

Chapter 13

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Part 1**Peddlers and Transient Merchants****§13-101. Definitions.**

Soliciting - the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions or contributions upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the Borough and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for housing or other building improvements or repairs upon or from the places aforesaid within the Borough.

Peddling - the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him or her in traveling or has in his or her possession or control upon any of the streets or sidewalks, from house to house, by visitation of private residences or by entering in or upon private property within the Borough. The words "soliciting" and "peddling" shall not apply to:

- A. Farmers selling or taking orders for the sale of their own products.
- B. The seeking or taking of orders by a manufacturer or producer for the sale of bread and bakery products, meat and meat products, or milk and milk products.
- C. The sale of goods, wares and merchandise donated by the owners thereof, the proceeds wherefrom are to be applied to any charitable or philanthropic purpose.
- D. The seeking or taking of orders by insurance agents or brokers, licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- E. Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Solicitation of Funds for Charitable Purpose Act, 10 P.S. §162.1 *et seq.* [Ord. 2006-3]
- F. Any person taking orders for merchandise from the dealers or merchants for resale to an ultimate consumer.

Solicitor - any person who shall engage in soliciting as hereinabove defined.

Peddler - any person who shall engage in peddling as hereinabove defined.

Person - any natural person, association, partnership, firm, organization or corporation.

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

(Ord. 75-6, 8/8/1975, §1; as amended by Ord. 2006-3, 7/10/2006)

§13-102. License Required.

No person shall engage in soliciting or peddling in the Borough without first having taken out a license as herein provided.

(*Ord. 75-6, 8/8/1975, §2*)

§13-103. License Application.

Every person desiring to engage in soliciting or peddling in the Borough shall first make application to the permit officer of the Borough for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license. The application shall be upon a form provided by the Borough officer and shall contain at least the following information verified by oath or affirmation:

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.
- E. A statement as to whether or not the applicant has ever been convicted of any crime and if the answer is in the affirmative, the nature of the offense or offenses and the punishment imposed therefor.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.

Where a person makes application for himself or herself and one or more helpers, all applicable personal information specified above shall be given by him or her and an individual license shall be required for each helper. No license under this Part shall be transferrable from one person to another.

(*Ord. 75-6, 8/8/1975, §3*)

§13-104. License Fee.

No license shall be issued under this Part until the sum in an amount as established from time to time by resolution of Borough Council shall be paid to the Permit Officer and it shall be for the use of the Borough. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(*Ord. 75-6, 8/8/1975, §4; as amended by Ord. 12/21/2000, §14; and by Ord. 2006-3, 7/10/2006*)

§13-105. License Term; New License.

The license granted pursuant to this Part shall be valid for 30 days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he or she shall be required to file a new application for a permit and pay a new license fee. Such licenses may be issued in advance for consecutive 30 day periods not exceeding 12 months in number, upon payment, in advance of the license fee for each 30 day period provided in §13-104.

(Ord. 75-6, 8/8/1975, §5)

§13-106. License Exhibition.

Such license, when issued, shall state, inter alia, the products to be sold or services rendered by the licensee. Every solicitor or peddler shall, at all times, when engaged in soliciting or peddling in the Borough, carry such license upon his or her person and shall exhibit it upon request to all police officers, Borough officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

(Ord. 75-6, 8/8/1975, §6)

§13-107. Hours.

No person licensed as a solicitor or peddler under this Part shall engage in soliciting or peddling on any day of the week before 9 a.m. or after 8 p.m. prevailing time.

(Ord. 75-6, 8/8/1975, §7)

§13-108. Parking Vehicle on Street; Littering.

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No person shall place or deposit any refuse on any such streets, highways or alleys. No person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(Ord. 75-6, 8/8/1975, §8)

§13-109. Fixed Location Prohibited.

No person licensed as a solicitor or peddler under this Part shall occupy any fixed position upon any of the sidewalks of the streets, highways, alleys or sidewalks of the Borough for the purpose of soliciting or peddling with or without any stand or counter.

(Ord. 75-6, 8/8/1975, §9)

§13-110. Record of Licenses.

The permit officer shall keep a record of all licenses issued under this Part and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

(Ord. 75-6, 8/8/1975, §10)

§13-111. License Suspension, Revocation.

