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PART 1

OUTDOOR AMUSEMENTS

§13-101. Definitions.

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

CAPACITY — of an indoor facility shall be determined by its normal use and permanent sanitary facilities and permanent parking facilities.

OUTDOOR AMUSEMENT — any outdoor theatrical, musical or dramatic performance, festival, or carnival, or any other outdoor exhibition, show, entertainment, or amusement of any similar nature or kind, for which an admission fee is charged or for which money or any other reward of any nature is in any manner demanded, expected or received. The term “outdoor amusement” shall include any church or school affair, and any performance or exhibition conducted solely for benevolent or charitable purposes. The term “outdoor amusement” shall include indoor amusements of the above nature where the anticipated event exceeds the capacity of the indoor facility in the opinion of the fire chief or Township police.

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

(Ord. 102, 3/11/1974, §1; as amended by Ord. 1993-7, 7/21/1993, §1)

§13-102. Application for Permit.

1. No person, either as principal or agent, shall conduct or hold, nor shall permit the conduct or holding on premises owned or under the control of such person, any “outdoor amusement” in the Township of Sandy unless the same shall have been licensed according to the provisions of this Part. An application for the license required by this Part must be filed with the Secretary of the Board of Supervisors, if the outdoor amusement is to take place on or before December 31, 1974, at least five days before the date on which the outdoor amusement is proposed to be held. If the outdoor amusement is to take place on or after January, 1975, said application for the license must be filed with the Secretary of the Board of Supervisors at least 60 days before the date on which the outdoor amusement is proposed to be held. Such application shall be in writing and shall include:
 - A. The name and business address of the person who proposes to conduct the outdoor amusement.
 - B. The type of outdoor amusement proposed.

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- C. The date or dates on which the proposed outdoor amusement is to be conducted.
 - D. The hours during which the proposed outdoor amusement is to be conducted on each date submitted as required by subsection (C).
 - E. The site on which the proposed outdoor amusement is to be conducted.
 - F. The number of people per performance per day which the applicant estimates will attend the proposed outdoor amusement.
2. A separate application must be filed for each site and every application must be duly acknowledged and contain a statement that the facts set forth therein are true and correct under the penalties of perjury. The Secretary of the Board of Supervisors shall provide official application forms which must be used by the applicant.

(Ord. 102, 3/11/1974, §2)

§13-103. Requirement for Licensing.

1. No license shall be issued under this Part until:
- A. The application required by this Part has been approved by the Board of Supervisors.
 - B. A certified copy of all State and County permits are filed with the Secretary of the Board of Supervisors in any instance in which such State and County permits are required to conduct the proposed outdoor amusement.
 - C. The Board of Supervisors, or their agents, have inspected the premises where the proposed outdoor amusement is to be held to ascertain whether such premises are suitable for the purpose and free from unsanitary, dangerous or hazardous features.
 - D. The cash bond required by this Part has been paid.
 - E. The evidence of public liability insurance required by this Part has been filed with the Secretary of the Board of Supervisors.
 - F. The license fee required by this Part has been paid.
2. The Board of Supervisors may cause any other investigation or inspection to be made to secure the facts needed by it to determine if the application should be approved and the license granted. It may reject the application and refuse to grant the license if any unsanitary, hazardous or dangerous conditions exist, or if the location is deemed by it unsuitable because the conduct of the proposed outdoor

amusement thereon would create a traffic hazard, or because of the lack of accommodations for the number of persons and/or vehicles likely to be attracted thereto, or if the proposed outdoor amusement is likely to create unnecessary annoyance to the residents or inhabitants of the locality. In every case, the Board of Supervisors, approving the application and issuing a license, shall state in the license the type of outdoor amusement authorized and the time for which the license is to remain in effect.

(Ord. 102, 3/11/1974, §3)

§13-104. Bond Required.

