

Chapter 13

Licenses, Permits, and General Business Regulations

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Part 1**Salvage Dealers and Salvage Yards****§13-101. Title.**

This Part shall be known, and may be cited, as "Cumberland Township Salvage Dealer and Salvage Yard Ordinance."

(*Ord. 47, 2/10/1981, §1*)

§13-102. Effective Date.

Except as otherwise herein specifically provided, this Part shall become effective immediately upon its adoption.

(*Ord. 47, 2/10/1981, §2*)

§13-103. Definitions.

Unless the context clearly indicates otherwise, the following words or phrases shall be construed in this Part to have the meanings below indicated:

Board - the Board of Supervisors of Cumberland Township.

Salvage - old, discarded or scrap ferrous or nonferrous material or waste including, but not limited to, scrap, copper, brass, iron, steel, glass, rags, trash, paper, rubber, debris, batteries, and wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

Salvage dealer - any person, as hereinafter defined, who establishes, maintains, uses or operates a salvage yard, as hereinafter defined, within the Township of Cumberland.

Salvage yard - an outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying, repairing or selling salvage and the term shall include garbage dumps and sanitary fills. It shall not include automotive repair, body, or rebuilder shops, garages, or service stations operated principally for the public repair, maintenance and service of motor vehicles if such automotive business has stored on the business premises salvageable motor vehicles or parts thereof used with regularity in connection with the operation of the same and such salvageable motor vehicles or parts thereof are arranged in a neat and orderly fashion with a limit of not more than seven salvageable automobiles stored on the business premises. Agricultural land maintained, used or operated for conducting farming operations and such normal and reasonable activities as are incident thereto shall also not be included within the definition of "salvage yard."

License - the permit granted to a salvage dealer.

Person - a natural person, or an association, partnership, firm, corporation, or other business entity.

Township - Cumberland Township, Adams County.

(*Ord. 47, 2/10/1981, §3*)

§13-104. License.

No person shall engage in business in the Township as a salvage dealer without first having obtained a license from the Board. The license shall be issued for the 12-month period beginning January 1, and ending December 30, the same year, and shall be renewed annually before the first day of each year. Such license shall state the name of the person to whom the license is issued and the location of the salvage yard premises, used or intended to be used, and shall be posted conspicuously upon such premises.

(*Ord. 47, 2/10/1981, §4*)

§13-105. Application for License.

1. The license provided for in §13-204 above shall be issued by the Board after full written application therefor is made, on a form supplied by the Board, by the person desiring to be licensed as a salvage dealer. The application shall contain answers to the following questions:

A. Name and address of proposed licensee.

B. Premises on which business of proposed licensee is to be conducted and salvage yard maintained.

C. Whether the proposed licensee has been convicted of any crime (misdemeanor or felony) involving the unlawful taking, receipt, use, or other disposition of a motor vehicle within a period of 3 years prior to the making of such application.

2. The applicant shall submit with his written application a plot plan for the salvage yard premises used or intended to be used in connection with such license. The plot plan shall clearly show the name of the proposed licensee, the deed reference for the salvage yard premises used or intended to be used, the location of all dwellings and other structures then erected or intended to be erected on such premises, the proximity of such premises to adjacent properties and to existing structures on such adjacent properties, and the proximity of such premises to the right-of-way lines of adjacent streets, roads, or highways (whether public or private).

(*Ord. 47, 2/10/1981, §5*)

§13-106. Issuance of License.

Upon receipt and examination of an application for a license, the Board or its designated licensing agent shall determine whether or not a license should be issued, taking into consideration whether the property used or proposed to be used for the purposes of such license is or will be in conformity with the regulations established under §13-210 of this Part, and the effect of such use upon the public health, safety, and general welfare of the Township. No license shall be issued to any person for any salvage yard until the requisite license fee has been paid, as established in §13-207 of this Part.

(*Ord. 47, 2/10/1981, §6*)

§13-107. License Fee.

A license fee of an amount as established from time to time by resolution of the

Board of Supervisors shall be paid annually to the Township for the use of the Township. Such fee shall be paid immediately upon the issuance or renewal of a license.

(*Ord. 47, 2/10/1981, §7; as amended by Ord. 05-112, 7/26/2005*)

§13-108. License Limitation.

