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## CHAPTER 16

### LICENSES

#### Part 1

#### Proof of Contractor Registration

**§101. Purpose and Intent.** The purpose and intent of this Ordinance is to ensure that Contractors who perform Home Improvement Contracts in the Borough of White Haven are registered with the Commonwealth of Pennsylvania as required by State Law, and, therefore, maintain liability insurance as required by the Commonwealth of Pennsylvania.

**§102. Definitions: Reference to State Law.** The terms “Contractor” and “Home Improvement Contract” as used in this ordinance shall have the same definition as those terms have in the Pennsylvania Home Improvement Consumer Protection Act, Act of October 17, 2008, P.L., 1645 No. 132, as amended.

**§103. Requirements for Contractors Performing Home Improvement Contracts.** All contractors who seek to perform Home Improvement Contracts in the Borough of White Haven shall, prior to receiving a building or other permit from the Code Enforcement Officer for any Home Improvement Contracts in the Borough, provide proof to the Code Enforcement Officer that said contractor is registered with the Commonwealth of Pennsylvania, as required by the Act of October 17, 2008, P.L. 1645, No. 132, as amended, known as the Home Improvement Consumer Protection Act. No contractor performing a Home Improvement Contract in the Borough of White Haven shall be required to register with the Borough, obtain a license from the Borough, or pay a fee to the Borough to meet the requirements of this Ordinance.

**§104. Violations and Penalties.** Any person, firm or corporation violating Section 102 of this Ordinance, upon conviction in a summary proceeding by a District Justice, shall be sentenced to pay a fine to the Borough of White Haven of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), plus costs of prosecution.

**§105. Severability.** The provisions of this Ordinance are declared to be severable. If this ordinance or any section is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

**Part 2**  
**Activities on Streets and Sidewalks**

**§201. Permit required for Certain Activities on Streets and Sidewalks.** No person shall conduct any parade, meeting, demonstration or gathering of any kind upon any street or sidewalk in the Borough without first having obtained a permit from Council. The permit shall be issued without payment of a fee. The application for the permit shall be made to the Borough, in writing, at least thirty (30) days in advance of the day on which the parade, meeting, demonstration or gathering is proposed to be held. Borough Council may attach reasonable conditions to any permit and restrict the date and time of such activities.

**§202. Violation Penalties.** Any person who shall violate any provision of this part shall, upon conviction thereof, be subject to a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Part 3**  
**Amusement Devices**

**§301. License required to operate Certain Amusement devices for Commercial Purposes.** It shall be unlawful for any person, firm or corporation, either as principal agent (that person called "operator" in this Part) to operate or cause to be operated, or to permit to continue to be operated, or to permit to continue to be operated for commercial purposes, if within their control, anywhere within the Borough, whether on public or private property, any coin operated vending machine, any coin operated music machine, any pin ball machine, video machine, any machine operated as a game of skill, any other machine played for amusement, any bowling alley, any shuffle board, any shooting gallery, or any other gaming table, (Called "machines") without first having obtained a license from the Police Department. (Ord. of 10/6/47, Sec. 1)

Editorial Note: Codification replaced the word "article" with "Part" and named the Code Enforcement Officer as granter of the license.

**§302. License Fee; Restrictions on transfer of Licenses.** The operator shall pay for a license for any coin operated vending machine the sum of \$25 a year or any part thereof; for any coin operated music machine the sum of \$25 a year or any Part thereof; for each pin ball machine, poker machine, video machine, machine operated as a game of skill, or other machine played for amusement, the sum of \$25 a year or any part thereof; for each bowling alley, for each shuffle board, each shooting gallery, pool table, and for each and every other gaming table of any nature or kind, the sum of \$25 a year or any part thereof. The license year shall be the calendar year of January 1st to December 31st; provided further, that the license shall not be transferable from one owner to another, and provided further, that it shall not be required that a new license be secured when one machine is replaced by another, so long as the operator is licensed to operate the total number of machines in his or her place of business. (Ord. of 10/6/47, Sec. 2, as amended by Ord. No. 4-1986, 5/16/86, Sec. 1)

Editorial Note: The preamble to Ord. No. 4-1986 stated that Section 901 established certain yearly license fees and that council was desirous of increasing those license fees; Section 2 of that ordinance provided that the provisions of the ordinance become and be made a part of the Code of Ordinances and that the sections of that ordinance might be renumbered to accomplish the intention of making the ordinance a part of the Code of Ordinances; Section 3 repealed all inconsistent ordinances and parts of ordinances.

Borough Council through its part of the Code on fees has made the license fees in Section 302 uniform so that they are all established at \$25.00 per device or machine. This is a change, as the prior Section 302 established a coin operated vending machine at \$10.00.

