

CHAPTER XVII

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

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Part 1

Peddling; Amusements

Section 101. License Required for Certain Businesses. It shall be unlawful for any person or persons, firm, company or corporation or any officials representing any person or persons, firm, company or corporation to engage in or conduct any business venture or endeavor hereinafter mentioned without previously obtaining a license and payment therefor made in advance as hereinafter prescribed. (Ordinance No. 23, May 9, 1955, Section 1)

Section 102. Transient Merchants. To enter into or conduct a transient retail business in the Township for the sale of any goods, wares, merchandise or property of whatever kind, whether the whole or greater part of the same shall be represented or advertised to be the goods, wares, or merchandise of the estate of any bankrupt, assignee, or person or persons, firm, company or corporation about to quit business, or damage in any way, except upon the payment of a license fee of twenty-five dollars (\$25.00) for each calendar month or fraction thereof. (Ordinance No. 23, May 9, 1955, Section 3)

Section 103. Hawking, Peddling and Selling. From and after the passage of this ordinance no person shall be employed, engaged or concerned in the business of hawking, peddling, or selling produce or merchandise, works of art, magazines, books, pamphlets, publications, or any other kind of article for sale, or shall be engaged in soliciting orders for such produce, merchandise, works of art, magazines, books, pamphlets, publications, or any other kind of article for sale within the limits of the Township of Spring, without having previously taken out a license therefor to sell or offer, or expose for sale such articles or any of them, or the soliciting of orders therefor, without having paid such sum or sums, as are hereinafter fixed, into the Township Treasury and receive a license therefor. License fees shall be twenty-five dollars (\$25.00) per calendar year or any part thereof, or such other license fee as may hereafter be established by appropriate resolution of the Board of Supervisors of the Township of Spring.

It is further provided that this Section shall not apply

(A) to farmers selling their own produce, or

(B) to the sale of goods, wares, and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or

(C) to any manufacturer or producer in the sale of bread and bakery products, meats and meat products, or milk and milk products.

(Ordinance No. 23, May 9, 1955, Section 4; as amended by Ordinance No. 248, December 26, 1995, Section 1)

Section 104. Registration with Township Secretary Required. In order to protect the public against fraud and imposition, all persons intending to make sales or soliciting orders for the sale of such goods, wares and merchandise, and other articles, from house to house, or in buildings within the limits of the Township of Spring, shall be required to register with the Secretary of the Township of Spring stating the kind or character of goods or merchandise they intend selling, their names, occupation, residence and reference as to their character for honesty and integrity, as well as reference to the person, firm or corporation whom they represent and who are to supply the goods and materials sold. The giving of such information shall be a condition precedent to the granting of such license and upon verification the Secretary of the Township of Spring shall forthwith issue said permit [license] to applicant. In case said statements and references are not verified, permits [licenses] shall be refused. Any person selling, or offering to sell, or soliciting orders from house to house for such goods, wares, or merchandise, without having first obtained such a permit [license], shall be subject to the fine herein stated. (Ordinance No. 23, May 9, 1955, Section 5)

Section 105. Amusements. To show, exhibit, or conduct in this Township amusements to which an entrance admission is charged except upon payment of license fees therefor as follows:

Circuses: forty (\$40.00) dollars per day;

Circuses and menageries combined: fifty (\$50.00) dollars per day;

Side shows: twenty-five (\$25.00) dollars per day;

Merry-go-rounds: five (\$5.00) dollars per day;

Theatrical and moving-picture exhibitions: fifty (\$50.00) dollars per day or five (\$5.00) dollars per month;

Skating rinks: twenty-five cents (\$0.25) per day;

Public dances: two dollars and fifty cents (\$2.50) per day;

Similar amusements: the same rate per day as those above-mentioned which they most nearly resembled;

Provided: no license fee shall be charged for lectures on scientific or literary subjects, exhibitions of paintings, or statuary, conducted by the citizens of the Township, nor for musical or literary entertainment given for benevolent, religious, educational or charitable purposes. (Ordinance No. 23, May 9, 1955, Section 6)

Section 106. Application Fees Paid to Township Secretary. All applications for licenses under this Part shall be made and paid for to the Secretary of the Township of Spring. (Ordinance No. 23, May 9, 1955, Section 7)

