

Adopted by the Board of Supervisors of the Township of Franklin on April 23, 1992, as Ord. No. 1-92. Section _____

ASSEMBLIES, PUBLIC

1. Definitions.
2. Permit required; limitations
3. General regulations.
4. Permit applications; fees; grant or denial of permit.
5. Bond of indemnity or case deposit; additional indemnitors.
6. Liability insurance.
7. Conditions for approval.
8. Structures.
9. Conduct.
10. Suits in equity.
11. Violations and penalties.
12. Additional provisions.

1. Definitions.

As used in this Ordinance, unless the context requires otherwise, the following terms shall have the meaning indicated:

PERSON IN CHARGE OF PROPERTY -- An agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property in Franklin Township.

PUBLIC GATHERING -- All assemblies of people open to the public, or where the public at large is invited to attend, reasonably anticipated to number more than one (1) person for a continuous period of two (2) hours or more, more than ten percent (10%) of whom will assemble outdoors or in structures specially constructed, erected or assembled for the gathering, whether or not an admission fee is charged. The term "public gathering" shall not include annual gatherings, such as county fairs, old times gatherings and reunions, held on

property dedicated to general public assemblage or any performance or exhibition that, in the opinion of the Board of Supervisors of the township, is conducted solely for benevolent or charitable purposes.

SPONSOR -- 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.

2. Permit required; limitations.

It shall be unlawful for any sponsor, owner of property or person in charge of property to initiate, 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. Public gatherings in excess of one thousand (1,000) persons are hereby prohibited.

In the event that more than one application for a permit is made, in whole or in part for the same forty-eight (48) hour period, the Supervisors of Franklin Township, in their discretion for the public health, safety, and welfare of the citizens of Franklin Township may limit the number of public assemblies under this Ordinance to one. In such event, the first applicant to successfully complete the application process as defined by this Ordinance shall prevail.

3. General regulations.

No public gatherings may be held within the boundaries of Franklin Township, Erie 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.

- A. No permit shall be available for an extent of more than forty-eight (48) hours' duration unless the applicant requests and the permit specifically allows for an extension of that period.
- B. No applicant shall be under twenty-one (21) years of age.
- C. No permit may be transferred or assigned.
- D. In case of a dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Board of Supervisors of Franklin Township shall control.

- E. An application for the permit required by this Ordinance must be filed with the Township Secretary at least thirty (30) days before the date on which the public gathering is proposed to be held.

4. Permit applications; fees; grant or denial of permit.

- A. Applications shall be made on forms specified by the Board of Supervisors of Franklin Township and shall contain at least the following information:

- (1) The full legal name, address and telephone numbers of all sponsors.
- (2) The full legal name, address and telephone number 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 parties thereto shall sign as applicants. If the sponsor-applicant is a corporation, copies of the Articles of Incorporation, bylaws 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 sketch plan of the proposed site of the mass gathering, showing the locations and dimensions of the proposed service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, distribution of security personnel and provisions for food storage, as well as camping facilities and projected plans for enclosure.
- (7) Evidence that all permits and licenses as required by state and county statutes and rules and regulations enacted thereunder have been obtained or will be obtained, or a written statement from the proper authorities stating that said permits or licenses shall not be required.

- (8) A statement of the number of persons expected to attend such event and the duration of such attendance.
- (9) The specific details relating to:
 - (a) Food and drink.
 - (b) Sanitary facilities.
 - (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.
 - (e) On-site medical facilities and hospital care.
 - (f) Janitorial services and postgathering trash removal and site restoration.
- (10) A certified copy of the bond or verified evidence of other suitable financial arrangements as hereinafter required must be attached to the application.
- (11) Examples of proposed advertising of the event, if any.
- (12) Applicants' statement that they shall abide by the terms and provisions of this Ordinance and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Erie and the Township of Franklin.
- (13) Copies of all approvals required by Section 7 of this Ordinance must be attached.
- (14) Any other information requested by the Board of Supervisors to assist it in deciding whether to grant or deny said application.