Every person applying for a license for an outdoor amusement under this Part shall deposit with the Township Treasurer a cash bond in the sum of \$25,000 dollars conditioned for the faithful observance of the provisions of this Part and the saving harmless of the Township of Sandy 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 occur to the streets, bridges and other public or private property in the Township, or adjacent thereto, as a result of the outdoor amusement and that the licensee will not permit any dirt, paper, litter or other debris from the outdoor amusement to remain thereon. Said bond shall also be a guarantee for treating with suitable dust layer those unpaved roads in the vicinity of the licensed premises designated by the Board of Supervisors. Before any program is commenced, the licensee shall treat the roads so designated by the Board of Supervisors with suitable dust layer approved by the Board. Such cash bond shall be returned upon certification by the Board of Supervisors that all conditions of this Part have been complied with and that the aforesaid property and roads have been 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 based on actual attendance to the Township Secretary.

(Ord. 102, 3/11/1974, §4)

§13-105. Liability Insurance Required.

Every applicant for a license under this Part shall furnish satisfactory evidence to the Township Secretary that a public liability insurance policy in amounts of not less than \$300,000 dollars for one person and \$500,000 dollars for any one accident, will be in force and effect during the period which such outdoor amusement is to be conducted in the Township. Such policy shall be subject to the approval of the Township Solicitor.

(Ord. 102, 3/11/1974, §5)

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§13-106. Fees Payable to Township.

Before a license shall be issued to any person whose application under this Part has been approved by the Board of Supervisors, that person shall pay to the Township Secretary a fee in the amount to be established, from time to time by resolution of the Board of Supervisors.

(Ord. 102, 3/11/1974, §6; as amended by A.O.)

§13-107. Issuance of License.

1. When all of the requirements of this Part have been met and the application has been approved by the Board of Supervisors, the Township Secretary shall issue a license hereunder to conduct the outdoor amusement. The license shall in every case state:
 - A. The name and business address of the person authorized to conduct the outdoor amusement.
 - B. The type of outdoor amusement authorized.
 - C. The date or dates on which the proposed outdoor amusement is to be conducted.
 - D. The hours during which the outdoor amusement is to be conducted on each date or date authorized by subsection (C).
 - E. The site on which the outdoor amusement is to be conducted.
 - F. The hour and date on which the license shall expire.
2. A separate license must be issued for every site and a separate fee paid for each. A license shall not be assignable.

(Ord. 102, 3/11/1974, §7)

§13-108. Site Inspection.

After any license has been issued under this Part, the Board of Supervisors, or their agents, shall inspect the site designated therein before any program, show or entertainment is begun to ensure that no dangerous, hazardous and unsanitary conditions exist. The licensee shall correct any such dangerous, hazardous and unsanitary conditions which may exist before any program, show or entertainment is begun. If he does not, his license shall forthwith be revoked, and no part of the license fee shall be refunded.

(Ord. 102, 3/11/1974, §8)

§13-109. Noise Restrictions.

No holder of a license under this Part 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 outdoor amusement is held.

(Ord. 102, 3/11/1974, §9)

§13-110. Sign Limitations.

At no time shall any directional signs to the site named in the application for license hereunder be posted along any roads in the Township except those designated by the Board of Supervisors.

(Ord. 102, 3/11/1974, §10)

§13-111. Site Restrictions.

No person granted a license under this Part shall permit upon the site named therein:

- A. Any disorderly or immoral conduct.
- B. Any gambling.
- C. Any sale of obscene literature, pictures, film or other objects.
- D. Any indecent, immoral or lewd act or performance.
- E. Any possession, sale or use of intoxicants and/or drugs of any kind.

(Ord. 102, 3/11/1974, §11)

§13-112. Revoking of License.

The Board of Supervisors shall forthwith revoke any license granted under this Part if at any time dangerous, hazardous and unsanitary conditions develop on the site designated in the license or if the licensee violates in any way any provision of this Part, and no part of the license fee shall be refunded.

(Ord. 102, 3/11/1974, §12)

§13-113. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 102, 3/11/1974, §13; as amended by Ord. 1996-6, 8/21/1996, §1; by Ord. 1997-2, 4/2/1997, §1; and by A.O.

PART 2

MECHANICAL DEVICES

§13-201. License Required.

No person, firm, copartnership or association, with the exception of a registered non-profit organization, shall, on and after the passage of this Part, at any time have in its or their possession, in Sandy Township, any mechanical device, machine or apparatus whatsoever, for the playing of games and amusement, whether known as pin ball machines or otherwise, by means of the insertion therein of a coin or other metal disc, slug or token whatsoever without first having procured a license therefore, as hereinafter provided in this Part.

