

Chapter 13

Licenses, Permits, and General Business Regulations

Part 1

Mechanical Amusement Devices

- §13-101. License Fee Imposed on Amusement Devices
- §13-102. License Fee Payment; Penalty
- §13-103. Definitions
- §13-104. License Fees Established
- §13-105. License Fee to Apply to All Machines
- §13-106. Permit to Be Issued
- §13-107. Violations; Remedy

Part 2

Transient Retail Merchants

- §13-201. Definitions
- §13-202. License Required; Conditions of Issuance; Fee
- §13-203. License Application
- §13-204. Issuance of License; Custody, Display, and Exhibit
- §13-205. Prohibited Acts
- §13-206. Supervision; Records and Reports
- §13-207. Suspension and Revocation of License; Appeal
- §13-208. Penalties

Part 3

Alarm Systems

- §13-301. Short Title
- §13-302. Definitions
- §13-303. Providers of Alarm Systems to Register with Borough
- §13-304. Service Charge for False Alarms
- §13-305. Two or More Alarms per Month
- §13-306. Failure to Pay Service Charge
- §13-307. Failure to Register; Penalty

Part 4

Junk Dealing

- §13-401. Junk Dealing Prohibited
- §13-402. Penalties
- §13-403. Abatement of Nuisances

Part 1**Mechanical Amusement Devices****§13-101. License Fee Imposed on Amusement Devices.**

There is hereby imposed a revised license fee applicable and payable by virtue of the existence, use, presence, or utilization of amusement devices, as defined herein, commencing June 1, 1982. This license fee shall be in effect for the 6-month period ending on December 31, 1982; thereafter, commencing in 1983, the license fee set forth herein shall be in effect on an annual basis for each calendar year.

(*Ord. 317, 4/14/1982, §1*)

§13-102. License Fee Payment; Penalty.

The license fee due for the first 6-month period shall be due and payable June 1, 1982, and shall be applicable to the remaining 6 months of 1982. Credit shall be given to any persons who have paid a license fee for those sums of moneys paid during 1982 toward the existing license fee. The penalty of 10 percent per annum shall commence if the license fee is not paid on or before July 1, 1982. Commencing 1983, the license fee shall be payable on January 1 of each year. Penalty and interest provisions herein above set forth shall accrue commencing February 1 of each year.

(*Ord. 317, 4/4/1982, §2*)

§13-103. Definitions.

Amusement device—any mechanical device and it shall include any device and/or machinery whatsoever which operates upon the use of a coin, money, slug, token, plate, disc, or for any consideration whatsoever paid to the owner, controller, or operator thereof for the entertainment, amusement, or diversion of any person whatsoever.

Person or operator—any person or entity who owns or operates any mechanical device, owns, operates, or controls any facilities or premises where mechanical devices are employed or utilized in any nature for consideration, and shall include a natural person, association, partnership, or corporation.

(*Ord. 317, 4/14/1982, §3*)

§13-104. License Fees Established.

The annual license fee shall be imposed on the following classes of mechanical devices:

A. *Class One.* In an amount as established from time to time by resolution of Borough Council. Class one shall include video games, machines, or devices commonly called “poker” games or machines. Any device utilizing a screen or viewing areas similar to a television screen. Any television games, video game, or similar type of equipment. Any type of game referred to as a “Pac Man” game. [*Ord. 408*]

B. *Class Two.* In an amount as established from time to time by resolution of Borough Council. Miscellaneous entertainment devices and pinball machines. [*Or.*

408]

C. *Class Three.* In an amount as established from time to time by resolution by Borough Council This class shall include jukeboxes, shuffleboards, and bowling machines. [Ord. 408]

D. The classifications of devices is not deemed to be exclusive, but it shall be presumed if there is any question as to the type of the machine classification to which a machine is properly categorized, that it shall belong to that category which calls for a higher annual license fee.

(Ord. 317, 4/14/1982, §4; as amended by Ord. 408, 8/11/2011)

§13-105. License Fee to Apply to All Machines.

