

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PART 1

TRANSIENT RETAIL BUSINESSES

- §13-101. Definitions
- §13-102. License Required; Conditions of Issuance; Fee
- §13-103. Exceptions
- §13-104. License Application
- §13-105. Issuance of License; Custody, Display and Exhibit
- §13-106. Prohibited Act
- §13-107. Supervision; Records and Reports
- §13-108. Denial, Suspension and Revocation of License; Appeal
- §13-109. Penalties

PART 2

USE REGISTRATION PERMIT

- §13-201. Adoption
- §13-202. Use and Occupancy Permit Reference

PART 3

PREVENTION AND CONTROL OF FALSE ALARMS AND FALSE NOTIFICATIONS TO THE POLICE DEPARTMENT AND/OR VOLUNTEER FIRE COMPANY

- §13-301. Receipt of False Alarms and False Notifications
- §13-302. Definitions
- §13-303. Prohibited Acts
- §13-304. Exceptions
- §13-305. Enforcement
- §13-306. Penalties

PART 1

TRANSIENT RETAIL BUSINESSES

§13-101. 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 Borough.
 - B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for season 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. 590, 3/14/2005, §1)

§13-102. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Borough without first having obtained from the Chief of Police a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount established, from time to time, by resolution of the Borough Council.

(Ord. 590, 3/14/2005, §1)

§13-103. Exceptions.

1. No license fee shall be charged:
 - A. To farmers selling their own product.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds where of 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 the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified
 - G. 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.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Chief of Police 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 Chief of Police 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 a nonprofit corporation. Provided, further, every license issued under the provision 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. 590, 3/14/2005, §1)

§13-104. License Application.

Every person desiring a license under this Part shall first make application to the Chief of Police 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.

(Ord. 590, 3/14/2005, §1)

§13-105. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Chief of Police, 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 Borough.

(Ord. 590, 3/14/2005, §1)

§13-106. Prohibited Act.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in this license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough 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 any time before 8 a.m. or after 6 p.m. on any day of the week other than a Sunday or legal holiday.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

(Ord. 590, 3/14/2005, §1)

§13-107. Supervision; Records and Reports.

The Chief of Police shall supervise the activities of all persons holding licenses under this ordinance. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 590, 3/14/2005, §1)

§13-108. Denial, Suspension and Revocation of License; Appeal.

The Chief of Police is hereby authorized to deny, suspend or revoke any license issued under this ordinance 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 Borough Council at any time within 10 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. 590, 3/14/2005, §1)

§13-109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 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. 590, 3/14/2005, §1)

PART 2

USE REGISTRATION PERMIT

§13-201. Adoption.

1. Section 1. The Borough of Rockledge hereby adopts the following Sections of Title 21 of the Pennsylvania statute relating to Use Registration Permits as follows:

A. Legislative Findings.

- (1) The General Assembly finds that in municipalities throughout the Commonwealth many owners of properties are using such properties in violation of the zoning ordinances and regulations of such municipalities, and are maintaining such properties in violation of housing, building, safety, and fire ordinances and regulations, and are offering such properties for sale without revealing such illegal use or the receipt of notice of the existence of housing, building, safety and fire violations. Many innocent purchasers of such properties are not aware of the illegal use or the existence of the nature of violations until they have entered into agreements of sale or have consummated the purchase.
- (2) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class, cities of the second class and in cities of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class adopting the provisions of this act, all sellers of property shall be required to advise the purchaser of the legal use of such property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and zoning classification of such property.
- (3) In order to prevent undue hardship and losses imposed on an innocent purchaser by an owner who has failed to disclosure to a prospective purchaser of property that a notice has been received that such property is in violation of housing, building, safety or fire ordinances or regulations, the General Assembly finds and declares that all sellers of property shall be required to advise purchases of any notice received by the owners of any violation of any housing, building, safety or fire ordinance or regulation with respect to the property to be sold.
- (4) The provisions of this Act may apply to cities of the second class A, cities of the third class, boroughs, towns, townships of the first class

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

and townships of the second class only if the governing bodies of such municipalities so elect.

B. Definitions.

- (1) "Owner" any person, co-partnership, association, corporation or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.
- (2) "Property" any building or structure situate in any city of the first class or situate in any city of the second class, or situate in any other municipality eligible and electing to adopt the provisions of this Act, except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship, except that for the purpose of certification or statements regarding notices of housing, building, safety or fire violations, the word "property" shall include all buildings or structures.
- (3) "Agreement of sale" any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title hereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

C. Certificates.

- (1) In any city of the first class, any city of the second class or in any city of the second class A, city of the third class, borough, town, township of the first class or township of the second class which has adopted the provisions of this Act it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement, a certification of the district classification, issued by the appropriate municipal officer indicating the zoning classification and the legality of the existing use of the property to be sold.
- (2) It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the appropriate municipal official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

D. Agreements of Sale.

- (1) Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of the Rockledge zoning laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.
- (2) If any owner fails to include any provisions required by this Act and ordinance in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing Rockledge zoning laws and ordinances, and that there was no uncorrected violation of the housing, building, safety or fire ordinances.