Any license issued under this Part may be suspended or revoked at any time by the permit officer upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license, or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania

or any ordinance of the Borough.

(*Ord. 75-6, 8/8/1975, §11*)

§13-112. Crying Wares, Using Noisemakers Prohibited.

No person licensed as a solicitor or peddler under this Part shall hawk or cry his or her wares or services upon any of the streets or sidewalks of the Borough, nor shall he or she use any loud speaker, bell, whistle, or other device for announcing his or her presence by which the public is annoyed.

(*Ord. 75-6, 8/8/1975, §12*)

§13-113. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 75-6, 8/8/1975, §14; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

Part 2**Alarm Systems****§13-201. Requirements, Notices of Nuisance.**

The use of burglar or fire alarms, whether audible or direct-line type of alarms, are expressly permitted in this Borough subject to the following conditions:

A. Direct-line radio or other electronic fire/burglar alarm shall be installed by competent workmen so that such devices shall not emit false alarms.

B. Any alarm system that produces four or more false alarms during any calendar year shall constitute a public nuisance.

C. Any policeman or fireman who responds to a false alarm shall report the same to his Chief, who shall monitor and maintain records concerning such false alarms.

D. When any alarm system shall have created three false alarms in any calendar year, the Chief of Police or the Fire Chief, as the case may be, shall notify the owner of the system that any further false alarms during the calendar year shall constitute a public nuisance and that any further false alarms during the calendar year shall result in sanctions as set forth later in this Part.

E. Notice as required by this Part shall be given by the respective Chief of Police or Fire Chief by mailing a certified letter with return receipt requested, or by personal service of said notice by handing a copy of the same to the owner of the subject property, or to an adult resident thereof. If service is made in person, the respective chief or his designee shall file a proof of service which shall be under oath, and which shall designate the person upon whom service was made.

F. For the purpose of this Part the owner of real estate on which an alarm system is placed and used shall be considered the owner and the person responsible for its proper maintenance and use.

G. In addition to any penalty provided hereunder, upon notifying the owner that the burglar alarm system constitutes a public nuisance, the Chief of Police or the Fire Chief, as the case may be, shall also notify York County Control and any other agency handling the system and advise such agency that the system has been declared a public nuisance and that the system should be disconnected and no longer used.

(*Ord. 78-8, 9/-/1978, §1*)

§13-202. Use of Nuisance Systems.

It shall be unlawful for any owner of property or person in charge of real property to use or permit to be used any burglar or fire alarm system that has previously been declared a public nuisance as provided herein. If any false alarms shall be given by said system following the date of receipt of notice as set forth herein, the said false alarm shall be unlawful and constitute a violation of this Part.

(*Ord. 78-8, 9/-/1978, §2*)

§13-203. Audible Alarm Systems.

All outdoor audible alarms that are activated falsely shall be subject to the same conditions applicable to direct-line radio or other electronic calls that result in false alarms.

(*Ord. 78-8, 9/-/1978 §3*)

§13-204. Affidavit of System Repair.

1. Following notice by the appropriate Borough official that a burglar or fire alarm system constitutes a public nuisance, the owner of said system may file an affidavit with the Borough indicating under oath that the false alarms previously caused by said system were caused by a known mechanical or other defect within the system (not to include improper use). Said owner may verify and shall include a statement by competent workmen or repairmen in the field that said system was defective and such deficiency has been corrected. Upon the filing of such affidavit with appropriate exhibits and the payment of an annual permit fee as hereinafter provided, the false alarm history concerning the premises shall be considered void and of no legal effect.

2. Where false alarms have originated from negligent use or a combination of negligent use and a defective system, in order to terminate the finding that the system is a public nuisance an owner shall comply with the above paragraph and in addition file an affidavit explaining the steps that have been taken to correct the negligent use which has resulted in false alarms. Thereafter, the determination of the Fire Chief or Chief of Police as the case may be, shall be of no legal effect and the system shall not be considered a public nuisance. Subject, nevertheless, that should such system be declared a nuisance as provided hereinabove within a 1-year period following reinstatement under this Section, use of the said system shall terminate for a period of 1 year before this Section may again be used to reinstate service.

(*Ord. 78-8, 9/-/1978, §4*)

§13-205. Permit Required for “Direct Calls” to Police Systems.

