

Chapter 13

Licenses, Permits and General Business Regulations

Part 1

Hawkers, Peddlers and Solicitors

- §13-101. Definitions and Word Usage
- §13-102. Licenses and Fees
- §13-103. County License Required
- §13-104. Display of License by Licensee
- §13-105. Regulation of Activities
- §13-106. Suspension of Licenses
- §13-107. Violations and Penalties

Part 2

Amusement Devices

- §13-201. Definitions
- §13-202. License Applicability and Scope
- §13-203. Duties of the License Officer
- §13-204. Qualifications of Applicants
- §13-205. License Fees
- §13-206. License Information
- §13-207. Information Required
- §13-208. Duties of Licensee
- §13-209. Term of License
- §13-210. Enforcement and Inspections
- §13-211. Liability of Owner of Premises
- §13-212. License Revocation or Suspension
- §13-213. Right of Appeal
- §13-214. Gambling Devices or Machines Prohibited
- §13-215. Penalties

Part 3

Distribution of Handbills and Advertising Matter

- §13-301. Definitions and Interpretation
- §13-302. Registration Required; Fee
- §13-303. Manner of Distribution
- §13-304. Penalties

Part 4

Sound Trucks and Loudspeakers

- §13-401. Definitions and Interpretation
- §13-402. Operation of Sound Trucks for Commercial Purposes Unlawful
- §13-403. Conditions for Operation of Sound Trucks for Noncommercial Purposes

§13-404. Penalties

Part 1**Hawkers, Peddlers and Solicitors****§13-101. Definitions and Word Usage.**

1. As used in this Part, the following terms shall have the meanings indicated:

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

Transient retail business—includes the following:

- (1) Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or alleys, sidewalks or public grounds or from house to house within the Borough.

- (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which may include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of particular yearly holidays.

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

(Ord. 978, 5/31/2011)

§13-102. Licenses and Fees.

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

2. *Exemptions.*

- A. No license fee shall be charged under this Section:

- (1) To farmers selling their own produce.

- (2) 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 purposes.

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

- B. But all persons exempted hereby from payment of the license fee shall be required to register with the Mayor and to obtain a license without fee.

- C. Any person dealing in one or more of the hereinabove-mentioned exempted categories and selling other goods, wares and merchandise not so exempted, shall be subject to 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.

- D. The Mayor 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 from the sole benefit of any nonprofit organization.

3. Every such license shall be issued on an individual basis to the persons engaging in such businesses; every such 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.

(Ord. 978, 5/31/2011)

§13-103. County License Required.

Every person desiring a license under this Part and requiring a license from the County Treasurer in order to engage in such activities, shall first exhibit to the Mayor the proper license issued to him by the Treasurer, as a condition precedent to issuing the license to him under this Part.

(Ord. 978, 5/31/2011)

§13-104. Display of License by Licensee.

Each person engaged in any transient retail business within the Borough shall carry such license upon his person, if engaged in such business house to house or upon 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, and citizens of residents of the Borough.

(Ord. 978, 5/31/2011)

§13-105. Regulation of Activities.

No person engaged in any transient retail business shall:

A. Hawk or cry his wares upon any of the streets or alleys, sidewalks or public grounds in the Borough.

B. When selling 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 in the immediate vicinity.

C. Park any vehicle on 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 rubbish that has accumulated on, in or about such vehicle or any stock or wares or of foodstuffs which have become unsaleable through handling, age or otherwise.

D. Engage in such transient retail business on any weekday after 9 p.m. or before 6:30 a.m.

(Ord. 978, 5/31/2011)

§13-106. Suspension of Licenses.

1. The Mayor may suspend any license issued under this Part when he deems such suspension to be for the benefit of the health, safety or morals of the Borough or for violation of any of the provisions of this Part or for giving false information upon any application for a license hereunder.

2. Appeals from any such suspension may be made to the Borough Council.

3. No part of a license fee shall be refunded to any person whose license shall have been suspended.

(Ord. 978, 5/31/2011)

§13-107. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor 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. 978, 5/31/2011)

Part 2

Amusement Devices

§13-201. Definitions.

