

Cooke Township Ordinance 2025-03

AN ORDINANCE REQUIRING PERMITS AND AN EMERGENCY ACTION PLAN (EAP) FOR MASS GATHERINGS AND SPECIAL EVENTS TO BE HELD IN THE TOWNSHIP OF COOKE, CUMBERLAND COUNTY, PENNSYLVANIA.

Section 1 **General Provisions**

A. Title

This Ordinance shall be known, and may be cited, as the “Cooke Township Mass Gathering Ordinance.”

B. Purpose

The Board of Supervisors of the Township of Cooke has determined that the gathering together of large members of people, whether it be in the form of mass gatherings or special events, have the potential to disturb the safety, health, peace and tranquility of residents of and visitors to Cooke Township. It is not the intention of this Ordinance to prevent mass gatherings or special events, which are legally protected under the Constitution of the United States. Rather it is the purpose of this Ordinance to ensure that such mass gatherings or special events do not disturb safety, health, peace and tranquility by requiring that the persons responsible for mass gatherings or special events 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 2 **Definitions**

A. Mass Gatherings or Special Events

A Mass Gathering or Special Event shall be defined as all assemblies of people in Cooke Township for the purpose of holding any concert, race, walkathon, fair, carnival, celebration, event, sporting event, show, or any other public amusement reasonably anticipated to have an attendance of two hundred (200) or more participants and spectators in or upon any public grounds or private property, beach, park or road in the Township of Cooke, whether or not an admission fee is charged.

B. Person in charge

The person in charge shall be any agent, occupant, lessee, contract purchaser, organization or person, who organizes an event, or has possession or control of a property, including temporary use of State Forest or State Park lands.

C. Sponsor

The sponsor shall be any natural person, association, partnership, firm, corporation, organization, joint venture, or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, or causes to be advertised, a Mass Gathering or Special Event.

Section 3 **General Limitations**

It shall be unlawful for any person in charge or sponsor to initiate, organize, promote, permit, conduct, or cause to be advertised a mass gathering or special event as defined herewith, unless a permit has been obtained in accordance with the requirements of this Ordinance.

Section 4 **Exemptions**

A. This Ordinance shall not apply to mass gatherings or special events held on State Forest or State Park land when a state agency is a sponsor and assumes responsibility for any safety, health, peace and tranquility issues arising from the mass gathering.

B. The requirements of this Ordinance shall not apply where superseded by County, State, or Federal law.

Section 5 **Permit Requirement**

A. Requirement for Application

No mass gathering may be advertised or held unless the person in charge, the sponsor, and the property owner (if held on private land) shall file an application with the Board of Supervisors, on a form to be provided by the Township of Cooke for that purpose. An Emergency Action Plan (EAP) and ICS forms 203 and 205A shall be submitted as part of the application process.

B. Age of Applicants

No applicant shall be under 21 years of age.

C. Duration of Permit

No permit shall be available for a Mass Gathering or Special Event of more than forty-eight (48) hours duration unless the Township specifically allows, in writing, for an extension of that period.

D. Transfer of Permit

No permit may be transferred or assigned.

E. Dispute over Number of Expected Attendees

In case of dispute over the number of people reasonably anticipated to attend the public gathering, the decision of the Cooke Township Board of Supervisors shall control.

Section 6
Permit Application

A. Schedule for Application

Written application for each mass gathering shall be made to the Cooke Township Board of Supervisors at least sixty (60) days in advance of the Mass Gathering or Special Event, unless the applicant receives a waiver of this requirement from the Board of Supervisors, in writing.