1. Any alarm system using the County radio system whereby Northern York County Regional Police are directly dispatched as a result of an alarm which automatically signals or calls York County Control or any other designated place, or any audible system once declared to be a nuisance shall require the prior consent of the Chief of Police of this Borough or the Fire Chief, as the case may be, before it may be utilized and the payment of an annual permit fee in an amount as established from time to time by resolution of Borough Council. [*Ord. 2006-3*]

2. Any permission to install a burglar or fire alarm granted by the Chief of Police or the Fire Chief shall be predicated upon the specific conditions that should said system prove to constitute a public nuisance as defined hereunder, then the alarm system shall be terminated also as provided herein.

(*Ord. 78-8, 9/-/1978, §5; as amended by Ord. 2006-3, 7/10/2006*)

§13-206. Enforcement.

1. The owner of real estate on which an alarm system is located shall be charged an administrative fee in an amount as established from time to time by resolution of

Borough Council for each false alarm in excess of three per calendar year. [*Ord. 2006-3*]

2. In the event that said owner of real estate fails to pay the administrative fee set forth in subsection .1 herein, said owner shall be sentence 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2006-3*]

3. In addition to the foregoing provisions, the Borough in which an alarm system has been declared a public nuisance as herein provided may bring appropriate legal proceedings in equity or otherwise to prohibit the continued use of such system and to collect any and all damages on behalf of the Borough resulting from the use of such system.

(*Ord. 78-8, 9/-/1978, §6; as amended by Ord. 91-6, 6/10/1991; by Ord. 12/21/2000, §15; and by Ord. 2006-3, 7/10/2006*)

Part 3**Amusement Devices****§13-301. License Required for Certain Electronic or Mechanical Devices.**

1. *Mechanical or Electronic Amusement Machine or Apparatus.* From and after the passage and enactment of this Part, no person or persons, firm or corporation, shall at any time have in his, her, its, or their possession within the Borough of North York, any mechanical or electronic device, machine, or apparatus whatsoever for the playing of games, amusement or entertainment, which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured a license therefore as hereinafter provided in this Part.

2. *Juke Boxes or Other Similar Musical Devices.* No person or persons, firm or corporation, shall at any time have in his, her, its or their possession within the Borough any juke box, music box, phonographs or other similar musical device, machine or apparatus, which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured, a license therefor as hereinafter provided in this Part.

(Ord. 88-1, 2/1/1988)

§13-302. License Application.

1. Any person or persons, firm or corporation desiring to procure a license, as provided in §13-301, shall apply therefor in writing to the Borough Code Enforcement Officer. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation so applying, together with the present and previous occupation of the applicant or applicants and the length of residence at the present address of the applicant and at the previous place of residence; the name of the owner of the premises upon which the aforesaid machines are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The applicant shall also set forth the manufacturer and nature of the machines to be installed and used.

2. The information hereby required shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

(Ord. 88-1, 2/1/1988; as amended by Ord. 95-03, 12/28/1995, Art. I)

§13-303. Investigation of Application; Transfer Prohibited.

No license shall be granted until a period of 7 days shall have elapsed from the date of application, during which time the officials or employees of the Borough may, at their discretion, investigate the facts set forth in the application. No license shall be transferable.

(Ord. 88-1, 2/1/1988)

§13-304. Gambling Devices Not Licensed.

Nothing in this Part shall in any way be construed to authorize, license or permit any gambling device 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 present or future laws of the Commonwealth of Pennsylvania.

(*Ord. 88-1, 2/1/1988*)

§13-305. License Fee.

1. No license shall be issued until an annual fee shall have been paid to the Borough Code Enforcement Officer. The amount of the fee shall be in an amount as established from time to time by resolution of Borough Council. [*Ord. 2006-3*]

2. License fees shall not be prorated but shall remain the same for the whole or portion of any 1 year.

(*Ord. 88-1, 2/1/1988; as amended by Ord. 95-03, 12/18/1995, Art. II; and by Ord. 2006-3, 7/10/2006*)

§13-306. Certificate of Licensure.