As used in this Part, unless the context otherwise indicates:

Electronic amusement device—any machine or device similar to those defined in this Section except that they are operated electronically with or without video screens.

Juke box—any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disk or key into any slot, crevice or opening, or by the payment of any price, operates or may be operated for the emission of music, songs or similar amusement.

License officer—the Borough Manager of the Borough of Pitcairn and any person to whom the Borough Manager of the Borough of Pitcairn shall delegate the authority given to the Borough Manager by this Part.

Licensee—the “person,” “firm,” “corporation” or “association” to whom a license is issued for any period of time.

Mechanical amusement device—any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement whether or not registering a score. It shall include such devices as marble machines, pinball machines, skillball, mechanical grab machines, coin operated pool tables, electrical amusement devices, coin video games, and all games, operations or transactions similar thereto under whatever name they may be indicated. [Ord. 978]

Person, firm, corporation or association—any person, firm, corporation or association which owns any machine or device heretofore defined; the person, firm, corporation or association in whose place of business any such machine or device is placed for use by the public; and the person, firm, corporation or association having custody or control over such machine or device.

(Ord. 885, 12/18/1996, §I; as amended by Ord. 978, 5/31/2011)

§13-202. License Applicability and Scope.

1. No person, firm, corporation or association shall establish, set up or cause to be established or set up, or exhibit, display or maintain for the purpose of gaining advantage or profit within the Borough of Pitcairn any juke box, mechanical amusement device or electronic amusement device, machine or apparatus of any kind for the playing of games, or for the emission of music, songs or similar amusement, or otherwise used for the purpose of amusement or entertainment by the insertion therein of a coin, metal disk, slug, token, plastic card or key without first obtaining a license from the license officer for each juke box, mechanical amusement device or electronic amusement device.

2. No person, directly or indirectly, shall conduct any business enterprise, profit or nonprofit, or use in connection therewith any mechanical amusement device, juke

box, or electrical amusement device for which a license is required by this Part without first obtaining such a license and keeping it in effect at all times as required by this Part.

3. No person under 18 years of age shall be eligible for a license under this Part.

4. Commencing on July 1, 1982, for the year 1982, and on January 1 of each succeeding year thereafter, each person, firm, corporation or association required to obtain a license under this Part shall obtain such license from the license officer and pay the appropriate fee as set forth in §13-205, hereof.

(Ord. 885, 12/18/1996, §II)

§13-203. Duties of the License Officer.

The license officer shall collect all license fees and issue all licenses in the name of the Borough of Pitcairn to all persons, firms, corporations and associations qualified under the provisions of this Part and shall do the following:

A. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Part.

B. Adopt any and all forms necessary under this Part and prescribe the information to be given thereon.

C. Investigate and determine the eligibility of any applicant for a license as prescribed by this Part.

D. Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Part.

E. Notify any applicant of the acceptance or rejection of the application and deliver written reasons for denial at the applicant's request.

(Ord. 885, 12/18/1996, §III)

§13-204. Qualifications of Applicants.

1. The general standards herein set out relative to the qualifications of every applicant for a Borough license shall be considered by the license officer. The standards shall be applied to each individual applicant; or to the shareholders, officers, agents, and managerial employees of the licensee if the applicant for a license is a corporation; or to each of the partners, associates or members if the applicant for license is a firm, partnership or association.

2. *Good Moral Character.* Each shall be of good moral character. In making such determination the license officer shall consider only:

A. *Penal History.* All convictions and the reasons thereof and subsequent parole conduct if applicable.

B. *License History.* The license history of the applicant, whether such person, firm, corporation or association in previously operated in this or another state under a similar license has had such a license revoked or suspended and the reasons for suspension or revocation.

(Ord. 885, 12/18/1996, §IV)

§13-205. License Fees.

