

ORDINANCE NO. VIII

AN ORDINANCE PROVIDING FOR THE LICENSING OF
OUTDOOR AMUSEMENTS IN THE TOWNSHIP OF CASCADE
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of
Cascade Township, Lycoming County, Pennsylvania, AND
IT IS HEREBY ENACTED AND ORDAINED by authority of the same pur-
suant to the provisions of the Act of Assembly of May 1, 1933,
P.L. 103 Article VII Par. 702, 53 P.S. 65733, as amended, as
follows:

SECTION 1

DEFINITIONS:

(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 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. The term "outdoor amusement" shall not include any church or school affair, nor any performance or exhibition conducted solely for benevolent or charitable purposes.

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

(c) The term "Township" as used in this Ordinance, shall mean the Township of Cascade.

(d) The term "Municipality" as used in this Ordinance, shall mean the Township of Cascade.

(e) The term "Board of Supervisors" as used in this Ordinance, shall mean the Board of Supervisors of the Township of Cascade.

(f) The word "applicant" as used in this Ordinance, shall mean any person who applied for a license hereunder.

(g) The word "Township Secretary" as used in this Ordinance, shall mean the Secretary of the Township of Cascade.

(h) In this Ordinance, words in 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 "outdoor amusement" in the Township 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 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 outdoor amusement; 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 site on which the proposed outdoor amusement is to be conducted; and

(f) The number of people per performance per day which the applicant estimates will attend the proposed outdoor amusement. A separate application must be filed for each site and every application must be duly acknowledged with a statement that the facts set forth therein are true and correct under the

penalty of perjury. The Township Secretary 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) A certified copy of contract or lease agreement between the applicant and the landowner if the applicant and the landowner are not one and the same person; and
- (d) 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
- (e) The cash bond required by this Ordinance has been paid; and
- (f) The evidence of public liability insurance required by this Ordinance has been filed with the Secretary of the Board; and
- (g) 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 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 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, 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 Twenty-Five Thousand (\$25,000) Dollars conditioned for the faithful observance of the provisions of this Ordinance and the saving harmless of the Township 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 of the outdoor amusement. 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 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 for one person and Five Hundred Thousand Dollars 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 shall issue 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 less than 100 persons daily - \$25.00 per day or fraction thereof.
- (b) Anticipated attendance 100 or more but less than 500 daily - \$125.00 per day or fraction thereof.
- (c) Anticipated attendance 500 or more but less than 1,000 daily - \$250.00 per day or fraction thereof.
- (d) Anticipated attendance 1,000 or more but less than 5,000 daily - \$500.00 per day or fraction thereof.
- (e) Anticipated attendance 5,000 or more but less than 10,000 daily - \$1,000.00 per day or fraction thereof.
- (f) Anticipated attendance 10,000 or more but less than 20,000 daily - \$2,000.00 per day or fraction thereof.
- (g) Over 20,000 daily - \$3,000.00 per day or fraction thereof.

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 was issued for each site and a separate fee paid for each; and
- (g) A 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 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 named 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 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 shall be refunded.

SECTION 13

The Board of Supervisors shall have the power to institute in the Court of Common Pleas of Lycoming County, suits in equity to restrain or prevent violations of this Ordinance. In cases where the Municipality revokes any permits deemed improperly issued under the provisions, or in other cases where the circumstances require it or the public health may be endangered, a mandatory preliminary injunction may be issued

upon the terms prescribed by the Court, notice of the application therefor having been given to the Defendant in accordance with the rules of equity practice, and in any such case the Municipality shall not be required to give bond.

SECTION 14

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 (\$300.00) Dollars 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 15

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 deviation 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.

ENACTED AND ORDAINED this 27 day of September 1975.

ATTEST:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CASCADE

Kay Keller

Milton D. Harris
C. LaMac
James F. Brown

