personnel.

Section 8. Administration and Enforcement.

Administration and enforcement of this Ordinance shall be functions of the Township. Initial determinations of violation of this Ordinance may be delegated by the Township to an entity deemed fit to make such determinations. The Township, or its designee, shall have the power to issue a notice of violation or citation to any party who appears to have violated the Ordinance and shall have the power to take such other action to preserve public safety, prevent public injury, and maintain the welfare of the Township and its citizens.

Section 9. Violations.

Any person or entity who violates any provision of this Ordinance, or who fails to abide by any and all terms and conditions contained in the permit, upon conviction thereof by summary proceedings before a district justice in the same manner provided for the enforcement of summary offenses, shall be subject to a fine of not less than \$500.00 plus the costs of any additional safety personnel required as a result of the event, together with costs incurred by the Township in enforcing the provisions of this Ordinance. If in default of such costs or fines, the Responsible Party may be confined to the county prison for a period not to exceed 30 days. All fines collected for the violation of this Ordinance shall be paid to the treasurer of the Township for the general use of the Township.

Section 10. Appeals.

Upon denial of an application, cancellation of a permit, conviction of a violation of this Ordinance or denial of refund of safety personnel costs, the Responsible Party may appeal from such denial, cancellation, finding of violation, or refusal of refund within ten (10) days of the date of such to the Township Board of Supervisors. All such appeals will be governed by the Local Agency Law, Title 53, sec. 551 et. seq.

Section 11. Severability.

If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not impair or affect any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 12. Effective Date.

This Ordinance shall become effective 12/1, 2015

DULY ORDAINED AND ADOPTED this 9th day of November, 2015 by the Board of Supervisors of East Lampeter Township.

ATTEST:

BOARD OF SUPERVISORS OF
EAST LAMPETER TOWNSHIP

By: [Signature]
, (Assistant Secretary)

By: [Signature]
, (Vice) Chairman

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on 11/9, 2014, at which meeting the firm was present and voted in favor thereof.

By: [Signature]
, Secretary