1. Every applicant, before being granted a license, shall pay the annual license fee in an amount as established from time to time by resolution of Borough Council for the privilege of operating or maintaining for operation each juke box, mechanical amusement device or electronic amusement device, as defined in §13-201. [*Ord. 978*]

2. Such license shall be valid for the entire calendar year for which it is issued and shall expire following the last day of such calendar year. Any license issued on or after the first day of July in any year shall be issued upon payment of one-half of the sum set forth herein.

3. Any device licensed under this Part may not be moved to another location within the Borough of Pitcairn for use thereon unless a new license is obtained.

4. A license for any device under this Part may not be transferred to another device at the same location whether or not that device is similar to the licensed device.

5. No rebate or refund of any license fee or part thereof shall be made for any reason except if the fee or any part thereof was collected through an error.

6. Failure to pay the appropriate fee or fees on the date specified, that is, January 31 of each year, shall result in a penalty of a 10 percent surcharge of the required fee if paid within the succeeding 30 days. If not paid within the succeeding 30 days, the Chief of Police of the Borough of Pitcairn may direct that the machines, mechanical amusement devices, electronic amusement devices, and juke boxes be sealed until such time as the appropriate fee or fees are paid. [*Ord. 978*]

7. If the machines, mechanical amusement devices, electronic amusement devices, and juke boxes are continued to be displayed for public patronage or kept for operation and use by the public in violation of this Section, the person, firm, corporation or association shall be subject to the penalty or penalties as set forth in §13-215 hereof. Each day of use in violation of this Part shall be regarded as a separate offense and shall be punishable accordingly.

(*Ord. 885, 12/18/1996, §V; as amended by Ord. 930, 11/25/2003; by Ord. 941, 12/27/2005, §I; and by Ord. 978, 5/31/2011*)

§13-206. License Information.

1. The name of the licensee and any other name under which such business is to be conducted.

2. The address of each location where the licensed juke box, mechanical amusement device or electronic amusement device is located.

3. The amount of the license fee.

4. The date of issuance and date of expiration.

5. Such other information as the license officer determines is necessary.

(*Ord. 885, 12/18/1996, §VI*)

§13-207. Information Required.

In addition to the information required in previous sections, the following information is also required to be furnished to the license officer:

A. Name and address of each individual applicant, length of residence, business address and previous occupation.

B. Name and address of each shareholder, officer, agent and manager of a corporate applicant, length of residence, business address, and previous occupation.

C. Name and address of each partner, associate or member of a firm, partnership or association applicant, length of residence, business address, and previous occupation.

D. The name of owner of premises where machine is to be used and installed, and lease term, if applicable.

(*Ord. 885, 12/18/1996, §VII*)

§13-208. Duties of Licensee.

1. Licensee shall affix any disk, plate or insignia provided by the license officer to be used in connection herewith upon the outside of any mechanical device licensed by this Part, so that it may be easily seen at all times by interested parties.

2. Licensee shall not permit any license, insignia, disk or plate to remain posted, displayed or used after the period for which it was issued has expired, or when it has been suspended or revoked or for any reason become ineffective. The licensee shall promptly return such inoperative license, insignia, disk or plate to the license officer.

3. The licensee shall not loan, sell, give or assign to any person to use or display, or to destroy, damage or remove, or to have in his possession, except as authorized by the license officer, any license, insignia, disk or plate which has been issued to such licensee.

(*Ord. 885, 12/18/1996, §VIII*)

§13-209. Term of License.

The term of the license issued under this Part shall be from January 1 until December 31 of each fiscal year.

(*Ord. 885, 12/18/1996, §IX; as amended by Ord. 978, 5/31/2011*)

§13-210. Enforcement and Inspections.

1. The following persons are authorized to conduct inspections necessary for the enforcement of this Part:

A. License officer.

B. Any police officer of the Borough in the course of his duties.

C. Any official authorized by the license officer.

D. The Borough Manager or his designated representative shall have the right at all times to inspect any premises having any mechanical device or other machine as defined in §13-201, and any person or business in possession and/or control of any such premises shall permit such inspection at reasonable times.