E. Non-Conforming Uses.

A certificate from the appropriate Borough officer certifying that the property has been approved or designated as a non-conforming use shall be deemed compliance with this ordinance.

F. Penalties.

Any person, firm, or corporation who shall violation any provision of this Part shall, upon conviction thereof, 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 30 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. 551, 8/27/1999, §1; as amended by Ord. 590, 3/14/2005, §1)

§13-202. Use and Occupancy Permit Reference.

Any reference in this Part and the Pennsylvania statute referred to in this Part, to a use registration permit or a certification, shall also be known as a use and occupancy permit.

(Ord. 551, 9/27/99, §2)

PART 3

PREVENTION AND CONTROL OF FALSE ALARMS AND FALSE NOTIFICATION TO THE POLICE DEPARTMENT AND/OR VOLUNTEER FIRE COMPANY

§13-301. Receipt of False Alarms and False Notifications.

The Borough Council of the Borough of Rockledge has determined that the receipt of false alarms and false notifications to the police department or volunteer fire company that emergencies exist, or situations exist wherein police or fire assistance or investigation is required, is detrimental to the welfare and safety of the citizens of the Borough of Rockledge, and the members of the police department and the volunteer fire company, and that the receipt of said false alarms and notifications by the police department and/or volunteer fire company detracts from the efficiency of said department and company in discharging their responsibilities to the citizens of the Borough of Rockledge, it is hereby declared to be the policy to safeguard and protect the citizens of the Borough of Rockledge, the members of the police department and the members of the volunteer fire company, present and future, from such hazards or risks.

(Ord. 381, 10/11/76, §1)

§13-302. Definitions.

The following terms, words and phrases when used in this Part shall have the following meanings ascribed to them:

PERSON — any individual, partnership, association, company, firm, trust, corporation or other entity recognized by law as the subject of rights and duties.

ALARMS — any mechanical or electronic signals reporting by means of telephone cables or other means of transmission, which signals are monitored by the Police Department of the Borough of Rockledge or the Rockledge Volunteer Fire Company, at its headquarters, or audible alarm which is heard and/or called in by another, and which signals, upon receipt, or upon activation, indicate to the police department or the volunteer fire company that an emergency exists at the sounding location. Alarms shall include those types installed to indicate robberies, burglaries, and fires at the sending location.

POLICE DEPARTMENT — the Borough of Rockledge Police Department.

FIRE COMPANY — the Rockledge Volunteer Fire Company #1 or any other volunteer fire company which may operate in the Borough of Rockledge in the future.

FALSE NOTIFICATIONS — any report or request for police and/or fire service assistance directed to the police department and/or fire company by means of

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

communication wherein the situation, condition, incident or emergency as subject of the report or request for police and/or fire service or assistance did not and does not exist.

(Ord. 381, 10/11/76, §II)

§13-303. Prohibited Acts.

After the effective date of this Part it shall be unlawful for any person or persons including, but not limited to, an owner or lessee of any building, in which a fire, hold-up or burglar alarm has been installed:

- A. To cause, suffer, or allow or permit the accidental or purposeful transmission of a false alarm signal from any public or private place in the Borough of Rockledge to the Police Department or Fire Company in the Borough of Rockledge.
- B. To cause, suffer, allow or permit to be made any report, request for police or fire service or assistance by any means of communications wherein the situation, condition, incident or emergency as subject of the report or request for police or fire service or assistance did not and does not exist.

(Ord. 381, 10/11/76, §III)

§13-304. Exceptions.

Unavoidable false alarms received by the Police Department or Fire Company are not subject to the provisions of this Part. Unavoidable alarms are defined herein as those acts not coming under human, mechanical or electronic control such as rain, lightning or wind storms, or cut-off of the electric company power supply.

(Ord. 381, 10/11/76, §IV)

§13-305. Enforcement.

The Police Department of the Borough of Rockledge shall have the power and the duty to enforce the provisions of this Part.

(Ord. 381, 10/11/76, §V)

§13-306. Penalties.

1. Any person including, but not limited to, the owner and/or lessee of any building in which a fire, hold-up or burglar alarm has been installed who purposefully,

knowingly or willingly causes, allows or permits the transmission of a false alarm signal or a false notification to the Police Department or Fire Company shall upon conviction thereof by any district justice, be subject to pay a fine of not less than \$100 nor more than \$1,000 together with costs of prosecution. In default of the payment of any fine, the defendant may suffer imprisonment for a period not to exceed 30 days. Each instance of a violation shall constitute a separate offense. [A.O.]

2. Any person including, but not limited to, the owner and/or lessee of any building in which a fire, hold-up or burglar alarm has been installed who causes, suffers, allows or permits the accidental transmission of a false alarm signal or false notification shall after the first offense in any given calendar month receive written notice by certified mail of said violation. Upon subsequent violations within the same calendar month and upon conviction thereof, be subject to pay a fine of not less than \$25 nor more than \$1,000 together with costs of prosecution. Each instance of a violation shall constitute a separate offense and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. [A.O.]

(Ord. 381, 10/11/76, §VI; as amended by Ord. 590, 3/14/2005, §1)