

ENTERTAINMENT, PUBLIC

Chapter 113

ENTERTAINMENT, PUBLIC

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[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer 9-14-1978 by Ord. No. 126. Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 65.

Amusement devices — See Ch. 75.

ARTICLE I
General Provisions

§ 113-1. Title.

This chapter shall be known and cited as the “West Deer Township Ordinance for License and Regulations of Public Gatherings for Entertainment Purposes.”

§ 113-2. Scope.

It is not intended by this chapter to repeal, abrogate, annul or any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter. Where this chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of laws or ordinance, the provisions of this chapter shall control.

§ 113-3. Definitions.

For purposes of this chapter, the following terms, phrases and words shall have the meanings set out herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

ADMISSION CHARGE — Any charge or money collected for the right or privilege to attend or participate in any public entertainment as herein defined for the purpose of private profit.

LICENSEE — Any person having a license issued by the Township of West Deer, in full force and effect, for the privilege of conducting a public gathering for entertainment purposes.

PERSON — Any person, firm, partnership, association, corporation, company, organization, society or any agent or personal representative of any thereof.

PUBLIC GATHERING FOR ENTERTAINMENT PURPOSES — Any gathering for the purpose of an athletic event, show, exhibition, carnival, circus or concert which is not conducted on a regular basis and for which an admission charge is made. The term shall not include any gathering for entertainment purposes conducted for benevolent or charitable purposes, nor any church or school affair, but shall include all other public

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gatherings for entertainment purposes open to the general public.

REGULAR BASIS — At minimum, once a week.

§ 113-4. License required.

No person shall conduct either directly or indirectly any public gathering for the purpose of entertainment within the Township of West Deer without first obtaining a license as hereinafter provided from the Township Manager/Secretary and keeping such license in effect at all such times as required by this chapter or any other ordinance of this township.

ARTICLE II

Application Procedure

§ 113-5. Township license officer.

The Township Manager/Secretary shall collect all license fees and shall issue licenses in the name of the Township of West Deer to all persons qualified under the provisions of this chapter.

§ 113-6. Rules.

The Township Manager/Secretary shall promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter.

§ 113-7. Application.

A. The Township Manager/Secretary shall require completed application forms, which shall state:

- (1) The name and home address or business address of the applicant. If the applicant is a corporation, the

names and addresses of officers and directors of said corporation.

- (2) The number of people the applicant reasonably expects the public gathering to attract.
 - (3) The names, addresses and number of employees, attendants and participants in the public gathering.
- B. The application hereunder shall be accompanied by a drawing of the proposed site for the gathering. The drawing shall include the approximate size and location of the site as well as adjacent areas available for parking and the roads which provide access to the property.
- C. The application shall also include such other information as the Manager/Secretary shall find reasonably necessary to effectuate the purposes of this chapter and to arrive at a fair determination of whether the terms of this chapter have been complied with.

§ 113-8. Investigation of eligibility.

The Manager/Secretary will investigate and determine the eligibility of any applicant for a license as prescribed herein.

§ 113-9. Examination of records.

The Manager/Secretary shall examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this chapter.

§ 113-10. Notification of application acceptance or rejection.

The Manager/Secretary shall notify any applicant of the acceptance or rejection of his or her application and shall, upon his or her refusal of any license or permit, at the applicant's request, state, in writing, the reasons therefor and deliver them to the applicant.

§ 113-11. Information to be confidential.

The Manager/Secretary shall keep all information furnished or secured under the authority of this chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged to the administration of this chapter.

§ 113-12. Application fee. [Amended 1-22-1997 by Ord. No. 265]

Each applicant must pay to the Manager/Secretary, upon submission of an application, the amount as set from time to time by resolution of the Board of Supervisors. Said amount will be used to defray the costs incurred for processing an application.

ARTICLE III**Standards for Issuance of License****§ 113-13. Citizenship.**

All applicants must be citizens of the United States, or declarants therefor, as authorized by law.

§ 113-14. Good moral character.

All applicants must be of good moral character. In making such a determination the Township Manager/Secretary shall consider:

- A. Penal history. All convictions, the reasons therefor and the demeanor of the applicant subsequent to his or her release.
- B. License history. The license history of the applicant; where such person has previously operating in this commonwealth or another State under a license and has

had such license revoked or suspended, the reasons therefor and the demeanor of the applicant subsequent to such action.

- C. General personal history. Such other facts relevant to the general personal history of the applicant as he or she shall find necessary to a fair determination of the eligibility of the applicant.

§ 113-15. No obligation to township.

No applicant shall be in default under the provisions of this chapter or indebted or obligated in any manner to the Township of West Deer, except for current taxes.

§ 113-16. Sanitary facilities.

No public gathering as herein provided shall be presented on any premises not equipped with adequate separate sanitary facilities for males and females. Such facilities may be of the chemical-type rather than connected with the public water and sewer system, provided that they are serviced at least once a day.

§ 113-17. Hours.

Any public gathering not held in a building, shall not be terminated later than 12:00 midnight and it shall be unlawful for any person to remain on the premises between the hours of 1:00 a.m. and 6:00 a.m., provided that employees whose duties necessitate it may remain on the premises for the performance of such duties.

§ 113-18. Parking.

Any public gathering for entertainment purposes held in the Township of West Deer must have adequate parking adjacent to the site for the gathering.

ARTICLE IV
Duties of Licensee

§ 113-19. Compliance with other provisions.

Any licensee under this chapter shall ascertain and at all times comply with all laws, regulations and ordinances in effect in the Township of West Deer.

§ 113-20. Good order.

Any licensee under this chapter shall maintain good order upon the premises where any public gathering as herein defined is conducted.

§ 113-21. Revocation of license.

The Manager/Secretary of the Township of West Deer shall have the authority to revoke or suspend any license issued hereunder upon determination that:

- A. The licensee is operating in violation of this chapter or any other governing law ordinance or regulation.
- B. The licensee is operating so as to constitute a nuisance by reason of noise or immoral or illegal activity on the premises.

§ 113-22. License fee. [Amended 1-22-1997 by Ord. No. 265]

Upon the issuance of a license to an applicant under the provisions of this chapter, such applicant shall pay to the Township of West Deer an issuance fee in the amount as set from time to time by resolution of the Board of Supervisors.

**§ 113-23. Violations and penalties.¹ [Amended 1-22-1997
by Ord. No. 265]**

Any person as defined herein violating any of the provisions of this chapter, in addition to the revocation of his or her or its license, shall be liable to pay a fine or penalty of not more than \$600 for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

¹ Editor's Note: See also Ch. 1, General Provisions, Art. III, Violations and Penalties.

