

Chapter 54

AMUSEMENTS AND ENTERTAINMENT

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[HISTORY: Adopted by the Borough Council of the Borough of Westfield 8-13-2003 by Ord. No. 289. Amendments noted where applicable.]

§ 54-1. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

AMUSEMENT RIDE — Any device that carries or conveys passengers along, around or over a fixed or restricted route or course within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including but not limited to Ferris wheels, merry-go-rounds and roller coasters, which may be temporarily or permanently installed or used in the Borough of Westfield.

CARNIVAL or CIRCUS — An itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

EVENT — Any carnival, circus, fair, exhibition or amusement event.

PERSON — Any natural person, partnership, firm or corporation.

- B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 54-2. Permit required.

It shall be unlawful for any person to hold or conduct any carnival, fair, circus or event at any location within the Borough of Westfield or to operate any amusement ride therein without first having obtained a permit therefor from the Borough Secretary acting on behalf of the Westfield Borough Council in accordance with the provisions of this chapter, provided that no separate permit shall be required for any amusement ride that is part of any event authorized under this chapter.

§ 54-3. Permit application; fees.

- A. The applicant for such a permit shall file an application substantially in the form prescribed by this chapter and shall file said application, in writing, with the Borough

Secretary, which application shall be accompanied by the following information and assurances in sufficient detail:

- (1) The type of amusement, carnival, circus or exhibition.
 - (2) The number of admission tickets to be sold, if any, or approximate capacity of any and all buildings to be used.
 - (3) The amount of space and plan of the area where the event the amount is to take place.
 - (4) The number of entrances to be opened for admittance to each building, if any, that is part of the event and the number of entrances to be used solely for admission to the event's seating area or areas, if any.
 - (5) The number of staff for the event, including security personnel.
 - (6) The parking facilities available.
 - (7) Identify that adequate sanitary facilities are available for the number of people expected.
 - (8) Identify that adequate trash receptacles are available for outside events.
 - (9) The length of time the event shall take place.
 - (10) The hours of operation each day the event shall take place, subject to the limitations of this chapter.
- B. The applicant shall furnish evidence that a public liability insurance policy shall be in force and effect at the time and place of the event. No permit shall be issued until the Borough Council is satisfied that the owner, operator or sponsor of such exhibition has suitable insurance to provide protection against foreseeable risks with respect to the operation of such event.
- C. The applicant shall furnish evidence regarding the safety and condition of equipment to be used at the event, if any. No permit shall be used until the Borough Council is satisfied that the evidence of safety is sufficient with respect to the operation of equipment at the event.
- D. The applicant shall submit a fee for the use of the Borough of Westfield, said fee being established pursuant to a Resolution of the Borough Council,¹ provided that no separate fee shall be required for any amusement ride that is part of any event authorized under this chapter.
- E. The application plans and fee shall be submitted to the Borough Secretary at least 10 days prior to the date of the event.
- F. The Borough Council or its design shall notify the Police Department and the Fire Department of the receipt of plans and shall forward copies of the application and plans to the Police Department and Fire Department.

1. Editor's Note: See Ch. A137, Fees.

- G. Nothing in this section shall be construed to relieve from liability the person or persons responsible for the management and operation of the event, including the employment of adequate personnel for security, health, safety and sanitation.

§ 54-4. Issuance of permits.

- A. If the Borough Council finds that all of the limitations and requirements of the permit and this chapter have been complied with or will be complied with by the applicant, the Borough Council shall issue the permit conditional upon such reasonable limitations and requirements as it may deem necessary for the safety of persons and property.
- B. No permit shall be issued where the owner of such circus or carnival or operation of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act (4 P.S. § 407 et seq.) and the regulations of the Amusement Ride Safety Board (7 Pa. Code § 139.1 et seq.) along with a certificate of inspection as required by Section 414 of the same Act.

§ 54-5. Appeals; hearing.

- A. If any permit shall be denied, an appeal from such denial may be made by the applicant or person to whom the permit had been issued, as the case may be, in writing, to the Borough Council, within 10 days of the denial. No portion of a permit fee shall be refunded in the case of a suspension or revocation of a permit.
- B. A hearing on such appeal shall be conducted within 30 days of the filing of the appeal, and a decision shall be rendered by the Borough Council within five days of the hearing.

§ 54-6. Hours of operation; rules of conduct.

- A. All carnivals, circuses, amusement rides and events shall operate between the following hours only:
- (1) Monday through Thursday and Sunday: 10:00 a.m. to 11:00 p.m.
 - (2) Friday and Saturday: 10:00 a.m. to 12:00 midnight.
- B. The owner, operator and/or sponsor of any carnival, circus, amusement ride or event shall not permit unnecessarily loud noises to issue from the premises on which such event is located, as provided by law.

§ 54-7. Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof before the District Justice, be sentenced to pay a fine of not more than \$600 and, in default of such payment, shall be imprisoned for a term not exceeding 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

- B. In addition to the fines and penalties above, any person violating any of the provisions of this chapter and to whom a permit was issued shall have such permit revoked. No permits shall be issued to any person convicted before the District Justice for violations of the provisions of this chapter for a period of three years for each such conviction.