B. Fees.

- (1) Each application shall be accompanied by a cash fee to cover the cost of inspection, investigation, issuance and administration of the permit in the following amounts:

Persons Reasonably Anticipated:	Amount of Fee:
2 to 100	\$25.00
101 to 500	50.00
501 or more	100.00

(2) No part of the permit fee is refundable.

C. The Board of Supervisors shall either grant or deny the application for permit at its next regularly scheduled monthly meeting following the submission of the completed application.

5. Bond of indemnity or cash deposit; additional indemnitors.

A. Bond of indemnity or cash deposit.

(1) The applicants shall submit with their application a corporate bond of indemnity in a form approved by the Township Solicitor or a cash deposit to save and protect township streets, 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 public gathering, and to be used, if necessary, to restore the premises where such public gathering is held to a sanitary condition and pay all charges and losses to the township for damages to the streets, pavements, bridges and all other township property. Said bond shall also be a guaranty for treating with a suitable dust layer those unpaved roads in the vicinity of the public gathering. The permittee shall treat the roads so designated by the Board of Supervisors with a suitable dust layer approved by the Board.

(2) Should the permitted public gathering necessitate that the township deploy or employ additional personnel as a direct result of the public gathering, such added expense shall be recoverable from the principals and/or their indemnitor. The cash deposit or its balance will be returned to the applicants upon final audit by the township as to what damages, if any, occurred and what deployment and employment of personnel, if any was necessitated.

(3) The corporate bond of indemnity or cash deposit shall be in the following amounts:

Persons Reasonably Anticipated:	Cash Deposit or Bond Amount:
2 to 200	\$500.00
201 to 500	1,500.00
501 or more	5,000.00

B. The property owner or person in charge of the property making application shall sign as an additional indemnitor to ensure against damage to streets, pavements, bridges, road signs and all other township property, to meet costs of the township for deploying or employing personnel directly attributable to the conduct of the public gathering and to ensure that the property will be restored to a sanitary condition.

6. Liability insurance.

Every applicant for a permit under this Ordinance shall furnish satisfactory evidence to the Board of Supervisors that a public liability insurance policy in amounts of not less than Five Hundred Thousand (\$500,000.00) for one (1) person and Five Hundred Thousand (\$500,000.00) for any one (1) accident will be in force and effect during the period such public gathering is to be conducted in the township. Such policy shall be subject to the approval of the Township Supervisor.

7. Conditions for approval.

No permits shall be issued by the Board of Supervisors of Franklin Township or its agent unless all of the conditions recited herein have been satisfactorily concluded in accordance with the granting of said application by the Supervisors under this Ordinance:

A. Sanitary facilities: written approval of the Erie County Health Department and/or the Pennsylvania Department of Environmental Resources indicating that the applicant's plan for water supply, toilet facilities, washing facilities and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, shall conform to applicable state and county laws, rules and regulations relating to the public health.

- B. Public safety: written statements of the Pennsylvania State Police indicating that plans have been made to meet the following conditions:
- (1) Applicants have provided for adequate traffic control and crowd control personnel, i.e., one (1) security person for every fifty (50) motor vehicles reasonably anticipated to be at the location and one (1) security person for each one hundred fifty (150) persons reasonably anticipated to be in attendance.
 - (2) A list of those marshals must be presented to the Pennsylvania State Police with the application. The marshals must be oriented and instructed by the Pennsylvania State Police and the sponsor of the public gathering prior to the commencement of the gathering.
 - (3) Applicants have completely enclosed the ground where the public gathering is to be held with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height.
 - (4) Adequate lighting must be provided, subject to approval of the Board of Supervisors of Franklin Township.
- C. Medical services: written approval by the Erie County Emergency Medical Services and the Franklin Township Volunteer Fire Department indicating that sufficient medical service has been provided by the applicant. Each public gathering shall have as a minimum one (1) ambulance staffed by two (2) individuals, at least one of which holds an EMT Certificate in attendance at all times.
- D. Parking facilities: written approval of the Franklin Township Zoning Administrator and the Franklin Township Board of Supervisors indicating that parking is available within or adjacent to the premises upon which the public gathering is to be conducted as herein provided:
- (1) Such parking facilities shall provide parking space for one (1) vehicle for every four (4) persons reasonably anticipated to be in attendance at the public gathering.
 - (2) Adequate ingress and egress shall be provided from such parking area to facilitate to the movement of any vehicle at any time to or from the parking area; provided, however, that should buses be used to