Section 107. Severability. The provisions of this Part shall be severable and if any of its provisions shall be held to be unconstitutional or beyond and outside the power of the Township of Spring to prohibit, the decisions so holding shall not be construed to affect the validity of any of the remaining portions of this Part. It is hereby declared as the intent of the Supervisors of the Township of Spring that this Part would have been adopted had such unconstitutional or unauthorized provisions not been included therein. (Ordinance No. 23, May 9, 1955, Section 8)

Section 108. Penalty. Any person, firm, company, or corporation, or any officials representing any person or persons, firm, company, or corporation, violating the provisions of this Part, upon conviction thereof, shall be subject to a fine of not less than two dollars and fifty cents (\$2.50) or more than one hundred dollars (\$100.00) for each offense and in default of payment thereof in any case, shall be imprisoned in the Township Lockup for a period not exceeding thirty (30) days. (Ordinance No. 23, May 9, 1955, Section 9)

Part 2

Public Gatherings

Section 201. Title. This Part shall be known as and cited as the "Township of Spring Public Gathering Ordinance." (Ordinance No. 237, December 13, 1993, Section I)

Section 202. Definitions. As used in this Part, unless the context requires otherwise:

EMPLOYEES - persons employed by the sponsor (as herein defined).

FAMILY MEMBERS - persons related by blood or marriage, however distant, to the sponsor (as herein defined).

MEMBERS - persons whose memberships in the sponsor (as herein defined) predate the day upon which the public gathering is to occur by at least thirty (30) days.

PERSON IN CHARGE OF PROPERTY - an agent and his principal, occupant, lessee, contract purchaser or person other than owner, having possession or control of property in the Township of Spring on which the public gathering is to occur.

PUBLIC GATHERING - all gatherings of individuals reasonably anticipated to attract more than five hundred (500) in number, for a period of two (2) or more hours, excluding:

- (1) A public gathering for religious purposes.
- (2) A public gathering sponsored in whole or in part by public or private schools and/or colleges.
- (3) A public gathering for purposes of lawful picketing.
- (4) A public gathering sponsored in whole or in part by a governmental agency.
- (5) A public gathering at which attendance is limited solely to employees, family and members (all as herein defined) and their guests. provided, however, that all picnics, festivals, carnivals, circuses, shows and entertainment activities reasonably anticipated to attract more than five hundred (500) in number, for a period of two (2) or more hours, shall be subject to the terms and provisions of this Part.

SPONSOR(S) - 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 public gathering.

(Ordinance No. 237, December 13, 1993, Section II)

Section 203. Prohibited Activity. It shall be unlawful for any sponsor, owner of property, or person in charge of property to initiate, organize, promote, permit, conduct or cause to be advertised a public gathering unless a permit has been obtained pursuant to this Part. A separate permit shall be required for each public gathering for the period of time designated by the permit. (Ordinance No. 237, December 13, 1993, Section III)

Section 204. Permit Requirements. No public gathering shall be held within the boundaries of the Township of Spring, Berks County, Pennsylvania, unless the sponsor(s) and the owner of the property or the person in charge of the property upon which the public gathering will occur, jointly apply for and are granted a permit as hereinafter provided:

(A) No permit shall be granted for a public gathering of more than forty-eight (48) hours duration unless the application specifically requests, and the permit specifically allows, an extension of that period.

(B) No applicant shall be under twenty-one (21) years of age.

(C) No permit may be transferred or assigned.

(D) In case of disputes over the number of persons reasonably anticipated to attend the public gathering, the Board of Supervisors of the Township of Spring reserves the right to make a final decision as to the number of persons reasonably anticipated to attend the public gathering.

(Ordinance No. 237, December 13, 1993, Section IV)

Section 205. Application.

(A) Written application for each public gathering shall be made to the Township of Spring according to the following schedule:

(1) For a public gathering numbering five hundred (500) to two thousand (2,000) persons, at any one (1) time, written application must be made thirty (30) days prior to the first day upon which public

announcement, promotion or advertising is to be made or the day upon which the public gathering is to commence, whichever first occurs.

(2) For a public gathering numbering two thousand (2,000) or more persons, at any one (1) time, written application must be made sixty (60) days prior to the first day upon which public announcement, promotion or advertising is to be made or the day upon which the public gathering is to commence, whichever first occurs.