No person licensed under this Part as a salvage dealer shall, by virtue of one license, establish, maintain, use or operate more than one salvage yard within the Township. No person shall engage in business as a salvage dealer in any place other than the place designated upon his license, or maintain a salvage yard in any place other than the place designated upon his license.

(*Ord. 47, 2/10/1981, §8*)

§13-109. Transfer of License.

No license issued by the Board shall be transferred by the salvage dealer licensed thereunder to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license by the proposed transferee, as described in §13-205 of this Part. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee in amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 47, 2/10/1981, §9; as amended by Ord. 05-112, 7/26/2005*)

§13-110. Regulations.

Every salvage dealer licensed under this Part shall constantly maintain the licensed salvage yard premises in the manner prescribed by this Section and by any subsequent regulations adopted by the Board:

A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or to residents nearby or a place for the breeding of rodents and vermin.

B. No garbage or other organic-waste, other than that kept in a sealed container for the purpose of prompt disposal, shall be stored on such premises.

C. Whenever any motor vehicle shall be received as salvage in the licensed salvage yard premises, all gasoline shall be drained and removed therefrom.

D. Salvage shall be stored and arranged in a neat and orderly fashion and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting and inspection purposes.

E. There shall be at least 16 feet open space between each row of salvage. Salvageable motor vehicles may be stored end-to-end (a double row) for purposes of application of this spacing requirement.

F. A salvage dealer licensed under this Part shall not burn oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce

noxious smoke or odors.

G. The salvage yard shall contain no less than 40,000 square feet, including all setbacks and rights-of-way.

H. The salvage yard premises to be initially licensed shall be set back a minimum distance of 50 feet from the right-of-way lines of all abutting streets, roads or highways, a minimum distance of 100 feet from any existing dwelling house erected upon premises adjacent to the licensed premises but in any event not less than a minimum distance of 35 feet from property lines of all adjacent properties, and a minimum distance of 30 feet from any river, stream, run, creek, floodplain or other natural watercourse in the Township. The area between the setback line and such right-of-way lines, other property lines and natural watercourses, shall be at all times kept clear and vacant, free of weeds, debris and salvage. including any motor vehicle incapable of meeting State inspection requirements. Provided, that a grace period of 6 months from the effective date of this Part to the application of the clearing requirement in this subsection shall be given to salvage dealers operating established salvage yards which are otherwise in compliance with the provisions of this Part, as to existing debris and salvage located within the setback area mandated by this subsection.

I. No gasoline or any other hazardous liquid or substance shall be stored less than a minimum distance of 100 feet from any river, stream, run, creek, floodplain or other natural watercourse in the Township.

J. In no event shall any salvage be kept, stored or accumulated on a salvage yard premises, nor any structure be erected to be used in connection with a salvage yard, within 500 feet of any existing church, cemetery, school, playground, restaurant, motel or other place of public use or accommodation. Provided, that nothing contained in this subsection shall apply to existing structures used in connection with salvage yards presently established and operating which are otherwise in compliance with the provisions of this Part nor to any salvage or replacement salvage presently kept, stored or accumulated thereon.

K. Any salvage yard which is within 500 feet of the nearest edge of the right-of-way of a public road, street, or highway shall be screened from the sight of persons of normal visual acuity traversing the said public road, street or highway. Such a wall, fence, or landscape screen shall be constructed, erected and/or maintained at a height of not less than 8 feet, (with the natural landscape screen being the preferred method). If a solid wall or fence other than a metal chain link fence is used for such screening it shall be of uniform design, texture, composition and height. If a fence of metal chain link material is used, it shall have, an opaque backing or be so constructed or erected as to provide effective screening.

L. Non-deciduous trees, and/or shrubs of varieties capable of attaining a continuous height of 8 feet shall be planted in front of any man-made screen so as to provide a natural screen within 5 years. All fencing or screening shall be approved by the Township Supervisors.

M. No vehicle or major parts thereof may be stacked above the natural or man-made screen.

N. A person licensed under this Part shall provide designated off-street

parking and loading facilities having a single entrance off any adjacent street, road or highway, which facilities shall have, at a minimum, a stone and gravel base, and which shall be of a size sufficient to accommodate one parking space for the salvage dealer operating the salvage yard and an additional space for each employee of such salvage dealer plus a sufficient number of additional spaces based upon the estimated number of patrons or customers to be served, but in any event, a sufficient number so as not to have parking on the highway.

