

Herrick Township Mass Gathering Ordinance - Revised Draft 6/21/24

§ 100-01 General Provisions

A. Title

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

B. Authority

This Ordinance is adopted under the authority granted under, but not limited to, Sections 1506, 1527, and 1529 of the Pennsylvania Second Class Township Code.

C. 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 Herrick Township, Susquehanna County, Pennsylvania. It is not the intention of this Ordinance to prevent mass gatherings, which are legally protected under the Constitution of the United States. Rather, the purpose is to ensure the persons responsible for mass gatherings address specific details including but not limited to parking, security, safety, medical care and cleanup of garbage.

§ 100-02 Definitions

A. Mass Gatherings

A Mass Gathering shall be defined as all assemblies of people in Herrick Township for the purpose of public amusement and reasonably anticipated to number more than five hundred (500) persons for a continuous period of four (4) hours or more, whether or not an admission fee is charged.

B. Person in Charge

The person in charge shall be any owner, agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of a property, or person who organizes an event.

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.

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§ 100-03 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 under this Ordinance.

§ 100-04 Exemptions

A. Public Property

This Ordinance shall not apply to mass gatherings held on public land where a permit has been issued for such gathering or has been otherwise authorized by the public entity controlling the property.

B. County, State and Federal Law

The requirements of this Ordinance shall not apply where superseded by County, State, or Federal law.

§ 100-05 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 Herrick 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 the 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 Herrick Township Board of Supervisors shall control.

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§ 100-06 Permit Application

A. Schedule for Application

Written application for each mass gathering shall be made to the Herrick Township Board of Supervisors at least sixty (60) days in advance of the mass gathering.

B. Contents of Application

The 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 of the gathering 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) The applicant shall provide evidence of sufficient land to accommodate off-street parking for all attendees. Such parking may be located either on the property where the event is to take place or on other premises with arrangements for shuttling of attendees to the gathering site. Attendees moving as pedestrians from any parking areas to the event area shall be provided with a safe and guard-controlled crossing(s) and restricted from crossing at other locations. No parking shall take place on any public roads of the Township or the Commonwealth. The applicant must demonstrate, via a detailed narrative and plan suitable for enforcement purposes, how this will be controlled and how parking will be managed.
- (9) 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 security personnel assisting in the control

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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 judgment 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 public health.
 - (c) Applications must include written evidence of traffic control coordination with the Pennsylvania State Police.
 - (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 Herrick Township ordinances, including building permits.
 - (e) An estimate of the cost of any police protection provided and emergency service and names and addresses and telephone numbers of those who will be providing those services.
- (10) A certified copy of a bond or other suitable financial arrangements, as hereinafter, 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, other Herrick Township Ordinances, and all laws, rules and regulations of Susquehanna County and the Commonwealth of Pennsylvania and that they will pay for all emergency service and police protection and that they indemnify Herrick 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, which may be adjusted from time to time by resolution of the Board of Supervisors:

- (1) Mass gathering reasonably anticipated to number 500 up to 1,000 persons, One Thousand (\$1,000) Dollars.

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- (2) Mass gathering reasonably anticipated to number more than 1,000 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 at least Fifteen (15) days before the date of the mass gathering.

§ 100-07 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 applicant and/or their indemnifier.

C. Amount of Bond

The corporate bond of indemnity or cash deposit shall be made in the following amounts, which may be adjusted from time to time by resolution of the Board of Supervisors:

- (1) Mass gathering reasonably anticipated to number 500 up to 1,000 persons, Thirty Thousand (\$30,000) Dollars.
- (2) Mass gathering reasonably anticipated to number more than 1,000 but less than 2,000 persons, Forty Thousand (\$40,000) Dollars.
- (3) Mass gathering reasonably anticipated to number 2,000 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.

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§ 100-08 Access to Mass Gathering Site by Officials

The Herrick 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.

§ 100-09 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 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.

§ 100-10 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.

§ 100-11 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 Five Hundred (\$500) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township. Penalties shall apply to each specific violation of this Ordinance on a daily and cumulative basis. Unpaid penalties shall also be cause to reject any future applications for mass gatherings by the same party or any affiliate or subsidiary thereof.

§ 100-12 Repealer

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