(B) Application shall be made on forms provided by the Township of Spring and shall contain, at least, the following information:

(1) The full legal names, addresses and telephone numbers of all Sponsor(s).

(2) The full legal name and address of the owner and the person in charge of the property to be utilized for the public gathering.

(3) If the Sponsor(s) is/are a partnership or joint venture, all partners and parties to the joint venture shall sign as applicant. If the Sponsor(s) is/are a corporation, a copy of the articles of incorporation and a corporate resolution authorizing the application shall be made a part of the application.

(4) The location and address of the property to be utilized for the public gathering.

(5) The program for the public gathering or, if no program is prepared, a narrative statement as to the purpose for which the public gathering is to be conducted.

(6) A diagrammatic plan of the proposed site of the public gathering showing the locations and dimensions of the area where the programmed entertainment, amusement or recreation is to be conducted, areas for spectators or persons attending the event, all structures existing and to be constructed, proposed parking area and service roads, potable water facilities, sanitary facilities, sewage disposal facilities, medical services facilities, facilities for and distribution of security personnel and facilities for food and beverage storage, preparation and service, as well as camping facilities and projected plans for enclosure, if necessary, of the proposed site.

(7) Evidence that all permits and licenses as required by the State and County statutes, ordinances and regulations enacted thereunder have been obtained.

(8) A statement of number of persons expected to attend the public gathering and the duration of the same.

(9) Specific information and details relating to:

(a) Temporary overnight accommodations for individuals.

(b) Sanitary and waste disposal facilities and providers thereof.

(c) Transportation and parking facilities.

(d) Security and protection of surrounding areas, including specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending and providers thereof.

(e) On site medical facilities and providers thereof.

(f) Trash removal and site restoration and providers thereof, immediately following the public gathering.

(g) Lighting and other utility services.

(10) Certificate of insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing comprehensive general liability, or special event public liability, in an amount of at least one million dollars (\$1,000,000.00) for personal injury and one hundred thousand dollars (\$100,000.00) for property damage.

(11) Examples of all proposed advertising of the event, if any.

(12) Applicants' statement that they shall abide by the terms and provisions of this Part, and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, County of Berks and Township of Spring.

(Ordinance No. 237, December 13, 1993, Section V)

Section 206. Bond of Indemnity.

(A) As an additional condition to the issuance of a permit for a public gathering as defined herein, the Township may require, at its discretion after consideration of the application submitted, the applicants to submit a bond, with licensed commercial surety, letter of credit or cash, as a security deposit in an amount to be determined in accordance with the schedule set forth below and in a form approved by the Township Solicitor to save and protect and indemnify the Township from any loss or expense sustained as a result of (1) loss and damage to Township streets, pavements, bridges, road signs and all other Township property caused by persons sponsoring, working at, or attending and participating in the public gathering and any vehicles or other instrumentalities in their control; and (2) failure of the persons to whom a permit was issued to perform their obligations under the permit granted by the Township of Spring including, but not limited to, such things as restoring the premises where the public gathering was held to a sanitary condition, or providing necessary security or traffic control.

(B) The corporate bond of indemnity or cash deposit shall be in the following amounts:

Persons Reasonably Anticipated	Cash Deposit or Bond Amount
501 to 2,000	\$1,000.00
2,001 to 3,500	\$2,000.00
3,501 to 5,000	\$5,000.00
5,001 to 10,000	\$10,000.00
Over 10,000	\$25,000.00

(Ordinance No. 237, December 13, 1993, Section VI)

Section 207. Conditions of Approval. Any permit issued by the Township of Spring shall be expressly conditioned upon satisfaction and completion of the conditions recited in this Section. Furthermore, failure to satisfy the following conditions shall constitute grounds for the immediate revocation of the permit by the Township of Spring and the cancellation of the public gathering:

(A) **Sanitary Facilities.** Written approval of the Sewage Enforcement Officer of the Township of Spring relating to the adequacy of sanitary toilet facilities and sewage disposal facilities at a public gathering as described in applicant's application.

(B) **Public Safety.**

(1) Security. Sponsor(s) shall demonstrate that a plan, and means to implement the plan, exists to provide for adequate traffic control and crowd control, which plan is approved by a designated Township Police Department representative.

