

ORDINANCE NO. 20

An Ordinance regulating and providing for the licensing of circuses, carnivals, menageries, rodeos, wild west shows and other similar public entertainments, and merry-go-rounds, ferris wheels and other mechanical rides, and prescribing penalties for violation.

Be it enacted and ordained by the Township of Westfall, County of Pike, State of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. The word "person", as used in this ordinance, shall mean any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. No person shall exhibit, show, conduct or operate, at any place in the Township of Westfall, or cause or permit to be exhibited, shown, conducted or operated, in any place within the said Township owned, leased, managed or controlled by him, any circus, carnival, menagerie, rodeo, wild west show, or other similar public entertainment, or any merry-go-round, ferris wheel, airplane ride or any other type of mechanical ride unless the same shall have been licensed according to the provisions of this ordinance.

SECTION 3. No license shall be issued under this ordinance until permission has first been granted by the Township Supervisors of the Township of Westfall, and until the license fee, as prescribed in this ordinance, has been paid, and any cash bond has been paid and/or evidence of public liability insurance has been submitted as required by this ordinance.

SECTION 4. Before the Township Supervisors shall grant per-

mission as provided in the second section of this ordinance, the premises where a circus, carnival, menagerie, rodeo, wild west show or other similar public entertainment is proposed to be held or any type of mechanical ride is proposed to be installed shall be inspected by the Township Supervisors and Fire Chief of said township, in order to ascertain whether such premises are suitable for the purpose and free from dangerous or hazardous features. The Township Supervisors may cause any other investigation or inspection to be made in order to secure the facts needed by it in determining whether or not the permission shall be granted. The Township Supervisors may deny such permission on account of the existence of any unsanitary, hazardous or dangerous condition, or because the location is deemed by it unsuitable on account of the creation of a traffic hazard, the lack of accommodations for the number of persons and/or vehicles likely to be attracted thereto, or the creation of unnecessary annoyance to the residents or inhabitants of the locality. In every case the Township Supervisors in granting the permission, shall state the type of entertainment authorized and the time for which the permission is to remain in effect. Such permissions may be granted conditionally, dependent upon the taking of stipulated action by the holder of the license in order to meet standards of sanitation and safety.

SECTION 5. Every person applying for a license for a circus, carnival, menagerie, wild west show or other public entertainment, under the ordinance, shall deposit with the Township Treasurer a cash bond in the sum of one thousand dollars (\$1,000.00) conditioned for the faithful observance of the

provisions of this ordinance and saving harmless the Township Supervisors from any and all liabilities and causes of action which might arise by virtue of the granting of such license in said Township, and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property, and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or any private property by such licensing. Said bond shall also be a guarantee for the oiling and treating of unpaved streets with suitable dust layer in the vicinity of the licensed premises, the streets to be treated to be determined by the Township Supervisors. It shall be the obligation of the holder of such license, before any program is commenced, to treat the streets so specified by the Township Supervisors in the vicinity of the licensed premises with suitable approved dust layer, and such cash bond which has been deposited shall be returned upon satisfaction of the Township Supervisors that all conditions of this ordinance have been complied with, and that the property and streets where such public entertainment has been held is placed in a neat condition and all debris removed. Said cash bond shall be further conditioned that the applicant will pay the necessary license fees to the Township Secretary.

SECTION 6. Every applicant for a license for any carnival, circus, menagerie, rodeo, wild west show or other public entertainment, before such license is granted, shall furnish evidence to the Township Secretary that a public liability insurance policy in amounts of not less than fifty thousand dollars (\$50,000.00) for one person and one hundred thousand dollars (\$100,000.00) for any one accident, shall be in force and effect at the time

such carnival, circus, menagerie, rodeo, wild west show or other similar public entertainment is to operate in the Township of Westfall. Such policy shall be subject to the approval of the Township Solicitor.

SECTION 7. Any person, having obtained permission from the Township Supervisors as provided in this ordinance, and desiring to procure a license for any of the following entertainments, shall pay to the Township Secretary, for the use of the Township, a fee according to the following schedule:

Carnival, circus, rodeo, menagerie,
wild west show, or other similar
public entertainment, per day -----\$100.00

Merry-go-round, ferris wheel,
air-planes, rides, and all other
types of mechanical rides, each per day-----

Upon payment of such fee and furnishing of evidence of having paid the cash bond and obtained the public liability insurance policy as required herein, such person shall be granted a license by the Township Secretary. Such license shall state the type of entertainment authorized and the time for which such license shall be granted. No person who shall be granted a license under this ordinance shall operate or conduct thereunder any type of entertainment other than that specified therein or shall continue to operate or conduct any type of entertainment beyond the period for which such license shall be granted. A separate license shall be required for each place, within the limits of the Township, where any such entertainment is maintained.

SECTION 8. After any license shall be granted under this ordinance, and before any entertainment or show shall be held or amusement ride operated thereunder, the Township

Supervisors shall cause the proper Township Officers to inspect the premises and the installations made thereon in order to determine whether all dangerous, hazardous and unsanitary features have been eliminated and whether all conditions contained in the permission of the Township have been met. The holder of such license shall cause all dangerous, hazardous and unsanitary conditions to be eliminated and all such conditions to be met before beginning to hold such show or to operate any amusement ride, and he shall maintain the premises and installations in proper condition for the duration of the license, and be subject to continuous inspections by the proper township officers for the duration of the license.

SECTION 9. No holder of a license under this ordinance shall make or permit to be made any unnecessary or unreasonable noise by loud speaker, amplifying device or any other means which would disturb the residents in the vicinity of the premises wherein such licensed entertainment is held.

SECTION 10. No circus, carnival, menagerie, wild west show, rodeo or other similar entertainment shall travel on any of the streets of the Township of Westfall in going to or from the place where such entertainment is to be held, except upon a route or routes to be designated by the Township Supervisors.

SECTION 11. The Township Supervisors are hereby authorized to revoke any license granted under this ordinance in case of failure to maintain proper standards of safety and sanitation. In case of revocation of any license as herein provided, no portion of the license fee shall be reimbursed to the holder of such license.

SECTION 12. Any person who shall violate any of the provisions of this ordinance, shall, upon conviction thereof, be

sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

SECTION 13. The provisions of this ordinance shall be severable, and if any provision thereof 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 ordinance. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

SECTION 14. This ordinance shall be effective immediately upon approval as provided by law.

Enacted and ordered by the Township of Westfall into an ordinance this 5th day of April, 1966.

Melvin Strat
George P. Campbell
Alfred A. ...
Westfall Township Supervisors

Attest Renneth Thabau