[*Ord. 941*]

2. All violations discovered by the above-mentioned inspections shall be reported to the license officer in any manner or form that the license officer shall require.

(*Ord. 885, 12/18/1996, §X; as amended by Ord. 941, 12/27/2005, §III*)

§13-211. Liability of Owner of Premises.

Any owner, occupant, lessee or custodian of land or lands who allows or permits any juke box, mechanical amusement device or electronic amusement device, which is required to be licensed, to be lodged in or on premises under his, her, its or their custody or control when said juke box, mechanical amusement device or electronic amusement device has not been licensed, shall be considered to have violated the terms of this Part and shall be liable for the prescribed penalties.

(*Ord. 885, 12/18/1996, §XI*)

§13-212. License Revocation or Suspension.

1. Any license issued pursuant to the provisions of this Part may be revoked or suspended by the license officer for any of the following reasons:

A. Fraud, misrepresentation or false statement contained in the license application.

B. Fraud, misrepresentation or false statement in the course of carrying on the business.

C. Violation of any provision of this Part or rules and regulations duly made in accordance therewith.

D. Conviction of any crime or misdemeanor involving moral turpitude.

E. Using any juke box, mechanical amusement device or electronic amusement device in an unlawful manner or in a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public, or for the purpose of gambling.

F. Obstruction of or denial of entry for authorized inspections.

2. The license officer shall revoke the license of any licensee whose license shall be suspended any way contrary to law or that may be declared gambling devices or mechanisms are prohibited within the confines of the Borough of Pitcairn twice within any 1 year period of time, and no new license or reinstatement or renewal shall be approved or issued for 1 year from the revocation date.

(*Ord. 885, 12/18/1996, §XII*)

§13-213. Right of Appeal.

1. Any person aggrieved by any action of the license officer may appeal therefrom and request a hearing before the Borough Council within 10 days following the effective date of such action. The appeal shall set forth the order or decision of the license officer and shall include a statement of the facts forming the basis of the appeal. [*Ord. 978*]

2. Such appeal shall be filed by the appellant with the license officer. The license officer shall notify the aggrieved party within 5 days of receipt of the appeal of the date and place of hearing, which shall be held within 30 days from the date of filing of the appeal. [*Ord. 978*]

3. All notices hereunder shall be by certified mail, return receipt requested, to the address in the application for license or other address provided by the licensee.

4. The licensee may, within 30 days from the date of the decision of the Borough Council after hearing, commence an appeal in the Court of Common Pleas of Allegheny

County, Pennsylvania. [Ord. 978]

(Ord. 885, 12/18/1996, §XIII; as amended by Ord. 978, 5/31/2011)

§13-214. Gambling Devices or Machines Prohibited.

Nothing in this Part shall in any manner be construed to authorize, license or permit any gambling devices or machines whatsoever, or any mechanisms that have been judicially determined to be gambling devices, or in any way contrary to law, or that may be declared gambling devices or mechanisms are prohibited within the confines of the Borough.

(Ord. 885, 12/18/1996, §XIV)

§13-215. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor 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. 978]

2. In addition, if any unlicensed mechanical device or other machine for which a license is required is found on any premises within the Borough, both the property owner and the vendor/supplier shall be assessed a fine of not less than \$100 nor more than \$1,000 for each unregistered mechanical device. [Ord. 978]

3. In addition to any penalty set forth herein, the Borough shall have the right to seize any mechanical device or machine until payment of the licensing fee is received. However, no such mechanical device or machine shall be seized prior to June 1 of any year, and only after written notice of the failure to pay the license fee has been sent or delivered to any person or business in possession and/or control of any such mechanical device or machine, together with a 30-day period in which the license fee may still be paid. Hand delivery to a person in charge at the premises upon which the unlicensed machine is located shall be deemed sufficient to meet this requirement. Failure to pay the license fee following within the 30-day cure period is cause for seizure of any unlicensed machine.

