

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13, PART 1 OF THE CODE OF ORDINANCES OF THE BOROUGH OF GETTYSBURG REGULATING AMUSEMENTS BY REPLACING IT WITH AN AMENDED AND UPDATED PART 1.

The Borough Council of the Borough of Gettysburg hereby enacts, adopts, and ordains the following:

SECTION 1: Chapter 13, Part 1 of the Code of Ordinances of the Borough of Gettysburg previously ordained by the Borough Council of the Borough of Gettysburg by Ordinance 6136-A enacted on March 6, 1961 and amended by Ordinance 121 enacted on June 13, 1968, by Ordinance 1028-85 enacted on August 12, 1985, and by Ordinance 1236-99 enacted on December 13, 1999 is hereby amended and shall be updated and replaced with the following Part 1:

PART 1

AMUSEMENTS

SECTION 2: License Required. It shall be unlawful for any person to conduct any form of amusement at any permanent or temporary place of amusement or any itinerant form of amusement within the Borough of Gettysburg unless an amusement license shall have been issued as hereinafter prescribed.

SECTION 3: Definitions. The following words and phrases when used in this ordinance shall have the meanings ascribed to them in this section:

AMUSEMENT –All manner and form of entertainment of any kind including, but not limited to: theatrical, musical or operatic performances, motion picture exhibitions, museums, carnivals, circuses, shows, athletic or sporting contests or events, swimming or bathing pools, amusement parks, exhibitions or displays, carriage rides, guided tours, tourist attractions and any other form of entertainment, diversion, observation or instruction. Provided, that the rental of real property for camping purposes shall not be considered an amusement for purposes of this ordinance.

BOROUGH – The Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH COUNCIL – The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.



PERSON — Any natural person, partnership, association, organization, corporation, company or any other form of legal entity.

PLACE OF AMUSEMENT – An amusement that:

- (a) is wholly confined or conducted within the geographic boundaries of the Borough of Gettysburg; or
- (b) has either its place of origin or place of termination within the geographic boundaries of the Borough of Gettysburg; or
- (c) has a separate and distinct subpart wholly located within the geographic boundaries of the Borough of Gettysburg.

Real property rented for camping purposes shall not be considered a place of amusement for purposes of this ordinance.

SECTION 4: Application for License; Fee. The license provided for herein may be obtained from the Borough upon the submission of a completed application and payment of an application and license fee in an amount to be set from time to time by resolution duly adopted by the Borough Council. The application shall set forth the following information:

- (a) The name, address, electronic mail address, daytime telephone number, and facsimile transmission number of the applicant;
- (b) The name, address, electronic mail address, daytime telephone number, and facsimile transmission number, if available, of any other person conducting the amusement;
- (c) The name, address, electronic mail address, daytime telephone number, and facsimile number, if available, of the person owning the facility in or at which the amusement is to be conducted;
- (d) The location of the amusement;
- (e) The type and description of the amusement;
- (f) The days and hours for the operation of the amusement; and
- (g) The signature of the applicant.

SECTION 5: Issuance of License; Duration. Upon receipt of a properly completed license application and payment in full of the application and license fee, the Borough shall

issue an amusement license within thirty (30) days from the date of submission of the application. Unless otherwise noted on the same, said license shall expire on the 31st day of January of the following year.

SECTION 6: Denial of License; Notification. If the Borough disapproves the application, the Borough shall notify the applicant, in writing, within thirty (30) days from the date of submission of the application. Said notice letter shall set forth the reasons that the license is being denied and shall include any remedial action that the applicant can take in order to obtain a license. In the case of the Borough's denial of the issuance of an amusement license pursuant to the provisions of this ordinance, the application and license fee shall be retained by the Borough and shall not be refunded to the Applicant.

SECTION 7: Suspension or Revocation of License. The Borough may suspend or revoke an issued amusement license whenever it is found that the holder thereof is conducting an amusement in an unlawful manner or in a manner not in accordance with the representations made in the application for such license or where the health, safety and welfare of the public or of public or private property requires such revocation.

SECTION 8: Enforcement; Access to Premises. If it appears to the Borough that a violation of this ordinance has occurred, the Borough shall initiate enforcement proceedings by issuing an enforcement notice. The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel at which the violation has occurred. The Borough shall have access to the place of amusement for inspection purposes at any and all times.

SECTION 9: Penalties. Any person convicted of violating this ordinance shall, upon conviction thereof, be sentenced to a fine of not more than six hundred (\$600) dollars plus any costs incurred by the Borough. Whenever such person shall have been notified by the Borough, through its officials or by service of summons or prosecution, or in any other way, that such violation has been committed, each day that such person shall continue in such violation shall constitute a separate offense.

SECTION 10: Severability. The provisions of this ordinance are severable, and if any section, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Borough Council that this ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 11: This ordinance shall become effective on January 1, 2015.

THIS ORDINANCE DULY ENACTED AND ORDAINED according to law on this 8th day of December, 2014, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg.

BOROUGH OF GETTYSBURG

By: _____
Michael J. Birkner
President of Borough Council

Attest:

Sara L. Stull, Secretary

APPROVED this ____ day of December, 2014.

William E. Troxell, Mayor