(Ord. 1981-2, 8/10/1981, §1)

§13-202. Requirements for Application.

Any person, firm, corporation, copartnership or association desiring to procure a license shall apply therefor in writing, to the Township Treasurer. Such application shall set forth the name of applicant, its or their address, the number and character of the machines or devices to be installed upon the premises of applicant for use thereon. Nothing herein shall prohibit the change or exchange of such machines or devices, so long as the number of machines or devices used in and about the premises shall not exceed the number set forth in the original application, and shall not conflict with the provisions of §13-205 hereof.

(Ord. 1981-2, 8/1/1981, §2)

§13-203. Signature of Applicant.

The information required in §13-202 hereof shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

(Ord. 1981-2, 8/1/1981, §3)

§13-204. Effect of License; Time Delay.

No license shall be granted until a period of two days shall have elapsed from the date of application, during which time the Township Treasurer may, at his discretion, investigate the facts set forth in the application, and no license shall be granted to any person not a citizen of the United States.

(Ord. 1981-2, 8/1/1981, §4)

§13-205. Gambling Devices Prohibited.

Nothing in this Part shall be in any way 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. 1981-2, 8/1/1981, §5)

§13-206. License Fee.

No such license shall be issued until an annual license fee for each such machine, device or apparatus shall have been paid, which said license fee shall be established from time to time by resolution of the Board of Supervisors. The aforesaid license fees should be paid to the Township Treasurer and shall expire December 31, of the year in which the same is issued and said fee shall be paid for each and every machine, device or piece of apparatus in or on the premises of any person or persons whatsoever as set forth above. Provided, any licenses issued after July 1st in any year shall be issued upon payment of 1/2 of the fees above set forth, for each machine, device or apparatus so licensed; and no license shall issue a aforesaid until said sum or sums for each of said license shall have been paid.

(Ord. 1981-2, 8/1/1981, §6; as amended by A.O.)

§13-207. Issuance of License.

Upon the payment of the license fee provided by this Part, the Township Treasurer shall issue a license setting forth the number of the license for each machine so licensed, which said license shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable.

(Ord. 1981-2, 8/1/1981, §7)

§13-208. Enforcement and Remedies.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1981-2, 8/1/1981, §8; as amended by A.O.)

PART 3

REGULATION OF JUNKYARDS

§13-301. Definitions.

Unless otherwise expressly provided, the following words shall for purposes of this Part have the following meaning:

AUTOMOBILE — any and all types of scrapped, abandoned or junked motor vehicles, vehicles used for parts of storage and not for transportation, vehicles unlicensed or uninspected for more than 12 months, including self-propelled machinery of all kinds, with the exception of usable farm machinery and operating industrial machinery.

BOARD OF SUPERVISORS — the Board of Supervisors of the Township of Sandy, Clearfield County, Pennsylvania.

BOND — a lawful bond of the applicant and a corporate surety or sureties to guarantee faithful performance.

JUNK — any and all forms of waste and refuse of any type of materials, including scrap metal, junked motor vehicles, glass, industrial waste and other salvageable material and manufactured objects unable to function for the uses for which they were originally intended. This shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK DEALER — any person who collects, buys, sells, salvages, stores or in any way deals in junk or owns, leases, operates or maintains a junkyard within the Township.

JUNKYARD — any place where junk as herein defined is stored or accumulated. Any premises as herein defined having scrapped, abandoned or junked automobiles as defined in “automobile” above, thereon shall in any event be deemed a junkyard.

PERSON — any natural person, partnership, firm, corporation or other legal entity, including singular and plural, male and female.

PREMISES — any parcel of land situated in Township of Sandy, Clearfield County, Pennsylvania having a separate tax map parcel number for county assessment purposes.

TOWNSHIP — the Township of Sandy, Clearfield County, Pennsylvania.

(Ord. 2/-/1971, 2/-/1971, §1)

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§13-302. License Required.