(*Ord. 47, 2/10/1981, §10*)

§13-111. Violations.

Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 47, 2/10/1981, §11; as amended by Ord. 05-112, 7/26/2005*)

§13-112. Abatement of Nuisances.

In addition to the remedies provided in §13-210 above, any continued violations of this Part constituting a nuisance in fact or which shall, in the opinion of, the Board, constitute a nuisance, be abated as such by proceedings against the violator by action in equity or law.

(*Ord. 47, 2/10/1981, §12*)

Part 2**Special Events Permits****§13-201. Definitions.**

As used in this Part, unless the context requires otherwise:

Person in charge of property - the owner and/or an agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of property in Cumberland Township.

Special event - all assemblies of people for the purpose of business or public amusement or entertainment, reasonably anticipated to number 200 or more participants for a continuous period of 2 hours or more, and 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. There shall be a maximum of two special events on any parcel of property in a calendar year.

Sponsor - any natural person, association, partnership, firm, corporation, joint venture, or other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, or causes to be advertised, a special event.

(Ord. 97, 11/14/2000, §1)

§13-202. Basic Policy.

1. *Permit Required.* It shall be unlawful for any sponsor or person in charge of property to initiate, organize, promote, permit, conduct, or cause to be advertised a special event, unless a permit has been obtained pursuant to this Part.

2. *Overall Goal.* In planning and conducting special events, every reasonable effort shall be made to protect the health, safety, and welfare of Cumberland Township residents and visitors, to preserve the peace and tranquility of the community, and to preserve and protect the natural environment.

(Ord. 97, 11/14/2000, §2)

§13-203. Permit Requirements.

No special event may be held within the boundaries of Cumberland Township, Adams County, Pennsylvania, unless the sponsor and the person in charge of the property upon which the event will be conducted jointly apply for and be granted a permit as herein provided.

A. *Permit Required for Each Event.* A separate permit shall be required for each special event for the period of time designated by the permit.

B. *Duration of Event.* No permit shall be available for a time of more than 48 hours duration unless the application requests and the permit specifically allows for an extension of that period.

C. *Age of Applicant.* No applicant shall be under 21 years of age.

D. *Transfer of Permits.* No permit may be transferred or assigned.

E. *Attendance Estimate.* In case of a dispute over the number of people reasonably anticipated to attend the special event, the decision of the Board of Supervisors of Cumberland Township shall control. For an event where the expected attendance within a defined geographic area is 10,000 people or more, including staff and participants, the plan must be submitted to the Pennsylvania Emergency Management Agency through the Cumberland Township Emergency Management Official.

(Ord. 97, 11/14/2000, §3)

§13-204. Application.

1. *Application Schedule.* Written application for each special event shall be made to the Board of Supervisors of Cumberland Township according to the following schedule:

A. For an event expected to attract 200 - 500 persons, at least 45 days prior to the first day upon which the event is to commence.

B. For an event expected to attract 501 - 3,000 persons, at least 60 days prior to the first day upon which the event is to commence.

C. For an event expected to attract 3,001 or more persons, at least 90 days prior to the first day upon which the event is to commence.

2. *Application Contents.* Applications shall contain at least the following information:

A. *Sponsors.* The full legal name, address and telephone numbers of all sponsors.

B. *Property Owners.* The full legal name and address of the owner and person in charge of the property to be utilized for the special event. If the sponsor-applicant is a partnership or joint venture, then all parties thereto shall be shown and sign as applicants. If the sponsor-applicant is a corporation, copies of the articles of incorporation, by-laws, and corporate resolution authorizing the application may be required.

C. *Location.* The location and address of the property to be utilized for the special event.

D. *Program.* The program for the special event, or if no program is prepared, a narrative statement as to the extent and the purpose for which the event is to be conducted.

E. *Plot Plan.* A diagram of the proposed site of the special event showing the locations, and dimensions, where appropriate, of the proposed: service roads, entrances and exits to/from public roads, portable water facilities, sanitary facilities, sewage disposal facilities, medical service facilities, security personnel sites, and food storage facilities, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site. The plan shall be drawn at an appropriate scale to provide ease of review, but at no less than 1 inch equals 100 feet. The plan shall show property lines of adjacent properties, together with the land use of such adjacent properties and names of such property owners.

F. *Expected Attendance.* A statement of the number of persons expected to

attend such event and the duration of such attendance.

