

Cooke Township Ordinance 2001-3

Cooke Township Mass Gathering Ordinance

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 gathering together of large members of people or “mass gatherings” 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, 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 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 2 **Definitions**

A. Mass Gatherings

A Mass Gathering shall be defined as all assemblies of people in Cooke Township for the purpose of public amusement reasonably anticipated to number more than five hundred (500) persons for a continuous period of four (4) hours or more than ten percent (10%) of whom will assemble outdoors or in structures specially construed, erected, or assembled for the gathering, whether or not an admission fee is charged.

B. Person in charge

The person in charge shall be any agent, occupant, leasee, contract purchaser, or person other than the owner, having possession or control of a property, or person who organizes an event, including temporary use of State Forest or State Park lands.

C. Sponsor

The sponsor shall be 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 mass gathering.

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 as defined herewith, unless a permit has been obtained pursuant to this Ordinance.

Section 4
Exemptions

A. This Ordinance shall not apply to mass gatherings 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 superceded 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 jointly apply for and be granted a permit from the Cooke Township Board of Supervisors.

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 of more than forty-eight (48) hours duration unless permit and application specifically allow 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.

B. Contents of Application

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 mass gathering.
- (6) The program for the mass gathering, or if none is prepared, a narrative statement summarizing the purpose and activities expected to occur.
- (7) A diagrammatic sketch plan of the proposed site of the mass 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 mass 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 mass gathering.
 - (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 mass gathering, the application may be rejected until amended, unless reasons for the omission(s) are indicated to the satisfaction of the Board of Supervisors.
 - (b) Applications must include a written plan for water supply, washing and toilet facilities, and food preparation and service facilities, when applicable to the planned mass gathering, and must comply with all relevant state and county laws relating to the public health.
 - (c) Applications must include a written statement from the Pennsylvania State Police, Carlisle Barracks, indicating that adequate plans have been made for traffic control and crowd safety.
 - (d) 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.

(e) 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 or other suitable financial arrangements, as hereinafter, 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 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 service 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 gathering reasonably anticipated to number 500 up to 1000 persons, One Thousand (\$1,000) Dollars.

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

D. Schedule of Approval

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

Section 7 **Bond of Indemnity, Insurance**

A. 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.

B. 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.

C. Amount of Bond

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

(1) Mass gathering reasonably anticipated to number 500 up to 1000 persons, Thirty Thousand (\$30,000) Dollars.

(2) Mass gathering reasonably anticipated to number more than 1000 but less than 2000 persons, Forty Thousand (\$40,000) Dollars.

(3) Mass gathering reasonably anticipated to number 2000 or more persons, Fifty Thousand (\$50,000) Dollars.

D. 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 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 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 Site**

If at any time during the conduct of the mass 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 **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 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 12 **Inconsistent Ordinances Repealed**

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