

JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

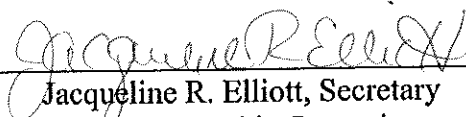
Ordinance No. 2013-100

AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF MONROE, COMMONWEALTH OF
PENNSYLVANIA, 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.

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of the Ordinance enacted by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, on the 14th day of February, 2013.

(TOWNSHIP SEAL)



Jacqueline R. Elliott, Secretary
Jackson Township Supervisors
P.O. Box 213
Reeders, PA 18352

JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

Ordinance No. 2013-100

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, 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) Article 1, Section 101, 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 of the second class township and to regulate the conduct of places of public entertainment, amusement and recreation; and

WHEREAS, Jackson Township has been and may in the future be requested to permit the mass gathering of substantial numbers of people for the purposes of public entertainment, amusement and recreation of various designations, whether such gatherings be held on private property or property dedicated to general public assemblage; and

WHEREAS, the Board of Supervisors of Jackson Township takes public notice that public gatherings of people numbering more than one thousand (1,000) for a continuous period of four (4) hours or more, and more than ten (10%) percent of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the public gathering, may create hazardous conditions, 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; and

WHEREAS, the Board of Supervisors has determined that an Ordinance that prescribes the procedure and rules and regulations for conducting public gatherings is necessary to protect the health, safety and welfare of the citizens of Jackson Township, Monroe County, Pennsylvania, and desires to adopt an Ordinance to accomplish these objectives;

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, pursuant to the above mentioned authority, the following:

SECTION 1. TITLE.

This Ordinance shall be known as and cited as the Jackson Township Public Gathering Ordinance.

SECTION. 2. PURPOSE.

The gathering together of large numbers of people for purposes of public entertainment, amusement or recreation at which the general public is permitted or invited to attend has the potential to disturb the safety, health, peace and tranquility of residents of and visitors to Jackson Township. It is not the intention of this Ordinance to prevent mass gatherings, which are legally protected under the Constitution of the United States. Nor is it the intention of this ordinance to interfere with the operation of commercial enterprises within the township which, in the ordinary and regular course of their businesses, gather together groups of individuals who have privately contracted with the business for entertainment, amusement or recreation, some of which activities may take place outdoors, at a facility specifically designed and constructed for such activities and which is in compliance with existing ordinances regulating that use in the township. Rather it is the purpose of this Ordinance to ensure that such mass gatherings do not disturb safety, health, peace and tranquility by requiring that the persons responsible for mass gatherings address specific details including but not limited to sanitary conditions, security, medical care and cleanup of garbage. Other aspects of safety, health, peace and tranquility may be addressed in other and separate Township Ordinances, including but not limited to those Ordinances addressing sound, lighting, and building permits.

SECTION 3. DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise:

- A. "Person in Charge of Property" means an agent and his principal, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property in Jackson Township.

- B. "Public Gathering" means all assemblies of people gathered for purpose of public entertainment, amusement or recreation, reasonably anticipated to number more than one thousand (1,000) for a continuous period of four (4) hours or more, more than ten (10%) percent of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the gathering, whether or not an admission fee is charged. In determining whether a gathering is for purposes of public entertainment, amusement or recreation, the following factors shall be considered:
 - Whether or not the general public is permitted or invited to attend

- Whether the gathering is advertised in such a manner that the public is invited or permitted to attend.
 - Whether the gathering is advertised, conducted and managed in such a way that the public is invited or permitted to attend.
- 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 4. 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 separate permit shall be required for each public gathering.

SECTION 5. PERMIT REQUIREMENTS.

- A. No public gathering may be held within the boundaries of Jackson Township, Monroe 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 of that period.
 2. No applicant shall be under twenty-one (21) 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 Jackson Township shall control, based on all facts available and brought to its attention by whatever source.

SECTION 6. APPLICATION.

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

For gatherings numbering 1,000 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.