B. Contents of Application

Written application shall include the following information:

- (1) The name, street address, email address and telephone number of the applicant(s)
- (2) The name, street address, email address and telephone number of all sponsors.
- (3) The name, street address, email address and telephone number of all persons in charge.
- (4) The full legal name, address, and telephone numbers of all private property owners where the gathering or event will be held (if applicable).
- (5) A detailed description of the proposed gathering or event and a sketch that shows the area or route to be used, along with proposed locations of command and emergency services locations.
- (6) The date(s) and hours for which the permit is desired.
- (7) The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security, traffic control (pedestrian as well as vehicular), site cleanup, and parking.
- (8) A narrative giving specific details of facilities or services for water and food service, sanitation, sewage and garbage disposal, and medical services, as applicable for the type and size of the Mass Gathering or Special Event.
 - (a) If the proposed plan does not include any of the above facilities or services, but in the judgement of the Board of Supervisors such facilities or services are reasonably needed due to the type and size of the gathering or event, the application may be rejected until amended, unless reasons for the omission(s) are indicated to the satisfaction of the Board of Supervisors.
 - (b) 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 Cooke Township Ordinances, including building permits.
 - (c) 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) How the applicant plans to handle safety of the participants and spectators and how emergencies such as adverse weather will be handled.
- (10) Proof that all Pennsylvania DCNR permits, when required, have been obtained for the event.
- (11) A certified copy of a bond or other suitable financial arrangements, as hereinafter, must be attached to the application.

(12) Examples of proposed advertising of the event, if any.

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

C. Fees

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) Mass Gatherings or Special Events reasonably anticipated to number 200 up to 500 persons, Zero (\$0) Dollars.

(2) Mass Gatherings or Special Events reasonably anticipated to number 500 up to 1000 persons, Five Hundred (\$500) Dollars

(3) Mass Gatherings or Special Events reasonably anticipated to number 1000 or more persons, One Thousand (\$1,000) Dollars.

D. Approval

(1) Upon verification that the application is complete, the Board of Supervisors may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the Board in their review of the application. All applications must be submitted to the Board of Supervisors at least sixty (60) days prior to the desired gathering or event, unless the applicant receives a waiver of this requirement from the Board of Supervisors, in writing. The Board's granting of an approval may be with such conditions as are deemed to be in the best interests of the Township, upon consultation with the law enforcement having jurisdiction, Fire Chief, Emergency Management Coordinator and any other municipal officials. The applicant is responsible for all required fees.

(2) The standards for issuance of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings: a. That the proposed gathering or event will not unreasonably interfere with or detract from the general public's enjoyment of public parks, beaches, roadways, or facilities to be utilized. b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation. c. That the proposed activity and uses that are reasonably anticipated will not be likely to include violence, crime or disorderly conduct. d. That the facilities desired have not been reserved for other use at the date and hour requested in the application. e. That the applicant will maintain premises in the same condition which existed prior to the event.

(3) The standards for denial of a permit pursuant to this section shall include but shall not necessarily be limited to, the following findings: a. That the proposed gathering or event is anticipated to disrupt traffic within the Township beyond practical solutions. b. That the application contains incomplete or inaccurate information, or that the applicant has failed or refused to provide necessary information upon request from the Township.

E. No Rights Conveyed, Revocation

All permits issued pursuant to this section shall be temporary and do not invest any permanent or continuing rights. Any permit may be revoked at any time by the Township, for violation of the conditions for which the permit was issued, or for violation of any ordinance which relates to the conducting of the gathering or event, or for violation of any of the terms of this section, or when the

gathering or event is found not to be in the best interests of the Township or for other good cause shown.