The annual license fee set forth herein above shall be imposed irrespective of the amount of time the machine is actually utilized within the Borough. It shall be owing and due if the machine is utilized or is present in the Borough for any time period whatsoever. In the event that a machine is moved from one location within the Borough to another location within the Borough the license fee shall be reimposed in full for the second location.

(Ord. 317, 4/14/1982, §5)

§13-106. Permit to Be Issued.

The collection of the license fee for mechanical devices is hereby vested in the Mayor or his designee. A permit shall be issued for each machine which permit shall set forth the name of the machine, the name of the registered owner, the name of the owner of the premises, and the location where the machine is to be located. The permit shall be dated, signed by the person issuing the same and shall be attached or otherwise affixed to the machine in a prominent place; the Mayor shall keep a duplicate receipt book showing all the information set forth on the permit. Herein after Borough Council may revise the license fees or any of the provisions of this Part by simple resolution.

(Ord. 317, 4/14/1982, §6)

§13-107. Violations; Remedy.

In the event that any machine is present within the Borough without having paid the appropriate license fee or without prominently displaying the receipt signed by the Mayor it shall be deemed to be in violation of this Part. In such case, the Mayor and the Police of the Borough are hereby authorized to confiscate said machine without prior notice. For each violation of this Part, the person or entity who owns the machine, the license of the machine, the possessor of the machine, the person who owns or controls the premises where the machine is located shall all be subject to a daily fine of \$600 and/or imprisonment for not less than 90 days for each and every violation. It shall be deemed to be a separate violation for every day during which the machine is present or utilized in the Borough without having complied with the provisions of this Part.

(Ord. 317, 4/14/1982, §7; as amended by Ord. 340, 9/14/1988, §2)

Part 2**Transient Retail Merchants****§13-201. 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—

(1) 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 of Chalfant.

(2) 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.

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

(Ord. 328, 12/12/1984, §13-301)

§13-202. 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. No fee is charged for such license.

(Ord. 328, 12/12/1994, §13-302)

§13-203. License Application.

Every person desiring a license under this Part 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:

- 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 use, if any.

(Ord. 328, 12/12/1984, §13-303)

§13-204. Issuance of License; Custody, Display, and Exhibit.

Upon receipt of such application, the Borough Secretary, 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. 328, 12/12/1984, §13-304)

§13-205. 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 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 any 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 food stuffs which have become unsaleable through handling, age, or otherwise.
- E. Engage in any business activity, except by prior appointment, at any times on a Sunday or legal holiday or at any time before 9 a.m. or after 7 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 328, 12/12/1984, §13-305)

§13-206. Supervision; Records and Reports.

The Chief of Police 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 Borough Council.

(Ord. 328, 12/12/1984, §13-306)

§13-207. Suspension and Revocation of License; Appeal.

The Chief of Police is hereby authorized to suspend or revoke any licenses issued under this Part 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, 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 10 days after such suspension or revocation.

(Ord. 328, 12/12/1984, §13-307)

§13-208. 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 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 shall constitute a separate offense.

(*Ord. 328*, 12/12/1984, §13-308; as amended by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)

Part 3**Alarm Systems****§13-301. Short Title.**

This Part shall be titled the “Chalfant Borough Alarm System Ordinance.”
(*Ord. 326, 7/18/1984*)

§13-302. Definitions.

The following definitions are applicable under this Part:

Alarm system or alarm service—alarm system shall be any means used by any subscriber, or provider, as those terms are used in this Part, for the purpose of notifying or otherwise utilizing the services or efforts of the Chalfant Borough officials, directly or indirectly, regarding a burglary, attempted burglary, breaking, breaking and entering, trespassing or any other act which may or may not be deemed to be a criminal act; or any other act which is, however, designed to cause some police or official action or investigation by Chalfant Borough Officials. It shall also include any burglar alarm, warning device whatsoever which results in the summoning of police.

False alarm—an alert by any alarm system which is or which is intended to be transferred or transmitted to the Chalfant Borough Police Department or other Borough Official, which discloses following investigation that there was no burglary, attempted burglary, break-in, breaking and/or entering, or any other act which would ordinarily have caused the initiation of police investigation, police action, or other official Borough action.

Premises—any improvements on real estate which utilize an alarm system.

