

**TOWNSHIP OF SHENANGO
LAWRENCE COUNTY, PENNSYLVANIA
ORDINANCE NO. 7 OF 2017**

AN ORDINANCE 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, Shenango 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 Shenango Township takes public notice that gatherings of people numbering more than two hundred (200) for a continuous period of two (2) hours or more, and more than ten percent (10%) 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 studied and determined that an Ordinance which prescribes the procedure and rules and regulations for conducting public gatherings is necessary to protect the health, safety and welfare of citizens of Shenango Township, Lawrence County, Pennsylvania, and desires to adopt an Ordinance to accomplish these objectives;

NOW, THEREFORE, Be it Ordained by the Supervisors of Shenango Township, and it is hereby Ordained, as follows:

Section 1. Title

This Ordinance shall be known and cited as the "Shenango Township Public Gathering Ordinance" (hereinafter referred to as "Ordinance").

Section 2. Definitions

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

- A. **"Person in Charge of Property"** means an agent and their principal, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property in Township.
- B. **"Public Gathering"** means all assemblies of people gathered in Shenango Township for purpose of public entertainment, amusement or recreation, reasonably anticipated to number numbering more than two hundred (200) for a continuous period of two (2) hours or more, and more than ten percent (10%) of whom will assemble outdoors or in structures specially constructed, erected, or assembled for the public gathering, whether or not an admission fee is charged.
- 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 3. 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 for the period of time designated by the permit.

Section 4. Permit Requirements

- A. No public gathering may be held within the boundaries of Shenango Township, unless the sponsor, the owner of the 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 Shenango Township shall control, based on all facts available and brought to its attention by whatever source.

Section 5. Permit Application

- A. Written application for each public gathering shall be made to the Shenango Township Board of Supervisors at least sixty (60) days in advance of the gathering.
- B. Written application shall include the following information:
 1. The full legal name, address, and telephone numbers of all sponsors.
 2. The full legal name, address, and telephone numbers of all persons in charge.
 3. The full legal name, address, and telephone numbers of all private property owners where the gathering will be held (if applicable).
 4. If the sponsor-applicant is a partnership or joint venture, then all parties thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, bylaws, and resolution authorizing the application may be required at the discretion of the Board of Supervisors.
 5. The location and address of the property to be used for the gathering.
 6. The program for the public gathering, or if none is prepared, a narrative statement summarizing the purpose and activities expected to occur.

7. A diagrammatic sketch of the proposed site of the gathering showing the locations and dimensions of facilities or services for water and food service, sanitation, sewage and garbage disposal, medical services, parking, and security, as applicable for the type and size of the gathering.
8. A narrative giving specific details of facilities or services for water and food service, sanitation, sewage and garbage disposal, medical services, parking and security, including specific reference to the number of marshals assisting in the control of traffic and supervision of those attending, when applicable for the type and size of the gathering.
 - i. If the proposed plan does not include any of the above facilities or services, but in the judgment of the Board of Supervisors such facilities or services are reasonably needed due to the type and size of the gathering, the application may be rejected until amended, unless reasons for the omission(s) are indicated to the satisfaction of the Board of Supervisors.
 - ii. Applications must include a written plan for water supply, washing and toilet facilities, and food preparation and service facilities, when applicable to the planned gathering, and must comply with all relevant state and county laws relating to the public health.
 - iii. Applications must include a written statement from the Pennsylvania State Police, indicating that adequate plans have been made for traffic control and crowd safety.
 - iv. Any structures specially constructed, erected, or assembled for the gathering must meet all applicable building codes and must be constructed in accordance with all applicable Shenango Township Ordinances, including building permits.
 - v. An estimate of the cost of provided police protection and emergency service and names and addresses and telephone numbers of those who will be providing those services
9. A certified copy of a bond of indemnity or other suitable financial arrangements, as discussed hereinafter in Section 7, must be attached to the application.

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

11. Applicants' statement that they shall abide by the terms and provisions of this Ordinance, other Shenango Township Ordinances, and all laws, rules and regulations of Lawrence County and the Commonwealth of Pennsylvania and that they will pay for all emergency service and police protection and that they indemnify Shenango Township for any claim for payment of the cost of said security or police protection.