G. *Plan of Actions.* The specific details relating to:

- (1) Hours of operation.
- (2) Sanitary facilities including:
 - (a) Name(s) of sanitary/refuse contractors.
 - (b) Number and location of temporary toilets and dumpsters.
 - (c) Frequency of emptying toilets and dumpsters.

(3) Security and protection for surrounding areas, including specific reference to the number of marshals assisting in the control of traffic and supervision of those attending.

(4) On-site medical facilities and hospital care staffed with trained certified personnel.

(5) Emergency management plans including routes to and from off-site medical facilities, such plans to be approved by the Chief of Police and Township EMA officials.

(6) Control of noise and other nuisances that would disturb the peace.

(7) Food and drink.

(8) Transportation and parking facilities.

(9) Janitorial services and post-gathering trash removal and site restoration.

(10) Water supply.

H. *Permits and Licenses.* Evidence that all permits and licenses as required by Federal, State and County statues and rules and regulations enacted thereunder have been obtained, or will be obtained.

I. *Bonding.* A certified copy of the bond or verified evidence of other suitable financial arrangements, as required in §13-305, must be attached to the application.

J. *Insurance.* Evidence of general liability insurance naming the Township as an insured in the amount of \$5,000,000 and a copy of the insurance policy covering the special event.

K. *Certification.* Applicants' statement, signed by the parties defined in subsections .2.A and .B above, that they shall abide by the terms and provisions of this Part, and all laws, rules and regulations of the Commonwealth of Pennsylvania, County of Adams and Township of Cumberland.

3. *Fee Schedule.* Each application shall be accompanied with an application fee in an amount previously established by the Board of Supervisors by resolution. No part of the fee is refundable.

4. *Review of Application.* The Board of Supervisors may conduct or cause an investigation or inspection to be made to secure the facts needed by it to determine whether to reject or grant the application in accordance with the requirements of this Part.

5. *Permit Processing.* The Board of Supervisors, or their agent, shall either grant

or deny the application for a permit according to the following schedule:

A. For an event numbering 200-3000 persons, within 30 days following submission of a complete application.

B. For an event numbering 3,001 or more persons, within 45 days following submission of a complete application.

C. Either subsections A or B may be extended under certain circumstances where additional information or legal review is required by the Cumberland Township Board of Supervisors or their designee.

(*Ord. 97, 11/14/2000 §4*)

§13-205. Bond of Indemnity and Liability Insurance.

The applicants shall submit with their application a cash deposit, or a corporate bond of indemnity in a form approved by the Township Solicitor to save and protect Township streets, 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 special event, and to be used, if necessary, to restore the premises where such special event is held to a sanitary condition and pay all charges and losses to the Township for damages to streets, pavements, bridges, and all other Township property.

A. Should the permitted special event necessitate that the Township deploy or employ additional personnel as a direct result of the special event, such added expense shall be recoverable from applicant. The cash deposit or its balance will be returned to the applicant upon final audit of the Township as to what damages, if any, occurred and what deployment and employment of personnel, if any, was necessitated.

B. The corporate bond of indemnity or cash deposit shall be in an amount as established from time to time by resolution of the Board of Supervisors. [*Ord. 05-112*]

C. The property owner or person in charge of the property making application shall sign as an additional indemnitor, to insure against damage to streets, pavements, bridges, road signs, and all other Township property, to meet costs of the Township for deploying or employing personnel directly attributable to the conduct of the public gathering, and to insure that the property will be restored to a sanitary condition.

(*Ord. 97, 11/14/2000, §5; as amended by Ord. 05-112, 7/26/2005*)

§13-206. Conditions of Approval.

No permits shall be issued by the Board of Supervisors or their agent, unless all of the requirements recited herein have been satisfactorily completed.

A. *Sanitary facilities.* The applicants shall submit written documentation from the Pennsylvania Department of Environmental Protection, indicating that applicants' plan for water supply, toilet and sewage facilities, washing facilities, and food preparation and service, if applicable, the type of food preparation and food facilities to be provided, conform with applicable State law, rules and regulations relating to the public health. [*Ord. 05-112*]

B. *Set Back.* No special event shall take place within 30 feet of a public

right-of-way or external property line. Additionally, no camping site shall be located within 100 feet of a public right-of-way or within 35 feet of any property line or within 300 feet of a non-affiliated residence. Military re-enactments will be at least 300 feet from public rights-of-way and property lines and 600 feet from unaffiliated residences.