No person shall be a junk dealer or own, lease, operate or maintain a junkyard as herein defined within the Township without first obtaining a license to operate a junkyard as a junk dealer. The annual fee for such a license shall be established from time to time by resolution of the Board of Supervisors, and the license shall be effective for one calendar year, each license terminating on December 31, of the year for which it is issued, subject to renewal upon re-application, except any licenses issued during the remainder of the year 1971, which licenses shall expire December 31, 1972. Application for a license or any renewal thereof shall be filed in writing with the Secretary of the Township and shall contain the applicant's sworn statement setting forth the applicant's name and address, together with the names and addresses of all other persons interested in the business, an accurate description of the premises upon which the business is to be conducted and the junkyard located, including the Township of Sandy, Clearfield County Tax Map parcel number, and a statement that applicant will comply with this Part and any regulations adopted pursuant to this Part. If standards required in §13-304(2) and (3) are not met by the applicant at the time of applying for a license, then a bond in the amount of \$1,000 per acre or fraction thereof shall be required, payable to the Township of Sandy to assure compliance with said provisions before November 15, 1971. Upon receipt of the application and license fee to be established from time to time by resolution of the Board of Supervisors, if the application complies with the provisions hereof, the Secretary of the Township, or the Supervisors, shall within ten days issue its license authorizing the operation and maintenance of a junkyard upon the premises by the junk dealer. Such license shall at all times be conspicuously displayed upon the junkyard premises. The license shall be nontransferable both as to the junkyard premises and junk dealer.

(Ord. 2-/1971, 2-/1971, §2; as amended by A.O.)

§13-303. Only One Junkyard Permitted Per Person.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business or maintain or operate more than one junkyard within the Township of Sandy, nor shall any person engage in business as a junk dealer or operate or maintain a junkyard in any place other than the place designated upon his license, nor shall any person operate upon any of the roads or highways in the Township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

(Ord. 2-/1971, 2-/1971, §3)

§13-304. General Regulations for Operation of Junkyards.

Commencing April 15, 1971, every junk dealer licensed under this Part shall maintain the licensed junkyard and conduct business as hereinafter provided.

- A. All junk shall be store behind a fence, as specified in subsection (B) below, which fence shall be set back the distance provided in subsection (C) below. Whenever such fence, or any part of such fence, is visible from a public road or from a residence or any adjoining property, a landscaped screen of trees and/or shrubs or varieties capable of attaining a continuous height of six feet within two years, shall be planted along such fence or section of fence. All required open areas between fence and lot lines shall be maintained continuously in good order and free of weeds and scrub growth. A fence shall not be required along boundaries of a junkyard more than 300 feet from a dwelling, park, or public road.
- B. Commencing November 15, 1971, every junkyard shall be completely fenced with a heavy duty chain link or wire mesh or a painted board fence at least eight feet in height with gates of similar fencing material, which gates shall at all times be securely locked except during business hours when an adult attendant employed as such is on the premises. Said fence shall be maintained in good order and appearance. Metal fence shall have maximum openings of four square inches and wire mesh shall be of a maximum size and strength of No. 10 gauge steel wire.
- C. All junk shall be stored and set back at least 15 feet from any adjoining premises and at least 15 feet from the right-of-way of any public road or roadway.
- D. No junkyard shall operate on Sunday nor between the hours of 8 p.m. and 7 a.m. except to remove any wrecked automobile from any public highway.
- E. All junk shall be stored and arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junked or scrapped automobiles shall be spaced in rows with at least 15 feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than eight feet from the ground.
- F. All gasoline shall be drained from any junked or scrapped automobile into containers and removed from the junkyard premises within 12 hours from arrival on the said premises of the junked automobile. Gasoline shall be stored at only one location on the licensed premises, and no more than 100 gallons in aggregate of gasoline shall be stored above the ground.
- G. All weeds of any junkyard shall be kept mowed and shall not be permitted to go to seed.
- H. An adult attendant shall at all times during operating business hours remain on the junkyard premises.
- I. No burning or melting of any junk shall be permitted in any junkyard nor in the Township.

