

CUMBERLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 163 OF 2016

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, PART 2 OF THE CODE OF THE TOWNSHIP OF CUMBERLAND, REGARDING SPECIAL EVENTS PERMITS WITHIN THE TOWNSHIP OF CUMBERLAND

WHEREAS, the Board of Supervisors of the Township of Cumberland, Adams County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to update and amend Chapter 13, Part 2 of the Code of the Township of Cumberland, entitled "Special Events Permits."

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Supervisors of Cumberland Township, Adams County, Pennsylvania, that Chapter 13, Part 2 of the Code of the Township of Cumberland, is hereby amended and supplemented as follows:

SECTION 1. The existing Chapter 13, Part 2, Subsection 201 of the Code of the Township of Cumberland entitled "*Definitions*" is hereby amended by replacing the existing definitions of "Special Event" with the following:

Special event - all assemblies of people for the purpose of business or public amusement or entertainment, reasonably anticipated to number 500 or more participants for a continuous period of 2 hours or more, where attendees at the special event will use public roads, or more that 25% of attendees will assemble outdoors or in structures specially constructed, erected, or assembled for the gathering, whether or not an admission fee is charged. Special event shall not include activities that take place solely inside a conference center or auditorium provided that the event facility provides an annual plan and each event shall comply with the PA EMS Act. Special event shall not include events occurring solely within a public street right of way and which do not originate or end within Cumberland Township. There shall be a maximum of two special events on any parcel of property in a calendar year.

SECTION 2. The existing Chapter 13, Part 2, Subsection 204 (2)(J) of the Code of the Township of Cumberland entitled "*Insurance*." is hereby amended by replacing the existing Section 13-204 (2)(J) with the following:

J. Insurance. Proof of general liability insurance to cover the entire duration of the event. The Applicant shall provide a certificate of insurance in a form satisfactory to the Township, naming the Township of Cumberland as an insured, which insurance shall be non-cancelable, except upon thirty (30) days prior written notice to the Township. All policies shall be on an occurrence basis. If the event will

include alcohol, proof of liquor liability insurance coverage must also be provided. The required insurance shall be maintained in the following amounts:

- (1) For an event expected to attract 200-500 persons (whether participants or spectators)

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$250,000	\$500,000
Property Damage	\$25,000	\$50,000

Notwithstanding the foregoing if an event is to involve animals, alcohol, fireworks, pyrotechnics, discharge of weapons (whether blanks, power or otherwise), or automobiles (including watercraft, aircraft or motorcycles) insurance shall be maintained in the amounts set forth in B below.

- (2) For an event expected to attract 501-10,000 persons (whether participants or spectators)

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$1,000,000	\$2,000,000
Property Damage	\$100,000	\$250,000

- (3) For an event expected to attract 10,001 or more persons (whether participants or spectators)

	<u>Individual Occurrence</u>	<u>Aggregate</u>
Bodily Injury, Including Death	\$1,000,000	\$5,000,000
Property Damage	\$100,000	\$500,000

- (4) Notwithstanding the foregoing the Township staff may waive the insurance requirement if the Applicant provides an affidavit of indigency certifying that:

- a. The costs to be imposed by the Township for the Special Event exceed the available resources of the applicant and the applicant does not reasonably foresee such funds being available within a reasonable period prior to or after the events; and
- b. The applicant is not charging participation fees, sponsorship fees or other admittance fee for the event and there is no other sponsor for the event.

SECTION 3. The existing Chapter 13, Part 2, Subsection 209 (3) of the Code of the Township of Cumberland entitled “*Controlled Substances*” is hereby amended by replacing the existing §13-209(3) with the following:

3. *Controlled Substances.* No permittee or persons having control of the special event shall condone the presence or consumption of illegal drugs on the property. No person during the special event shall take, consume or carry illegal drugs onto the property. Any person having control of a special event involving the presence or consumption of alcoholic beverages shall submit a copy of the appropriate liquor license to the Township.

SECTION 4. The existing Chapter 13, Part 2, Subsection 209 (6) of the Code of the Township of Cumberland entitled “*Attendance Exceeds Permit*” is hereby amended by replacing the existing §13-209(6) with the following:

6. *Attendance Exceeds Permit.* If at any time during the conduct of this special event, the number of persons in attendance exceeds by 10% the number of persons represented by the applicants for the permit anticipated to be in attendance, the Board of Supervisors of Cumberland Township, the Pennsylvania Department of Environmental Protection, the Cumberland Township EMA Official, or the Cumberland Township Police Department shall have the authority to require the applicants to limit further admissions until all conditions and provisions recited herein are met.

SECTION 5. The existing Chapter 13, Part 2, Subsection 212 of the Code of the Township of Cumberland entitled “*Variance*” is hereby amended by replacing the existing §13-212 with the following:

§13-212. Variances.

Upon receipt of evidence that compliance with the requirements and standards of this Part would render undue hardship, the Board of Supervisors may grant a variance to these requirements and standards provided that the Applicant provides an affidavit of indigency certifying that:

- a. The costs to be imposed by the Township for the Special Event exceed the available resources of the applicant and the applicant does not reasonably foresee such funds being available within a reasonable period prior to or after the events; and
- b. The applicant is not charging participation fees, sponsorship fees or other admittance fee for the event and there is no other sponsor for the event.

SECTION 6. Repealer. All provisions of previous Ordinances of the Township of Cumberland which are contrary to this Ordinance are expressly repealed.

SECTION 7. Savings Clause. In all other respects, the Code of the Township of Cumberland shall remain as previously enacted and ordained.

SECTION 8. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 9. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED AND ORDAINED on this 23rd day of August, 2016.

ATTEST:

Carol Merryman
Carol Merryman, Secretary

Cumberland Township Board of
Supervisors Adams County, Pennsylvania

Barbara H. Zundman
Chairperson

David P. Weyl
Member

Don D. Spill
Member

Li P. Miller
Member

James E. [Signature]
Member