C. *Streets and roads.* Each special event site shall front upon a public street or road.

(1) All driveways and roadways within a special event site shall be privately owned and maintained; with the exception of sites which are intersected by existing public streets and roads.

(2) The entrance and exit driveways connecting special event areas with a public street or road shall be a minimum of 20 feet wide and shall be at approximately a right angle to the public street. In no event shall streets intersect at less than a 75° angle.

(3) All entrance and exit driveways shall comply with PennDOT and Township standards, particularly as regards sight distances and culverts, and shall be maintained in a mud free condition.

(4) The planning and operation of special events will provide adequate, clearly designated driveways and internal streets for EMA vehicles including medical and firefighting vehicles.

(5) Roadways shall be graded to provide positive drainage from the road surface and shall be mud free. Drains and culverts shall be provided as necessary to maintain proper drainage.

D. *Environment Protection.* The planning and operation of special events shall meet all Federal, State and local standards as regards protection of wetlands, waterways, and other sensitive environmental resources.

(1) *Drainage.* The ground surface on all parts of the special event area shall drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the flow of natural water courses and to ensure the adequate drainage of all locations to be used for the special event. All stormwater facilities shall be kept completely separate from sanitary waste facilities.

(2) *Floodplains.* No campsites or gathering areas for attendees will be permitted with the area designated as a 100-year floodplain on the National Floodplain Insurance Map.

E. *Parking Facilities.* Parking shall be available within or adjacent to the premises upon which the special event is to be conducted as herein provided; unless otherwise approved.

(1) Such parking facilities shall provide a parking space for one vehicle for every three persons reasonably anticipated to be in attendance at the special event.

(2) Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area provided, however, that should buses be used to transport the public to the special event, it shall be shown that public parking, as described above, is

available at any site from which buses are scheduled to pick up persons to transport them to the special event.

(3) Parking along public roads and rights-of-way is prohibited, and the sponsor of the special event is responsible for placing appropriate signs notifying attendees of this prohibition.

(4) The minimum parking area shall be a space of 10 feet x 20 feet with 25-foot aisles.

F. *Public Safety.* The applicants shall submit written concurrence by the Cumberland Township EMS official and applicable law enforcement agency(ies) indicating that the plans have been made to provide for adequate traffic control, crowd control and lighting of the site.

G. *Medical Services.* The applicants shall submit written concurrence by the Cumberland Township EMA Official indicating that plans have been made to provide adequate medical service.

H. *Weather, Fire, and Other Emergencies.* The applicants shall submit written concurrence by the Cumberland Township EMA Official indicating adequate plans have been made to provide for the warning of attendees for the purposes of storms, fire and other emergencies.

I. *Review and Concurrence.* The formal review and approval of each application shall be recorded on a certificate as shown in Attachment 1 to this Part.

(Ord. 97, 11/14/2000, §6; as amended by Ord. 05-112, 7/26/2005)

§13-207. Fires and Burning.

1. *Open Burning.* No open burning except as herein set forth shall be allowed in the campground area.

2. *Campfires.* Campfires shall be permitted only in specifically designated areas with appropriate fire pits and in an appropriate ring encircled by non-combustible materials.

A. No open fires shall be allowed when the wind velocity in the area exceeds 10 miles per hour.

B. When the wind velocity exceeds 10 miles per hours, the sponsor shall post notices that no campfires are allowed.

C. The sponsor of the special event shall check all fire pits daily to ensure that they are free and clear of brush or debris or any other fire safety hazards.

3. *Liability.* The sponsor shall be strictly liable for any damage caused to neighboring property as a result of permitting open fires on the premises.

(Ord. 97, 11/14/2000, §7)

§13-208. Site Marking, Preparation and Inspection.

1. *Site Marking.* The site shall be adequately marked out with stakes, signs, ribbons, ropes, and flags to ensure the event follows the plans. Restricted areas will be clearly marked, and emergency access lanes clearly identified and kept open.

(Ord. 97, 11/14/2000, §8)

§13-209. Conduct of Special Event.

1. *Responsibilities.* Any applicant with more than 10% proprietary interest, if any, in the special event, and the owner of property or person in charge of the property, or their designated agents or representatives shall be required to be in attendance at the special event and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any State, County, or Township laws, rules or regulations.