For gatherings numbering 2,000 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.

B. Applications shall be made on forms specified by the Board of Supervisors of Jackson 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 mass gathering showing the locations 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 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. Evidence that all permits and licenses as required by State and County statutes, ordinances and regulations enacted thereunder have

been obtained, or will be obtained.

8. A statement of the number of persons expected to attend such event and the duration of such event.
9. A statement regarding the first day, upon which public announcement, promotion, or advertising is to be made.
10. Specific information and details relating to:
 - a.) Food and drink facilities and providers thereof.
 - b.) Sanitary and waste disposal facilities and providers thereof.
 - c.) Transportation and parking facilities.
 - d.) 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.
 - e.) On site medical facilities and providers thereof.
 - f.) Janitorial services and post-gathering trash removal and site restoration and providers thereof.
 - g.) Lighting and other utility services.
11. Certificates of Insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing Comprehensive General Liability, or Special Event Public Liability, in an amount of at least \$1,000,000.00 (One Million Dollars) for personal injury and \$100,000.00 (One Hundred Thousand Dollars) for property damage, which policies shall name the Township as additional named insured.
12. A statement containing the names and addresses of licensed ticket printers to be used and the plans for assuring the return of monies upon

the termination or cancellation of the event as well as the means of notifying potential and existing ticket holders of such cancellation, where the anticipated number of people attending is over 2,000 persons.

13. Examples of proposed advertising of the event, if any.

14. 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 Monroe and Township of Jackson.

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

Persons Reasonably Anticipated	Fee
1,000 to 2,000	\$250.00
2,001 to 3,500	\$350.00
3,501 to 5,000	\$500.00
5,001 to 10,000	\$750.00
over 10,000	\$1,500.00

No part of the permit fee is refundable.

D. The Board of Supervisors, or their agent, shall either grant or deny the application for permit according to the following schedule:

For gatherings numbering 1,000 to 2,000 persons, ten (10) days prior to the first day upon which public announcement, promotion or advertising is to be made.

For gatherings numbering 2,001 or more, twenty (20) days prior to the first day upon which public announcement, promotion or advertising is to be made.

SECTION 7. EXEMPTIONS.

A. The following gatherings are exempt from application of this ordinance:

1. A public gathering as defined shall not be deemed to exist when 1,000 or more persons are gathered at a recreational facility or conference center and are engaged in normal activities for the approved use. Activities and gatherings that occur as part of the approved use and within the ordinary course of business at recreational facilities and conference centers in the township shall be exempt from the application of the Ordinance.

SECTION 8. BOND OF INDEMNITY.

- A. As an additional condition to the issuance of a permit for a Public Gathering as defined herein, the Township may require, at its discretion after consideration of the application submitted, that the Applicant submit a bond, with licensed commercial surety, letter of credit or cash as a security deposit in an amount to be determined in accord with the schedule set forth below and in a form approved by the Township Solicitor to save and protect and indemnify the Township from any loss or expense sustained as a result of (1) loss and 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 vehicles or other instrumentalities in their control; (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; and (3) loss or damage occurring on any adjacent properties.
- B. The corporate bond of indemnity or cash deposit shall be in the following amounts:

Persons Reasonably Anticipated	Cash Deposit or Bond Amount
1,000 to 2,000	\$5,000.00
2,001 to 3,500	\$10,000.00
3,501 to 5,000	\$15,000.00
5,001 to 10,000	\$20,000.00
over 10,000	\$50,000.00

SECTION 9. CONDITIONS OF APPROVAL.

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

A gathering numbering 1,000 - 5,000 persons, five (5) days prior to the first day upon which the public gathering is to commence. A gathering numbering over 5,000 persons, ten (10) days prior to the first day upon which the public gathering is to commence.