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- J. Paper, rags, plastic materials and rubbish shall not be stored outside and shall not be accumulated or remain on any junkyard premises for more than one month.
- K. Junkyards shall at all times be maintained in such manner as to cause no public or private nuisance, nor to cause any menace to health or safety of any persons off the premises; nor to cause any excessive or offensive or noxious sounds or odors; nor to cause the breeding, harboring or infesting of rats, rodents or vermin; nor to cause violation of any health or sanitation law, ordinance or regulation of any governmental body.
- L. Permanent records of all junk received or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or delivered at all times be open to inspection by any member of the Supervisors or their duly authorized agent or any law enforcement officer. Records kept in accordance with Pennsylvania Pawn Brokers shall be deemed sufficient under this Section.
- M. No junk shall be removed from any junkyard nor broken up, reduced or altered in shape or form for a period of 48 hours after the same is placed in the junkyard premises, unless specifically authorized by the Supervisors.

(Ord. 2/-/1971, 2/-/1971, §4)

§13-305. Inspections.

Any member of the Supervisors or a duly authorized agent thereof may at any time enter upon and inspect any premises for which there is a pending application for a junkyard license or which holds a current junkyard license.

(Ord. 2/-/1971, 2/-/1971, §5)

§13-306. Junkyard Inspector.

The Board of Supervisors shall appoint and provide for the compensation of a Township Constable to be known as the Junkyard Inspector. It shall be the duty of the Junkyard Inspector to make monthly inspections of all junkyards licensed pursuant to the terms of this Part and to file with the Board of Supervisors a written report on each such inspection. In making such inspections, the Junkyard Inspector shall ascertain whether the provisions of this Part are being complied with, shall note any violations thereof on his report of inspection, shall check the licensee's records of junk as provided by §13-304(L) hereof, shall examine the titles to all junked automobiles on the premises and shall check into such other matters as come within the scope of this Part.

(Ord. 2/-/1971, 2/-/1971, §7)

§13-307. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2/-/1971, 2/-/1971, §8; as amended by Ord. 1996-6, 8/21/1996, §1; by Ord. 1997-2, 4/2/1997, §1; and by A.O.

§13-308. Enforcement.

The Board of Supervisors or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Part, and this Part shall in no way restrict any remedies otherwise provided by law.

(Ord. 2/-/1971, 2/-/1971, §9)

§13-309. Failure to Comply.

If the owner, lessee, or any other person having an interest in a junkyard shall fail to comply with an order of the Board of Supervisors, within 30 days thereafter to conform to the above standards, the Board of Supervisors may thereupon cause the same to be done, the cost of which may be charged against the land on which the junkyard is located, as a municipal lien, or may be recovered in an action of assumpsit against any offending interested owner or party. This remedy shall not be exclusive, but shall be in addition to any other remedies available to the Board of Supervisors for the enforcement of ordinances and municipal liens.

(Ord. 2/-/1971, 2/-/1971, §10)

§13-310. Administrative Liability.

No officer, agent, employee or Supervisor of the Township of Sandy shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Part. Any suit brought against any officer, agent, employee or Supervisor of the Township of Sandy as a result of any act required or permitted in the discharge of his duties under this Part shall be defended by the Township Solicitor until the final determination of the proceedings therein.

(Ord. 2/-/1971, 2/-/1971, §11)

PART 4

LICENSING OF TRANSIENT RETAIL BUSINESSES

§13-401. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY — New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON — any natural person, partnership, association, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS –

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Township.
 - B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Township, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-402. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Township without first having obtained from the Zoning Officer a license, for which a fee, which shall be for the use of the Township, shall be charged, established pursuant to a resolution of the Board of Supervisors.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-403. Exceptions.

No license fee shall be charged:

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- A. To farmers selling their own produce.
- B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. 61, hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867.
- F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- G. To any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. 160-1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- H. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Zoning Officer and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided further, the Zoning Officer may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation. Provided further: every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-404. License Application.

Every person desiring a license under this Part shall first make application to the Zoning Officer for such license. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-405. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Zoning Officer, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the Township.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-406. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

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- D. Park any vehicle upon any of the streets or alleys in the Township for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 9:00 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-407. Supervision; Records and Reports.

The Zoning Officer shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Supervisors.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-408. Denial, Suspension and Revocation of License; Appeal.

The Zoning Officer is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals or for violation of any provision of this Part or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Supervisors at any time within ten days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 1984-2, 4/9/1984; as revised by A.O.)

§13-409. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1984-2, 4/9/1984; as amended by Ord. 1996-6, 8/21/1996, §; by Ord. 1997-2, 4/2/1997, §1; as revised by A.O.)