2. *Preserving Order.* The burden of preserving order during the special event is upon the permittee of the special events. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules or regulations, or of the terms and conditions of this Part, or other ordinances of Adams County or of Cumberland Township, of the permit granted hereunder may be cause of immediate revocation of the permit by the Board of Supervisors of Cumberland Township or by the Pennsylvania Department of Environmental Protection upon notification to the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the special event shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance. Revocation of a permit is sufficient grounds for the Board of Supervisors to deny future applications for permits. [Ord. 05-112]

3. *Controlled Substances.* No permittee, or persons having control of the special event shall condone the presence of alcoholic beverages or drugs or the consumption of alcoholic beverages or drugs on the property. No person during the special event shall take or carry onto the property, or consume thereon, alcoholic beverages or drugs.

4. *Noise Control.* No firearm, pyrotechnics, or noisy items shall be discharged and no entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in a location which is less than 500 feet or more if deemed necessary by the Cumberland Township Board of Supervisors, from any schoolhouse, church, dwelling unit, or any other place of permanent human habitation. There shall be no discharge of firearms, pyrotechnics, or noisy devices, or programmed entertainment provided between the hours of 11:00 p.m. and 8:00 a.m.

5. *Inspection.* The Board of Supervisors of Cumberland Township, its authorized agents and representatives, and the representatives of the State, County and Township departments having responsibility for approval or enforcement under this Part shall be granted access to the special event at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein. In addition to the penalties outlined in §13-313 below, if inspection discloses that the terms and conditions imposed by this Part are not being followed during the event, the Board of Supervisors of Cumberland Township may, based upon the severity of the unsanitary, hazardous or other condition, suspend or revoke the permit. Revocation of a permit is sufficient grounds for the Board of Supervisors to deny future applications for permits.

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 EMS 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. [Ord. 05-112]

7. *Events for Less Than 200 Persons.* Special events operating without a permit under this Part based on a reasonable anticipation of less than 200 persons in attendance, shall limit attendance therein to 199 persons, and printed tickets, if utilized, cannot number more than 199.

8. *Firearms and Pyrotechnics.* Except where firearms and/or pyrotechnics are an integral part of the special event, such as a civil war battle re-enactment, firearms and pyrotechnics are prohibited except for firearms carried by duly authorized law enforcement and security personnel. Regarding Civil War battle re-enactments, live rounds of ammunition are prohibited.

9. *Refuse Handling.* The storage, collection and disposal of refuse at the special event site shall be the responsibility of the event sponsor and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, and shall comply with all applicable State and Township regulations.

(*Ord. 97, 11/14/2000, §9; as amended by Ord. 05-112, 7/26/2005*)

§13-210. Additional Requirements.

In addition to compliance with the standards and regulations set forth in this Part, the Township Supervisors may make additional requirements as deemed necessary to protect the health, safety, morals and general welfare of the public. Such additional requirements shall be included in the plan for the special event and shall be complied with prior to issuance of a permit or a renewal of a permit.

(*Ord. 97, 11/14/2000, §10*)

§13-211. Records.

Each special event shall have a central on-site office for managing and supervising the special event. During the event, this office shall be occupied by the sponsor or designated representative, and this office will be equipped with appropriate communications capability and a copy of the operations and emergency plans for the special event. Such equipment, plans, and records shall be available for inspection by the authorized officers of the State, County and Township. The permit from the Township shall be on display in a conspicuous place on the premises at all times.

(*Ord. 97, 11/14/2000, §11*)

§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 such variance does not violate the intent of this Part and/or endanger the health, safety, morals or general welfare of the public.

(*Ord. 97, 11/14/2000, §12*)

§13-213. Penalties.

Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a special event without obtaining the permit provided in this Part, or who

knowingly conducts, permits, or allows a public gathering with a permit but in violation of the terms and provisions of this Part and the permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 97, 11/14/2000, §13; as amended by Ord. 05-112, 7/26/2005*)

§13-214. Conformance with Other Law.

This Part shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all State laws, rules and regulations, County and Township laws which are now, or may be in the future, in effect which pertain to the conduct of special events.

(*Ord. 97, 11/14/2000, §14*)

§13-215. Liability.

The sponsor shall be held liable for damage caused to neighboring property by any person or participant.

(*Ord. 97, 11/14/2000, §15*)