Provider—any person or entity in the business of providing alarm system or alarm system protection to any premises within Chalfant Borough.

Subscriber—any owner, user, occupier, or lessor of any type of premises, which are equipped with an alarm system whether installed, maintained, and serviced by a provider, any other entity or the subscriber.

(*Ord. 326, 7/18/1984, §2*)

§13-303. Providers of Alarm Systems to Register with Borough.

Every provider of alarm system to premises within Chalfant Borough must register with the Borough Secretary within 90 days of the effective date of this Part. If any provider intends to provide alarm system or service herein after, said provider must register with Chalfant Borough prior to entering into any contracts or in fact providing such service.

A. The application of every provider shall bear the following data: the name of the entity, the date of incorporation, the principal office, the name of its liability insurance carrier policy number and coverage, names and addresses of all officers, name and address of the person in charge of services to be rendered in Chalfant Borough, a telephone number or numbers where the Chalfant Borough Police or

officials may have access to a responsible person 24 hours per day, every day of the year.

B. The provider must supply a written explanation of how the provider's alarm system works.

C. The provider must provide a list enumerating the name and address of every entity and premises to which the provider provides services in Chalfant Borough. This list must be updated to include additions and deletions every 3 months, that is, on the first day of January, April, July, and October of each year.

D. The Secretary shall keep record of all such applications, and shall supply a duplicate copy to the Chief of Police. It shall be the duty of the Chief of Police to record each and every false alarm as defined herein and to report the same to the Secretary by the first day of the following month.

(*Ord. 326, 7/18/1984, §3*)

§13-304. Service Charge for False Alarms.

For every false alarm which occurs arising out of the use of any alarm system, there is hereby imposed a service charge in the amount of \$25. There shall be no service charge for the first false alarm at any one location. This is a one time exclusion and will not be repeated upon the passage of any time period. Subscribers and providers shall be jointly and severally liable therefor. The Borough Secretary shall bill each and every person responsible for each false alarm, which sum shall be payable within 30 days of the date of invoice. The invoice shall be deemed to have been received if mailed by the Borough Secretary postage prepaid to the address given by the provider.

(*Ord. 326, 7/18/1984, §4*)

§13-305. Two or More Alarms per Month.

If there shall be more than two false alarms in any calendar month for any one premises, the service charge for each false alarm in excess of two in any calendar month shall be in an amount as established from time to time by resolution of Borough Council.

(*Ord. 326, 7/18/1984, §5; as amended by Ord. 408, 8/11/2011*)

§13-306. Failure to Pay Service Charge.

The failure to pay the false alarm service charge shall be deemed to be a civil and criminal wrong. Chalfant Borough shall have the right to collect said service charge by simple action in assumpsit, and shall have the same right to lien, collect, and enforce said charge in the same manner as heretofore provided by Act of Assembly for the enforcement, lien, and claiming of municipal claims against subscribers and/or providers.

(*Ord. 326, 7/18/1984, §6*)

§13-307. Failure to Register; Penalty.

If any provider of said services shall fail to register in accordance with this Part, said failure to register shall be deemed to be a violation of this Part. Every day of failure to register following the time when the duty to register became absolute shall

be sentenced to 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 shall constitute a separate offense.

(*Ord. 326*, 7/18/1984, §7; as amended by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)

Part 4**Junk Dealing****§13-401. Junk Dealing Prohibited.**

No person, firm, corporation or thing shall use, exercise, or carry on the trade or business of storing, buying, selling, and dealing in junk automobiles, or junk parts, junk, rope, scrap iron, glass, lead, steel, brass, copper, bones, rags and other materials commonly termed as junk, within the limits of the Borough of Chalfant.

(*Ord. 237, 10/7/1965, §1*)

§13-402. 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 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 shall constitute a separate offense.

(*Ord. 237, 10/7/1965, §2; as amended by Ord. 328, 12/12/1984, §10-102; by Ord. 340, 9/14/1988, §2; and by Ord. 408, 8/11/2011*)

§13-403. Abatement of Nuisances.

The maintenance or existence of a junk yard within the limits of the Borough of Chalfant is declared to be a nuisance and abatable.

(*Ord. 237, 10/7/1965, §3*)