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: Written approval of the Pennsylvania Department of Environmental Resources or other responsible governmental agency, indicating that applicants' plan for swimming, potable water supply, sanitary toilet facilities, sewage disposal facilities, washing facilities, and food preparation and service facilities conform with applicable laws, ordinances, rules and regulations relating to the public health.
2. Public Safety:
 - a.) Security: Applicants must demonstrate that a plan, and means to implement the plan, exists to provide for adequate traffic control and crowd control, which plan must include one security person for every fifty (50) motor vehicles reasonably anticipated to be at the location and one security person for each one hundred fifty (150) persons reasonably anticipated to be in attendance. Identification of the security personnel, or company or persons supplying this service must be provided.
 - b.) Enclosures: Applicants must demonstrate that a plan, and means to implement the plan, exists to have the location where the public gathering is to be held separated from any adjacent property containing an occupied residential structure 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.
 - c.) 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. Each Public Gathering shall have as a minimum one ambulance staffed by two adult individuals trained in first-aid techniques in attendance at all times. Identification of the company or person supplying this service must be provided. The Board may require additional Medical Services if, in its sole discretion, it deems them appropriate.

- d.) **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 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 by emergency vehicles.
3. **Structures:** All facilities, including structures, stages, lighting facilities, sanitary facilities and other utilities to be specially assembled, constructed, installed, or erected for the public gathering must be in place and be approved by appropriate state and federal regulatory agencies, if its regulations apply, and by the Township or its duly appointed agent.

SECTION 10. CONDUCT OF PUBLIC ASSEMBLY.

- A. The public gathering permittees 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.
- B. No permittee, or persons having control of the public gathering, shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale, or use of intoxicating beverages or drugs.
- C. The burden of preserving order during the public gathering is upon the permittees of the public gathering. 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 County or of Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit by the Board of Supervisors of Township or by the Pennsylvania Department of Environmental Resources or by the Pennsylvania State Police, upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittees of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance. Failure to immediately comply with any order to terminate the assembly and disperse the public gathering shall result in penalties under Section 11 below.
- D. The Board of Supervisors of Jackson 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 11:00 P.M. and 10:00 A.M. and shall be operated in a location which is less than 500 feet from any school, church, or

place or institution of human habitation, or public road.

- F. Any applicant with more than ten (10%) percent proprietary interest in the public gathering, and the owner of property or person in charge of the property, or their designated agents or representatives, 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 or Township laws, ordinances, rules or regulations.
- G. Public gatherings operating without a permit under this Ordinance based on a reasonable anticipation of less than one thousand (1,000) persons in attendance, shall limit attendance therein to nine hundred ninety-nine (999) persons, and printed tickets, if utilized, cannot number more than nine hundred ninety-nine (999).
- H. At the conclusion of the program, the permittees 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 licensed premises, except permanent residents, unless overnight camping or other facilities were approved by the Township pursuant to the application process and this Ordinance.

SECTION 11. CONFORMANCE WITH OTHER LAW.

This Ordinance shall in no way be a 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 12. PENALTIES.

Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering without obtaining the permit provided in this Ordinance, or who knowingly conducts, permits or allows a public gathering with a permit but in violation of the terms and provisions of 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 One Thousand (\$1,000.00) Dollars, together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

SECTION 13. SEVERABILITY.

The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative

intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 14. REPEALER.

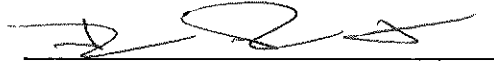
All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 14th day of February, 2013.

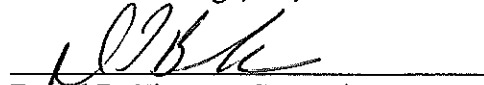
**BOARD OF SUPERVISORS OF
JACKSON TOWNSHIP**



Jack Rader, Jr., Chairman

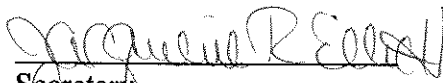


Donald C. Kresge, Sr., Vice Chairman



David B. Thomas, Supervisor

ATTEST:



Secretary

(TOWNSHIP SEAL)