(2) Enclosures. Sponsor(s) shall demonstrate that a plan, and means to implement the plan, exists to have the location where the public gathering is to be held enclosed with snow fencing or other similar material of equivalent strength of not less than four (4) feet in height, if admission is charged and attendance is reasonably expected to exceed two thousand (2,000) persons.

(3) Medical Services. Sponsor(s) shall demonstrate that a plan, and a means to implement the plan, exists to provide sufficient medical services to the public gathering. Identification of the company or person supplying this service shall be provided.

(4) Parking Facilities. Sponsor(s) shall demonstrate that a plan, and a means to implement the plan, exists to provide adequate parking facilities appropriate to the anticipated number of persons in attendance. For onsite parking there shall also be provided adequate ingress and egress to and from parking areas to facilitate the movement of vehicles at any time or from the parking areas and to permit access for emergency vehicles.

(Ordinance No. 237, December 13, 1993, Section VII)

Section 208. Conduct of Public Gathering.

(A) Public gathering permittees shall maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, medical service facilities and other facilities and utilities provided in accordance with the plans submitted and approved, and in a safe and healthful manner.

(B) No permittee or persons having control of the public gathering, shall condone any illegal conduct on the premises including, but not limited to, disorderly conduct or illegal possession, sale or use of intoxicating beverages or drugs.

(C) The burden of preserving order during the public gathering is upon the permittees of the public gathering. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Part, or other ordinances of Berks County or of the Township of Spring, or of the conditions of the permit granted hereunder may be cause for

immediate revocation of the permit by the Township of Spring upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the public gathering shall immediately terminate the assembly and provide for the orderly dispersal of those in attendance.

(D) The Township of Spring, its authorized agents and representatives, shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

(E) No entertainment, amusement or use of sound amplification equipment shall be provided or permitted between the hours of 11:00 p.m. and 10:00 a.m., Sunday through Thursday and midnight and 10:00 a.m. Friday and Saturday.

(F) Sponsor(s) of the public gathering and/or the person in charge of property, or their designated agents or representatives, shall at all times be in attendance at the public gathering and shall be responsible for insuring that no person shall be allowed to remain on the premises who is violating any State or Township laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania and/or the Township of Spring.

(G) Public gatherings operating without a permit under this Part based on a reasonable anticipation of less than five hundred (500) persons in attendance shall limit attendance therein to four hundred ninety-nine (499) persons, and printed tickets, if utilized, shall not number more than four hundred ninety-nine (499).

(H) At the conclusion of the program, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the licensed premises, except permanent residents, unless temporary overnight accommodations were previously approved by the Township of Spring, in writing, pursuant to the application process of this Part.

(I) For public gatherings where a public highway will require partial or full closure for the event, a street usage permit must be obtained in addition to any permit required under this Part. A separate application must be obtained from the Township of Spring.

(Ordinance No. 237, December 13, 1993, Section VIII)

Section 209. Conformance with Other Law. This Part shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all Federal and

State laws, rules and regulations, County and Township ordinances which are now, or may be in the future, in effect which pertain to the conduct of public gatherings. (Ordinance No. 237, December 13, 1993, Section IX)

Section 210. Denial/Revocation of Permit. Misrepresentation of any information submitted to the Township of Spring may constitute a basis for the denial of a permit. Noncompliance of any portion of this Part may also constitute a basis for the revocation of a permit. (Ordinance No. 237, December 13, 1993, Section X)

Section 211. Penalties.

(A) Any person, association, partnership, firm, corporation, joint venture or any other legal entity who initiates, organizes, promotes, permits, conducts or causes to be advertised a public gathering 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 of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, upon conviction thereof by any District Justice, shall be subject to a fine of not more than six hundred dollars (\$600.00), together with costs. In default of the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

(B) Nothing herein contained shall preclude the Township of Spring from instituting proceedings at law or in equity to prevent and/or cease the operation of a public gathering not in conformity with the terms and provisions of this Part.

(Ordinance No. 237, December 13, 1993, Section XI)

Section 212. Severability. The provisions of this Part shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part. It is hereby declared as legislative intent that this Part would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein. (Ordinance No. 237, December 13, 1993, Section XII)