Section 6. Application Fees and Schedule of Approval

A. Each application shall be accompanied by a non-refundable cash fee to cover the cost to the Township of inspection, investigation, issuance and administration in the following amounts:

1. Public gathering reasonably anticipated to number 500 up to 1000 persons, One Thousand (\$1,000) Dollars.
2. Public gathering reasonably anticipated to number 1000 or more persons, One Thousand Five Hundred (\$1,500) Dollars.

B. The Board of Supervisors shall either grant or deny the application Fifteen (15) days prior to the date of the gathering.

C. 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. 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.
2. 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 enclosed 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.

3. Medical Services: Applicants must demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the gathering. Each gathering shall have as a minimum one ambulaned 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.
4. Parking Facilities: Applicants must demonstrate that a plain, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in 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.

Section 7. Bond of Indemnity, Insurance

- A. Applicants shall submit with their application a corporate bond of indemnity in a form approved by the Township of Shenango, or cash deposit, to save and protect Township roads, pavements, bridges, road signs and all other Township property from any and all damage that might be caused by vehicles, employees, or participants in the gathering, and to be used, if necessary, to restore the premises where such gathering is held to a sanitary condition and pay all charges and losses to the Township for damages to roads, pavements, bridges, road signs and all other Township property.
- B. Should the permitted gathering necessitate that the Township deploy or employ personnel as a direct result of the gathering, such added expense shall be recoverable from the application and/or their indemnitor.
- C. The Corporate bond of indemnity or cash deposit shall be made in the following amounts:

1. Public gathering reasonably anticipated to number 200 up to 1000 persons, Thirty Thousand (\$30,000) Dollars.
2. Public gathering reasonably anticipated to number more than 1000 but less than 2000 persons, Thirty Thousand (\$30,000) Dollars.
3. Public gathering reasonably anticipated to number 2000 or more persons, Fifty Thousand (\$50,000) Dollars.

D. A cash deposit or its balance shall not be returned to the applicants until a final audit by the Township as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessary and the cost of said personnel will be applied to payment for cash deposit or bond of the applicant.

Section 8. Access to Public Gathering Site by Officials

The Shenango Township Board of Supervisors and/or its authorized agents and representatives, as well as agents and representatives of all governmental bodies participating in the approval process, shall be granted access to the gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

Section 9. Limitation of Access by Additional Persons to Public Gathering Site

If at any time during the conduct of the gathering the number of persons exceeds by 10% the number represented by the applicants to be reasonably expected to be in attendance, the Board of Supervisors and/or the Pennsylvania State Police shall have at their discretion the authority to limit further admission or attendance until all safety, sanitary, sewage, parking and related concerns necessitated by the presence of additional persons are met.

Section 10. Conduct of the Public Gathering

- 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 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 Lawrence County or Shenango Township, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit granted hereunder may be cause for immediate revocation of the permit by the Board of Supervisors of Shenango Township 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.
- D. The Board of Supervisors of Shenango 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 shall be provided or permitted between the hours of 11:00 P.M. and 10:00 A.M. and shall not be operated in a location which is 500 feet from any school, church, or place or institution of human habitation, or public road.

Section 11. Severability

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 12. Penalties

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefor in a civil proceeding commenced by this Township, pay a civil penalty of not less than Two Hundred (\$200) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township.

Section 13. Inconsistent Ordinances Repealed

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

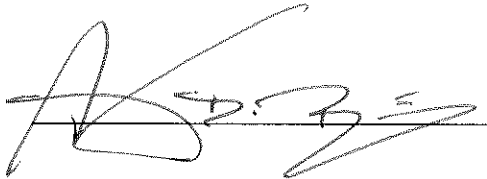
Section 14. Effective Date.

This Ordinance shall take effect 5 days following the said date of enactment.

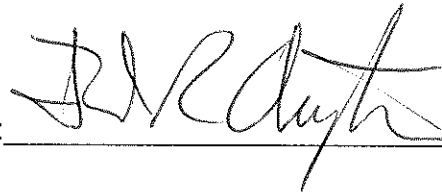
ORDAINED AND ENACTED INTO LAW, this 12th day of OCTOBER, 2017, by the Shenango Township Board of Supervisors.

Attest:

TOWNSHIP OF SHENANGO

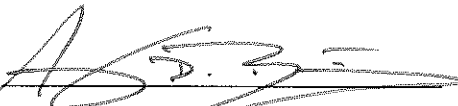


Albert Burick, III, Secretary

By: 

Frank Augustine, Chairman

By: 
Russell J. Riley, Supervisor

By: 
Albert Burick, III, Supervisor