

TOWNSHIP OF CASCADE

ORDINANCE No. 20

AN ORDINANCE OF THE TOWNSHIP OF CASCADE,
LYCOMING COUNTY, PENNSYLVANIA REGULATING
AND PROVIDING FOR THE LICENSING OF OUTDOOR
AMUSEMENTS AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of
Cascade Township, Lycoming County, Pennsylvania
("Township") and it is hereby ENACTED and ORDAINED by the
authority of the same as follows:

SECTION I: TITLE: This Ordinance shall be known as the
"Cascade Township Outdoor Amusement Ordinance."

SECTION II: AUTHORITY: This Ordinance is enacted
pursuant to the Second Class Township Code §1601.

SECTION III: PURPOSE: The purpose of this Ordinance is
to regulate and provide for the licensing of outdoor
amusements within the Township. It is hereby declared
that the enactment of this Ordinance is necessary for
the maintenance of peace, good government, and the
protection, benefit and preservation of the health,
safety and welfare of the Township and its citizens,
trade, commerce and manufacturers.

SECTION IV: DEFINITIONS: Unless the context
specifically and clearly indicates otherwise, the
meaning of terms used in this Ordinance shall be as
follows:

A. "Applicant" shall mean any person who applied for
a license hereunder.

B. "Board of Supervisors" shall mean the Board of
Supervisors of the Township of Cascade.

C. "Outdoor Amusement" shall mean any outdoor theatrical, musical or dramatic performance, festival or a 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.

D. "Person" shall mean any natural person, partnership, association, firm or corporation.

F. "Township" shall mean Cascade Township, Lycoming County, Pennsylvania.

G. "Township Secretary" shall mean the Secretary of the Township of Cascade.

SECTION V: REGULATION OF OUTDOOR AMUSEMENTS:

A. No person either as principal or agent, shall conduct, hold or permit another to conduct or hold an Outdoor Amusement in the Township unless the same shall have been licensed according to the provisions of this Ordinance.

B. 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 disrupt or cause unreasonable annoyance to the Township residents in the vicinity of the site where the licensed Outdoor Amusement is held.

C. At no time shall any directional signs to the site where the licensed Outdoor Amusement is to be held be posted along any roads in the Township except those designated by the Board of Supervisors.

D. No person granted a license under this Ordinance shall permit upon the site of the licensed Outdoor Amusement:

(1) Any disorderly or immoral conduct.

(2) Any gambling.

- (3) Any sale of obscene literature, pictures, film or other objects.
- (4) Any indecent, immoral, or lewd act or performance; or
- (5) Any possession, sale or use of intoxicants and/or drugs of any kind.

SECTION VI: APPLICATION FOR OUTDOOR AMUSEMENT LICENSE:

A. An application for the Outdoor Amusement license required by this Ordinance must be filed with the Township Secretary at least sixty (60) days prior to the date on which the Outdoor Amusement is proposed to be held.

B. The above application shall be in writing on an official application form provided by the Township Secretary and shall include the following:

- (1) Name and address of the Applicant who will conduct the Outdoor Amusement.
- (2) A description of the proposed Outdoor Amusement.
- (3) The date or dates upon which the proposed Outdoor Amusement is to be conducted.
- (4) The hours during which the proposed Outdoor Amusement is to be conducted on each date set forth above.
- (5) A drawing indicating the site on which the proposed Outdoor Amusement is to be conducted.
- (6) The number of people which the Applicant estimates will attend the proposed Outdoor Amusement on each day set forth above.

C. In addition to the information set forth above, each application for an Outdoor Amusement license shall be accompanied by the following:

- (1) A certified copy of all state and county permits shall be filed with the Township Secretary in any instance in which such state and county permits are required to conduct the proposed Outdoor Amusement.
- (2) A certified copy of the contract or lease agreement between the Applicant and the land owner of the site where the proposed Outdoor Amusement is to be conducted if the Applicant and land owner are not the same person.
- (3) Evidence of public liability insurance as required by this Ordinance.
- (4) A license fee as required by this Ordinance.
- (5) A bond as required by this Ordinance.

D. Every Applicant for a license under this Ordinance shall furnish satisfactory evidence to the Township Secretary that a public liability insurance policy in an amount not less than \$300,000.00 for one person and \$500,000.00 for any one accident will be in force and in effect during the period during which the proposed Outdoor Amusement is to be conducted. Such policy shall name the Township as an insured and shall be subject to the approval of the Township Solicitor.