(Ord. 885, 12/18/1996, §XV; as amended by Ord. 941, 12/27/2005, §II; and by Ord. 978, 5/31/2011)

Part 3**Distribution of Handbills and Advertising Matter****§13-301. Definitions and Interpretation.**

In this Part, the word “person” shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 640, 6/20/1962, §1*)

§13-302. Registration Required; Fee.

It shall be unlawful for any person to distribute any sample of merchandise, circular, handbill or other advertising or printed matter within the Borough without first having registered at the office of the Borough Secretary, and having paid to the Borough Secretary, for the use of the Borough, a fee, in an amount as established from time to time by resolution, for each day on which such distribution is to take place. Provided, such fee shall entitle the person registering to employ in the distribution of such material as many individuals as are mentioned in the application for registration. Provided, further, persons distributing noncommercial literature or other printed matter, noncommercial in nature, shall register as herein required, but shall not be required to pay the registration fee.

(*Ord. 640, 6/20/1962, §2; as amended by Ord. 846, 9/18/1991, §13-402*)

§13-303. Manner of Distribution.

No person shall distribute any sample of merchandise, circular, handbill or other advertising matter whatsoever in the Borough by casting or scattering the same upon any street, sidewalk, alley or public place in the Borough. Provided, nothing herein shall prevent any person from handing any noncommercial literature or other printed matter, noncommercial in nature, upon any of the streets, sidewalks or alleys in the Borough, to any person willing to receive the same.

(*Ord. 640, 6/20/1962, §3*)

§13-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor 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. 640, 6/20/1962, §4; as amended by Ord. 846, 9/18/1991, §13-404; and by Ord. 978, 5/31/2011*)

Part 4**Sound Trucks and Loudspeakers****§13-401. Definitions and Interpretation.**

Person—any natural person, firm, corporation, association, club, partnership, society or any other form of association or organization.

Sound-amplifying equipment—any machine or device for the amplification of the human voice, music or other sound. Sound-amplifying equipment, as used herein, shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used for traffic safety purposes.

Sound truck—any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound-amplifying equipment.

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

(*Ord. 641, 6/20/1962, §1*)

§13-402. Operation of Sound Trucks for Commercial Purposes Unlawful.

No person shall operate or cause to be operated any sound truck for any commercial purpose in the Borough with sound-amplifying equipment in operation.

(*Ord. 641, 6/20/1962, §2*)

§13-403. Conditions for Operation of Sound Trucks for Noncommercial Purposes.

No person shall use, or cause to be used, any sound truck with sound-amplifying equipment in operation for any noncommercial purpose in the Borough until he has registered his intention to do so with the Chief of Police and has obtained a permit therefor from the Chief of Police. Such permit shall be granted only on condition that: [*Ord. 978*]

A. The sound truck with sound-amplifying equipment in use shall be operated within the Borough only on such days and hours as the Chief of Police may specify, and in no case on any day other than Monday, Tuesday, Wednesday, Thursday or Friday. In specifying the days and hours when any sound truck shall be so operated in the Borough, the Chief of Police shall be guided, in the exercise of his discretion, by considerations of volume of traffic and other sounds at the time, and other conditions which would affect the safety and comfort of the public. [*Ord. 978*]

B. Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least 10 miles per hour, except when such truck is stopped or impeded by traffic. Where stopped by traffic, such sound-amplifying equipment shall not be operated for longer than 1 minute at such stop.

C. Sound-amplifying equipment shall not be operated within 300 feet of any

school, library or fire house.

D. The human speech and music amplified through such sound-amplifying equipment shall not be profane, lewd or indecent.

E. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 150 feet from the sound truck, and so that such volume is not unreasonably loud, raucous, jarring, or disturbing or a nuisance to persons within the area of audibility.

(*Ord. 641, 6/20/1962, §3; as amended by Ord. 978, 5/31/2011*)

§13-404. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor 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. 641, 6/20/1962, §4; as amended by Ord. 846, 9/18/1991, §13-504; and by Ord. 978, 5/31/2011*)