

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

Part 1

Public Exhibition and Amusements

- \$101. Permit Required
- \$102. Permit Application
- \$103. Zoning Classification Not Affected by Permit
- \$104. Authority of the Borough
- \$105. Expiration or Revocation of Permit
- \$106. Penalties

Part 2

Licensing and Regulation of Transient Retail Business

- \$201. Definitions
- \$202. License Required; Conditions of Issuance; Fee
- \$203. Exceptions
- \$204. License Application
- \$205. Issuance of License; Custody, Display and Exhibit
- \$206. Prohibited Acts
- \$207. Supervision; Records and Reports
- \$208. Suspension and Revocation of License; Appeal
- \$209. Penalties

Part 1

Public Exhibitions and Amusements

§101. Permit Required. It shall be unlawful for any person or persons, firm or firms to be engaged or concerned in the business of theatrical exhibitions, amusements, dances, or any other form of public exhibition or amusement within the limits of the Borough of Halifax without first having taken out a permit as hereinafter provided in this Part. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

§102. Permit Application. Any person or persons, firm or firms who may desire to operate or conduct theatrical exhibitions, amusements, dances or any other kind of entertainment at which admission is charged, shall file application in writing with the Borough Secretary, and pay the required fee of ten dollars (\$10.00) per day, and upon the approval of the application by the Borough Council or by a committee appointed by the Borough Council the Borough Secretary shall issue a permit permitting the exhibition, amusement, or dance. Non-profit organizations must apply for a permit under the provisions of this Part, but the permit fee will be waived for such organizations. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

§103. Zoning Classification not Affected by Permit. Where an application is made for the conducting of an amusement, temporary or seasonal in its nature, and the said permit is granted by the Borough Secretary, the said granting shall not be construed in any way to change the zoning classification of the property involved, which shall still remain and be of the same classification as it was prior to the issuing of the permit. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

§104. Authority of the Borough Council. The Borough Council shall have the right to prohibit entirely, or regulate by resolution, the character and kind of amusement that shall be permitted in the Borough of Halifax or any part thereof, the time of opening and closing of the amusement, and shall in all respects have complete control of the said operation, and shall prohibit the same if they deem such amusement, dance or public exhibition to be unnecessary or detrimental to the health, safety and welfare of the citizens of the Borough of Halifax. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

§105. Expiration or Revocation of Permit. Permits may be issued for a definite or indefinite period of time. Any permit may be revoked by the Borough Council at any time upon failure of the permittee to follow the regulations set forth by the Borough Council. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 30, 5/6/1914, §I; as revised by Ord. 153, 2/2/1987)

Part 2

Licensing and Regulation of Transient Retail Businesses

§201. Definitions. As used in this Part 2, 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; or

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 seasonal purposes, or for or in advance of specific yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§202. License Required; Conditions of Issuance; Fee. No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Secretary a license, for which a fee, which shall be for the use of the Borough, shall be charged:

five dollars (\$5.00) for one day

twenty dollars (\$20.00) for one year

(Ord. 30, 5/6/1914; as revised by Ord. 153, 2/2/1987)

§203. Exceptions. No license fee shall be charged:

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 purpose;
3. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;
4. To children under the age of eighteen (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;

5. To any honorable discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61 (1982), 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;

6. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;

7. 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. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; or

8. 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 Borough Secretary 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 Borough Secretary 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 therein.

(Ord. 30, 5/6/1915, §§V & VI; as revised by Ord. 153, 2/2/1987)

§204. License Application. Every person desiring a license under this Part 2 shall first make application to the Borough Secretary 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:

1. His criminal record, if any;
2. name and address of the person by whom he is employed;
3. type of goods, wares, and merchandise he wishes to deal with in such transient retail business;
4. length of time for which license is to be issued; and
5. type and license number of the vehicle to be used, if any.

(Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§205. Issuance of License; Custody, Display and Exhibit. Upon receipt of such application and the prescribed fee, the Borough Secretary, if he shall find such application in order, shall issue the license required under this Part 2. 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 of Halifax. (Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§206. Prohibited Acts. No person in any transient retail business shall:

1. Sell any product or type of product not mentioned in his license;
2. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough of Halifax;
3. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough of Halifax for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
4. Park any vehicle upon any of the streets or alleys in the Borough of Halifax 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 unsaleable through handling, age or otherwise;
5. 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 8:00 P.M. on any day of the week other than a Sunday or legal holiday.

(Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§207. Supervision; Records and Reports. The Borough Secretary shall supervise the activities of all persons holding licenses under this Part 2. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council. (Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§208. Suspension and Revocation of License; Appeal. The Borough Secretary is hereby authorized to suspend or revoke any license issued under this Part 2 when he deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Part 2, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within ten (10) days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. (Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)

§209. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 30, 5/6/1914, §§V & VI; as revised by Ord. 153, 2/2/1987)