

ARTICLE IX

OUTDOOR ENTERTAINMENT

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2021-09-06 dated September 8, 2021.

§7-901 Purpose and Findings

Center Township intends to preserve the health, safety and welfare of the residents and neighborhoods within its boundaries by regulating the utilization of sound systems so as to help alleviate disturbances of the general peace and tranquility of Center Township.

- A. Events and gatherings which utilize sound systems, whether held on private or public property, can, if misused, create neighborhood disturbances and other conditions which result in a general disturbance of the peace and can impact the health, safety and welfare of the surrounding community. As such, sound systems will require permits so as to allow the Township, law enforcement officials and/or emergency responders to properly plan for, respond to and/or abate potential misuse.
- B. The event host, organizer, management entity and/or property owner are deemed to be responsible for the proper use of sound systems in a manner so as to be a responsible neighbor.
- C. Stand up routines, comedians etc. must be broadcast into vehicles using the system to broadcast to vehicles.

§7-902 Definitions

- A. **Amplified Event:** Any gathering of fifty (50) or more people or a place of gathering promoted in such a fashion to attract fifty (50) more people, for the purposes involving sound systems.
- B. **Promoter:** Any person, firm, association, or corporation which shall promote, book, produce, or otherwise arrange for any form of outdoor entertainment.
- C. **Sound System:** Any portable electric or electronic sound systems for amplifying live or recorded music or live or recorded speaking, as the case may be), by utilizing amplifiers, microphones, amplified acoustic musical instruments and the like.

§7-903 Location

No permit for outdoor entertainment shall be granted unless said assembly is to be held in the following zoning districts of Center Township:

- A. "C-2", Highway Commercial District
- B. "M-1" Light Industrial District
- C. "M-2" Heavy Industrial District

§7-904 Permits Required

The use of sound systems or an amplified event shall require a permit from the Township. The permit will be required for event or gatherings with fifty (50) or more people in attendance. The permit shall be requested from and issued by the Center Township Zoning Officer. The applicant shall apply for a permit at least thirty (30) days prior to utilizing a sound system. All permits shall be conspicuously posted at the site of the amplified event. Permit fees shall be determined by Resolution of the Board of Supervisors from time to time enacted.

Note: 501(c)(3) IRS tax exempt charitable organizations or other entities recognized by IRS § 501(c) as tax exempt are exempt from the permit fee but must comply with Section 7-905.

§7-905 Setback

The sound system equipment used shall not be oriented toward a single family residence located within one thousand (1000) feet of the sound system equipment. Further, to the extent possible, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property. The sound emitted shall not exceed seventy-five (75) decibels at twenty-five (25) feet outside of the event with property owner's permission (level to be measured by a professional company at Center Township's discretion which will be paid by the Promoter).

§7-906 Hours of Operation

Sound systems shall be utilized only between 3:00 p.m., which includes sound checks, all music/loud noise is to cease no later than 10:00 p.m. Sundays through Thursday and 11:00 p.m. Friday and Saturday. A request to extend time shall be filed in writing at the same time as the application is filed. An application to extend time may be granted by the Board of Supervisors only upon good cause.

Note: Rain delays will not affect start/stop times.

§7-907 Fees

The fee for permits may be established, from time to time, by Resolution of the Board of Supervisors.

§7-908 Revocation of Permit

The Pennsylvania State Police and/or the authorized Township Zoning Officer or designee shall have the authority to enter upon the property to revoke the Sound System event permit upon the violation of any of the terms and conditions of the use permit or of the provisions of this Section. Upon such revocation, the use of any and all sound amplification shall cease and desist immediately. No property or person in violation of this Article shall be eligible for a use permit under this Section within forty-five (45) days that the violation occurs, except on permission of the Board of Supervisors for good cause.

§7-909 Penalty

Any person who violates or permits a violation of this Article shall, upon being found liable therefore in an enforcement proceeding commenced by the Township before the Magistrate District Judge, shall pay a fine of not less than Seven Hundred-Fifty Dollars (\$750.00) and not more than One Thousand Dollars (\$1,000.00), plus all Court costs, including reasonable attorney's fees and decibel testing costs, incurred by the Township in the enforcement of this Article; and in the failure to do so, undergo imprisonment for a term not to exceed thirty (30) days. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice, enter upon the property to abate the violation and/or seek equitable relief, including injunction, to enforce compliance herewith. A person who violates this Article shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and Court costs associated with enforcement.