CHAPTER 13

LICENSES, PERMITS, GENERAL BUSINESS REGULATIONS

Part 1

Transient Retail Merchants

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Part 1

Transient Retail Merchants

§101. Definitions.

PERSON - any natural person, association, partnership, firm or corporation.

SOLICITING - engaging in peddling, canvassing, soliciting or taking of orders either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Borough. "Soliciting" shall not apply to:

(1) Farmers selling their own produce.

(2) The sale of goods, wares and merchandise by local representatives of nationally recognized charitable or philanthropic organizations such as Red Cross, Salvation Army, Easter Seals, Heart Association, etc., by local church organizations, by Volunteer Fire Departments, Little Leagues or other local recreational organizations and by Boy Scouts, Girl Scouts, Cubs, Brownies and/or Rotary, Lion or Kiwanis Clubs.

(3) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.

(4) Any person exempt from the requirement of securing a local soliciting or peddling license under the provisions of the laws of the Commonwealth of Pennsylvania.

(5) Any person invited or requested to canvass or solicit orders for goods, wares and merchandise by the owner or owners, occupant or occupants of private residences.

SOLICITOR - any person who shall engage in soliciting as defined in this Section.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 188, 10/2/1973, §1)

§102. License Required. No person shall engage in soliciting in the Borough without first having taken out a license as herein provided. (Ord. 188, 10/2/1973, §2)

§103. Application for License. Every person desiring to engage in soliciting in the Borough shall first make application for a license to the Secretary of the Borough who shall exercise the powers herein granted, under the supervision of and subject to such rules, regulations and guidelines as may be issued from time to time by the Mayor of the Borough. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name; address; his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to

peddle; the length of time for which he wishes to be licensed; the type of vehicle he uses, if any; and the number of helpers he has. Provided, where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this Part shall be transferable from one (1) person to another. (Ord. 188, 10/2/1973, §3)

§104. License Fee. No license shall be issued under this Part until the proper fee, in an amount as established from time to time by resolution of the Borough Council, has been paid to the Secretary, which shall be for the use of the Borough. (Ord. 188, 10/2/1973, §4; as amended by Ord. 263, 4/7/1992)

§105. Issuance of License. Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every solicitor. Such license shall contain the information required to be given upon the application therefor. Every solicitor shall at all times when engaged in soliciting or peddling in the Borough, carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Borough officials and citizens. No solicitor shall engage in selling any product not mentioned upon such license nor shall any person having a foot solicitor's license operate from or with any motor vehicle. (Ord. 188, 10/2/1973, §5; as amended by Ord. 263, 4/7/1992)

§106. Hours. No person licensed as a solicitor under this Part shall engage in soliciting or peddling at any time on Sunday, or upon any other day of the week before 9:00 a.m., or after 7:00 p.m. during the months of May, June, July and August, and after 5:00 p.m. during the other months of the year. (Ord. 188, 10/2/1973, §6)

§107. Use of Loudspeakers and other Devices Prohibited. No person licensed as a solicitor under this Part shall hawk or cry his wares upon any of the streets or sidewalks of the Borough, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed. (Ord. 188, 10/2/1973, §7)

§108. Use of Streets and Alleys. No person, licensed as a solicitor under this Part, shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity. (Ord. 188, 10/2/1973, §8)

§109. Fixed Locations Prohibited. No person, licensed as a solicitor under this Part, shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough for the purpose of soliciting or peddling with or without any stand or counter. (Ord. 188, 10/2/1973, §9)

§110. Records to be Kept. The Secretary shall keep a record of all licenses issued under this Part, and shall inform the Mayor daily as to licenses issued hereunder. The Mayor shall supervise the activities of all holders of such licenses. (Ord. 188, 10/2/1973, §10; as amended by Ord. 263, 4/7/1992)

§111. Suspension of License. The Mayor of the Borough is hereby authorized to suspend any license issued under this Part when he deems such suspension to be beneficial to the public health, safety or morals , or for violation of any of the provisions of this Part, or for giving false information upon any application for a license hereunder. (Ord. 188, 10/2/1973, §11)

§112. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred ($600.00) dollars and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 188, 10/2/1973, §12; as amended by Ord. 263, 4/7/1992)

Part 2

Mechanical Amusement Devices

§201. License Required. No person or persons, firm, partnership or corporation shall at any time have in his, her, its or their possession within the Borough any mechanical, coin-operated or amusement device, machine or apparatus whatsoever for the playing of games, music or amusement without first having procured a license therefor as hereinafter provided in this Part. These coin-operated mechanical or amusement devices include, but are not limited to, pinball machines, electronically-operated shuffleboard, bowling, video games, electronically-operated tennis, billiards, rides, other games of amusement, any coin-operated musical devices, juke box, phonograph or music box, upon which games, rides or recordings are played through the insertion therein of a coin or other metal disc, slug or token whatsoever. (Ord. 94, 11/1/1948, §1; as amended by Ord. 116, 7/16/1956, §2; and by Ord. 263, 4/7/1992)

§202. Application for License. Any person or persons, firm, partnership or corporation, desiring to procure a license, as provided in §201 of this Part, shall apply therefor in writing to the Borough Secretary. Said application shall be signed by the applicant or applicants and shall set forth the name or names, the residence or residences of the person or persons, firm, partnership or corporation, so applying, together with the present and previous occupation of the applicant or applicants and the length of residence at the present and the previous place of residence, the name of the owner of the premises upon which the machines are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased and whether applicant is a citizen of the United States. The application shall also set forth the manufacture and nature of the machines to be installed and used. (Ord. 94, 11/1/1948, §2)

§203. Waiting Period. No license shall be granted until a period of seven (7) days shall have elapsed from the date of application, during which time the Borough Secretary may, at his discretion, investigate the facts set forth in the application. No license shall be granted to any persons not a citizen of the United States. (Ord. 94, 11/1/1948, §3)

§204. Gambling Devices. Nothing in this Part shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania. (Ord. 94, 11/1/1948, §4)

§205. License Fee. No license shall be issued until an annual fee therefore shall have been paid to the Borough Secretary in an amount as established from time to time by resolution of the Borough Council, for each and every device so installed and used, under the terms of this Part, in the Borough. All licenses issued under this Part shall expire on December 31st of the year in which they are issued. (Ord. 94, 11/1/1948, §5; as amended by Ord. 116, 7/16/1956, §3; and by Ord. 263, 4/7/1992)

§206. Payment of Fee. Upon payment of the license fee provided by this Part, the Borough Secretary shall issue a metal disc or cloth tab or tag setting forth the number of the license for each machine so licensed, which said disc or plate shall be attached and fastened to such machine or device so that the same may be clearly observable and readable. (Ord. 94, 11/1/1948, §6)

§207. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred ($600.00) dollars and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 94, 11/1/1948, §7; as amended by Ord. 263, 4/7/1992)