transport the public to the public gathering, it shall be shown that public parking as described above is available at any site from which buses are scheduled to pick up persons to transport them to the public gathering.

- E. Directional signs: At no time shall any directional signs to the site named in the application for permit hereunder be posted along roads in the township except those designated by the Board of Supervisors. All signs must be removed within forty-eight (48) hours of the close of the public gathering.

8. Structures.

All facilities, including stage, to be specially assembled, constructed or erected for public gathering must be in place at least twenty-four (24) hours before the commencement of the public gathering and be approved by the Franklin Township Supervisors or its approved agent.

9. Conduct.

- A. No permittee or persons having control of the public gathering shall condone the presence of alcoholic beverages, unless a license is obtained from the Pennsylvania Liquor Control Board. No person shall carry onto the property, or consume thereon alcoholic beverages in violation of said permit.
- B. No permittee or persons having control of the public gathering shall condone the presence of illicit drugs on the property, nor shall any person take or carry onto the property or consume thereon said illicit 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 Erie County or of Franklin Township or of the permit granted hereunder may be caused for immediate revocation of the permit by the Board of Supervisors of Franklin Township or by the Pennsylvania Department of Environmental Resources 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 Franklin Township, its authorized agents and representatives and the representatives of the county and township departments having responsibility for approval under this Ordinance 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 musical entertainment, either live or recorded, utilizing sound amplification equipment shall be operated in a location which is less than five hundred (500) feet away from any schoolhouse, church, dwelling unit or any other place of permanent human habitation, and there will be no programmed entertainment provided between the hours of 11:00 P.M. and 10:00 A.M.
- F. If at any time during the conduct of the public gathering the number of persons in attendance exceeds by ten percent (10%) the number of persons represented by the applicants for the permit as anticipated to be in attendance, the Board of Supervisors of Franklin Township, the Pennsylvania Department of Environmental Resources or the Pennsylvania State Police shall have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.
- G. Any applicant with more than a ten percent proprietary interest in the public gathering and the owner of the 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 no one shall be allowed to remain on the premises who is violating any state, county or township laws, rules or regulations.
- H. Public gatherings operating without a permit under this Ordinance, based on a reasonable anticipation of less than twenty-five (25) persons in attendance, shall limit attendance therein to twenty-four (24) persons.

10. Suits in equity.

The Board of Supervisors shall have the power to institute in the Court of Common Pleas of Erie 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 have 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.

11. Violations and penalties.

Any person who initiates, organizes promotes, permits, conducts or causes to be advertised a public gathering without obtaining the permit provided for 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, shall, upon conviction thereof by any District Justice, be subject to a fine of not less than three hundred dollars (\$300.), 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. A failure from day to day to comply with this Ordinance shall be a separate offense for each day.

12. Additional provisions.

This Ordinance shall in no way be a substitute for nor eliminate the necessity of complying with any and all state laws, rules, and regulations, county and township ordinances which are not or may be in the future in effect which pertain to the conduct of public gatherings.

APPROVED AND ADOPTED by the Board of Supervisors of Franklin Township this 23rd day of April, 1992.


Chairman


Supervisor


Supervisor

ATTESTED:


Township Secretary