1. The Borough Code Enforcement Officer shall procure, at the expense of the Borough, a sufficient number of certificates, upon each of which the following information shall be printed or inserted in ink or by typewriter:

- A. The name of the Borough.
- B. The number of the certificate.
- C. The name and address of the person paying the tax.
- D. The year for which the license fee shall have been paid.
- E. The date on which such license fee shall have been paid.
- F. The type of device for which the license fee shall have been
- G. The amount of the license fee paid.

2. Whenever any license fee shall have been paid under this Part, the Borough Code Enforcement Officer shall prepare in duplicate a certificate, as herein prescribed. The original of such certificate, to which the Borough seal shall be affixed, shall be given to the person paying such fee, and the duplicate shall be kept on file, by the Borough Code Enforcement Officer. The Borough Code Enforcement Officer shall also procure and give to each person paying such fee a seal to be affixed to each device for the use of which such fee shall have been paid. Such seal shall indicate the year for which such fee shall have been paid, the type of device and the certificate number.

3. In case of loss, defacement or destruction of any original certificate or seal, the person to whom such certificate or seal was issued shall apply to the Borough Code Enforcement Officer who may issue a new certificate or seal in replacement thereof, upon the payment of a fee in an amount as established from time to time by resolution of Borough Council and who shall amend the duplicate of the certificate first issued in that a new certificate has been issued. [*Ord. 2006-3*]

4. In case of removal of any establishment in which any device for the use of which a fee shall have been paid under this Part, to another location in the Borough, or in case of a change in the identity of the person operating such or owning any such establishment, the person operating such establishment shall report such fact within 5 days of such change in location of personnel, and the Borough Code Enforcement Officer shall immediately amend the certificate and duplicate certificate.

5. Before the removal of any device from any establishment, the person operating such establishment shall remove the seal issued under this Part from such device. Such seal may be affixed to any other device of the same class used in such establishment during the current year.

(*Ord. 88-1*, 2/1/1988; as amended by *Ord. 95-03*, 12/28/1995, Art. III; and by *Ord. 2006-3*, 7/10/2006)

§13-307. 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense..

(*Ord. 88-1*, 2/1/1988; as amended by *Ord. 91-6*, 6/10/1991; and by *Ord. 2006-3*, 7/10/2006)

Part 4**Garage Sales****§13-401. Definitions.**

A "garage sale" or "yard sale" shall be defined as the offering for sale of personal effects, furniture or other personal property on the premises of the owner or any other place in North York Borough except in accordance with the provisions of this Part.

(*Ord. 86-9, 12/8/1986, §1*)

§13-402. Regulations for Conducting Yard or Garage Sale.

All garage sales or yard sales shall be conducted in accordance with the following regulations:

A. No such sale shall be conducted before 7 a.m. in the morning or after 6 p.m. at night.

B. No merchandise intended to be sold shall be displayed on the premises except for 1 hour before and during the hours of sale.

C. All displayed items shall be removed from the premises or moved indoors before 11 p.m. on the day of sale.

D. No such sale shall be conducted on more than 3 days within any 1 calendar year and none for more than 2 consecutive days.

E. A permit shall be required for each sale unless the sales are conducted on 2 consecutive days in which event a single permit will suffice for both days.

F. No personal property of any kind shall be offered for sale other than that which has been owned by the applicant and members of his or her, immediate family for a period of at least 6 months prior to the sale.

G. No loud speakers, music or undue noise shall be permitted on the premises during the period of the sale.

H. Signs advertising said sale shall have the address of the location of the sale and may be displayed at locations beyond the place of sale if the applicant has the owners' permission to place the signs at other locations in the Borough and provided that any sign advertising the sale shall be removed no later than 1 day following the sale. Any sign utilized shall not be displayed more than 5 days before the sale and shall not exceed 2 feet by 3 feet in size.

(*Ord. 86-9, 12/8/1986, §2; as amended by Ord. 92-7, 9/14/1992, §1*)

§13-403. Permit Fees.

A fee in an amount as established from time to time by resolution of Borough Council shall be required for a permit to conduct a sale and shall be charged and collected by the Permit Clerk at the Borough office. The permit shall be prominently displayed on the premises where the sale is being held on the day of the sale.

(*Ord. 86-9, 12/8/1986, §3; as amended by Ord. 92-7, 9/14/1992, §2; and by Ord. 2006-3, 7/10/2006*)

§13-404. Penalty.

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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 86-9, 12/8/1986, §4; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)