Section 7 **Responsibility, Liability, Indemnification and Insurance**

- A. Responsibility.** 1. It shall be the permit applicant's responsibility to secure all necessary other permits, licenses and/or approvals which may be required (i.e. by State, local or other outside agencies), in conjunction with the proposed event. 2. All permit applicants shall assume all risks associated with premature advertisement of any event prior to the time of the issuance of a permit by the Board of Supervisors, as well as any and all other costs which may have been expended prior to the time of official approval of the application by the Board of Supervisors. 3. All permit holders shall be required to abide by all requirements set forth in the permit, as well as all Township ordinances, State Statutes and all other rules and regulations which may be applicable to the event. 4. All permit holders shall be responsible for any and all additional costs that are incurred as a result of the event, including costs which may not have been foreseen at the time that the permit was issued but which become necessary, such as costs associated with additional resources provided by the Township, including but not limited to, manpower and/or equipment costs, police, and/or fire supervision, emergency services, cleanup activities, etc. 5. Any personnel provided by the Township (i.e. police, fire, emergency, public works or other Township employees) in connection with any gathering or special event sponsored by an outside party shall not be considered employees or agents of the outside party. If emergency services are required for any gathering or special event, then only those emergency personnel authorized by Cooke Township may be utilized. 6. The person and organization to which the permit is issued will be responsible to see that all rules, regulations and ordinances are obeyed. They will preserve order and decorum and leave the site and/or facilities in an as good or better condition. 7. The person and organization to which the permit is issued will be responsible to coordinate all parking requirements with the Township, Pine Grove Furnace State Park officials or DCNR officials.
- B. Liability.** 1. All permit holders shall be liable for all losses, damages, and/or injuries sustained by any person whatsoever by reason of the event or activities associated with the gathering or event. 2. The terms of this section shall not be construed as imposing upon the Township or its officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit was issued. The Township and its officials and employees should not be deemed to have assumed any liability or responsibility by reason of the issuance of any permits, or the approval for use of any Township property in connection with a permit issued hereunder. 3. All permit holders shall assume full responsibility for the acts and conduct of all persons admitted to the gathering or event by or with the consent of the permit holder, or of any personal action for or on behalf of the permit holder. 4. The person and organization that obtains the permit assumes all risk for damage or defacement of any property. If any portion of Township property or other premises where the gathering or event is held is damaged by the act or omission of the permit holder, or by the permit holder's agents, employees, patrons, customers, guests, invitees, or any other person admitted to the premises by the permit holder, the permit holder shall be responsible for all costs associated with restoration of the property or premises to the condition that existed prior to the occurrence of such damage.
- C. Indemnification.** All permit holders must answer to actions resulting in bodily injury to any and all persons and shall defend, indemnify and hold the Township, its officers, employees, professionals, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the gathering or event.

D. Requirement for Bond of Indemnity

Applicants shall submit with their application a corporate bond of indemnity in a form approved by the

Township Solicitor, 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 mass 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.

E. Added Expense for Special Personnel

Should the permitted mass gathering necessitate that the Township deploy or employ personnel as a direct result of the mass gathering, such added expense shall be recoverable from the application and/or their indemnitor.

F. Amount of Bond

The Corporate bond of indemnity or cash deposit shall be made in the following amounts:

- (1) Mass Gatherings or Special Events reasonably anticipated to number 200 up to 1000 persons, Sixty Thousand (\$60,000) Dollars.
- (2) Mass Gatherings or Special Events reasonably anticipated to number more than 1000 but less than 2000 persons, Seventy-Five Thousand (\$75,000) Dollars.
- (3) Mass Gatherings or Special Events reasonably anticipated to number 2000 or more persons, One Hundred Thousand (\$100,000) Dollars.

G. Return of Deposit

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 any cash deposit or bond of the applicant.

Section 8

Access to Mass Gathering or Special Event Site by Officials

The Cooke Township Board of Supervisors and/or its authorized agents and representatives, as well as agents and representatives of all other governmental bodies participating in the approval process, shall be granted access to the Mass Gathering or Special Event 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 Mass Gathering or Special Event Site

If at any time during the conduct of the Mass Gathering or Special Event the number of persons exceeds by 10% the number represented by the applicants to be reasonably expected to be in attendance, Cooke Township, or its authorized Fire Chief, Emergency Management Coordinator and any other municipal officials, 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

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 11
Penalties

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefore in a legal proceeding commenced by this Township, pay a fine of not less than Five Hundred (\$500) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township. Any party who violates a provision of this section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued.

Section 12
Inconsistent Ordinances Repealed

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

DULY ENACTED AND ORDAINED this day the 1st of April, 2025 by the Board of Supervisors of Cooke Township, Pennsylvania in public session duly assembled.

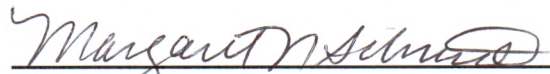
**COOKE TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS**



Patricia Sangialosi
Chairman of
Supervisors

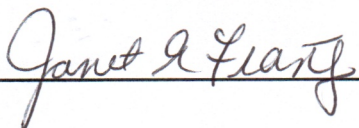


Diane Batt
Vice -Chairman of Supervisors



Margaret Schmidt
Supervisor

Attest:



Janet E. Frantz
Secretary