E. An Applicant for an Outdoor Amusement license shall pay to the Township Secretary, at the time of application, a fee according to the following schedule:

<u>Anticipated Daily Attendance</u>	<u>Fee Per day</u>
Less than 100	\$ 25.00
100 to 499	\$ 125.00
500 to 999	\$ 250.00
1000 to 4999	\$ 500.00
5000 to 9999	\$1,000.00
10,000 to 19,999	\$2,000.00
20,000 and more	\$3,000.00

F. Each Applicant for an Outdoor Amusement license shall deposit with the Township a bond in accordance with the following schedule:

<u>Anticipated Daily Attendance</u>	<u>Amount of Bond</u>
Less than 100	\$ 1,000.00
100 to 499	\$ 3,000.00
500 to 999	\$ 5,000.00
1000 to 4999	\$10,000.00
5000 to 9999	\$15,000.00
10,000 to 19,999	\$20,000.00
20,000 and more	\$25,000.00

Said bond shall be conditioned on the faithful observance of the provisions of this Ordinance and the saving harmless of the Township from any and all liability and causes of action which might arise by virtue of the granting of the Outdoor Amusement license provided for herein. As a further condition of said bond, Applicant shall insure 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 Applicant will not permit any dirt, paper, litter, or other debris from the Outdoor Amusement to remain thereon. Said bond shall also guarantee treating unpaved roads with suitable dust control in the vicinity of the site of the Outdoor Amusement as designated by the Board of Supervisors. Said bond shall be returned upon certification by the Board of Supervisors that all conditions thereof have been complied with and further condition that the Applicant will pay the necessary license fee as based upon actual attendance at the licensed Outdoor Amusement in accordance with the schedule set forth above.

SECTION VII: OUTDOOR AMUSEMENT LICENSE:

A. When all of the requirements for the submission of an application for an Outdoor Amusement license have been met, the application shall be submitted to the Board of Supervisors who shall inspect the proposed site where the proposed Outdoor Amusement is to be held to ascertain whether the premises are

suitable for the purpose and free from unsanitary, dangerous or hazardous features.

B. The Board of Supervisors may cause any other investigation or inspection to be made to secure the facts needed by the Board to determine whether the application should be approved and the license granted. The Board of Supervisors may reject the application and refuse to grant the license if any unsanitary, hazardous or dangerous conditions exist, or if the location is deemed to be 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 people 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.

C. After reviewing the application, the Board of Supervisors, by majority vote, may approve or disapprove the application and issuance of the requested Outdoor Amusement license. If approved, the Board shall state in the license the type of Outdoor Amusement authorized and the time for which the license is to remain in effect.

D. If the license is approved by the Board of Supervisors in accordance with the above, the Township Secretary shall issue a license hereunder to conduct the Outdoor Amusement. The license shall state the following:

- (1) Name and business address of the person authorized to conduct the Outdoor Amusement.
- (2) A description of the Outdoor Amusement authorized.
- (3) The date or dates on which the proposed Outdoor Amusement is to be conducted.
- (4) The hours during which the proposed Outdoor Amusement is to be conducted on each date authorized above.

- (5) The site on which the proposed Outdoor Amusement is to be conducted.
- (6) The roads in the Township where directional signs to the licensed site may be posted.
- (7) That the License shall not be assignable.

SECTION VIII: EXCEPTIONS:

A. The following shall not be required to pay a license fee pursuant to Section VI(e) nor post a bond pursuant to Section VI(f) above:

- (1) A person who qualifies under §501(c)(3) of the Internal Revenue Code and presents certification as such from the Internal Revenue Service.
- (2) A religious organization recognized as such by the Internal Revenue Service.
- (3) An educational organization (e.g. a school) recognized as such by the Commonwealth of Pennsylvania.

B. Any person excepted from paying a license fee or posting a bond as set forth above, must, nevertheless, comply with the other provisions of this Ordinance.

SECTION IX: ENFORCEMENT:

A. This Ordinance shall be enforced by the Board of Supervisors or their designated agent or agents, the Township zoning officer, the Pennsylvania State Police, or any fire department or police department authorized by Resolution of the Township.

B. The Board of Supervisors may revoke any license issued hereunder should they become aware of any dangerous, hazardous or unsanitary conditions which exists either before or during the licensed Outdoor Amusement. No part of the license fee shall be refunded upon revocation of a license issued hereunder.

C. Enforcement of this Ordinance shall be by civil enforcement proceeding before a District Justice or by an action in equity brought in the Court of Common Pleas of Lycoming County. No bond shall be required of the Township in such an equity action.

SECTION X: PENALTIES: If enforced by a civil enforcement proceeding, civil penalties in an amount not to exceed \$600.00 per violation may be prescribed. In addition to or in lieu of civil actions before a District Justice, equitable relief may be granted by the Court of Common Pleas. In a case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in civil proceeding, the violator may be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. The Township shall be exempt from the payment of costs in any civil case brought to enforce this Ordinance in accordance herewith.

SECTION XI: REPEALER: All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed. This Ordinance shall expressly repeal Township Ordinance No. VIII enacted September 27, 1975.

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

SECTION XII: EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 10th day of June,
2006.

ATTEST:

Karin L. Colucci
Secretary

CASCADE TOWNSHIP
SUPERVISORS

Gregory H. James
Supervisor

Matthew R. Alexander
Supervisor

James J. Brown
Supervisor