**§303. Inspection of Machines.** The Borough Police Department shall make periodic inspections of machines licensed under this Part. (Ord. of 10/6/47, Sec. 3)

**§304. Exhibit of Licenses; Suspension or Revocation of Licenses.** The licenses granted under this Part shall be exhibited on request of any police officer, and the Borough may, after affording a hearing to the licensee of which hearing the licensee shall have at least 48 hours' notice, suspend or revoke any license granted under this Part, when the Borough deems it to be of benefit to the public health, safety or morals to do so, and when so suspended or revoked that portion of the license which is unearned shall be returned to the operator. (Ord. of 10/6/47, Sec. 4)

**§305. Penalty for Violation.** Any operator violating any provision of this Part shall be subject to a fine of not less than One Hundred (\$100.00) Dollars, and not more than Three Hundred (\$300.00) Dollars for each offense, and in default of payment of fine and costs, shall be imprisoned for not more than one (1) day for each dollar of fine imposed. (Ord. of 10/6/47, Sec. 5)

Editorial Note: In adopting the revised Codification of the Borough Ordinances, Council increased the sliding penalty provisions of Section 305 from \$25.00 - \$100.00 to \$100.00 - \$300.00.

**Part 4**  
**Moving of Personal Property**

**§401. Permit Required before Occupying or Moving into Premises.** It shall be unlawful for any person to move into the Borough, or to have personal property moved into the Borough without first having obtained a permit, which shall be issued, from the **Secretary**, upon filing with him or her of the proper application as required by Section 402 or 403, as the case may be.

**§402. Application for Permit to Occupy or Move Into Premises.** Every person seeking a permit to occupy any premises in this Borough shall file an application with the Secretary, stating his or her name, the location of the premises, the name and address of the owner of the premises, the nature of the proposed use of the premises, and, if for residential purposes, the names and ages of the occupants.

**§403. Permit Required before Transporting or Removing certain Personal Property.** It shall be unlawful for any person to transport or remove his or her own personal property, or the property of another person who is moving into or vacating a property, dwelling or other building in the Borough, unless the person who is moving shall first have obtained a permit and paid a fee as established by Borough Council. It shall be the duty of every person transporting or moving the personal property of himself, or herself, or another person to any premises in the Borough to ascertain that the person whose property is to be transported or moved has obtained the required permit.

**§404. Exemptions.** Nothing in this Part shall be construed to require any owner of tangible personal property held for the purpose of manufacturing in the ordinary course of business, or held for the purpose of sale or resale in the ordinary course of business, to obtain any permit to transport or remove that tangible personal property from or to any storehouse, warehouse, or usable place of business; and nothing in this Part shall be construed as to require any hotel, lodging house, or rooming house to obtain any permit for the use of transient guests, or to require transient guests to obtain a permit.

**§405. Penalties/Enforcement.** Any person who shall violate any provision of this part shall, upon conviction thereof, be subject to a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Enforcement shall be carried out by the Borough Secretary, Code Enforcement Officer, and/or a Police Officer.

**Part 5**  
**Transient Amusements and Gatherings**

**§501. Applicability.** This Part shall apply to all circuses, carnivals and other amusements, entertainments or gatherings, such as concerts, fairs, exhibitions, competitions or dances, held in or upon any public or private property, whether in a building, in a tent or outdoors, and whether or not an admission or entrance fee or other charge is made. These activities shall be referred to in this Part as “transient amusements and gatherings”. However, nothing in this Part shall apply to:

(a) Any activity held on a street or sidewalk for which a permit is required under Part 2, Section 201 of this Chapter;

(b) Any school or church sponsored activity, conducted on the premises of the sponsoring school or church; or

(c) Any activity conducted by any club or other organization, held on premises owned by or under the control of that organization.

**§502. Purpose.** The purpose of this Part is to protect the health, safety, welfare and morals of the community and its inhabitants by exercising some supervision and control over activities of a transient nature that might involve overcrowding of facilities, inadequate control of vehicular or pedestrian traffic, or other conditions constituting a threat to health, safety, welfare or morals.

**§503. Permit Required.** It shall be unlawful for any person to operate, install or conduct any transient amusement or gathering anywhere in the Borough without first having obtained a permit, as provided in Section 504, and unless all terms and conditions prescribed in this Part are complied with.

**§504. Application for Permit; Issuance.** Application for the permit required by this Part shall be made to Council, which shall have authority, before granting the permit, to have an investigation made of the proposed transient amusement or gathering and which may refuse to issue the permit when they deem the refusal to be in the interest of the health, safety, welfare or morals of the Borough and its inhabitants. The Code Enforcement Officer or a Police Officer may also, in their directions, refuse to grant a permit unless the applicant shows evidence that he or she has procured liability insurance in an amount required by Council. If the permit is granted, it shall be issued subject to the required fee, and for the specific period of time stated on the permit. It shall be unlawful for the permit holder to commence the holding of the transient amusement or gathering before the first day stated on the permit or to continue to hold the transient amusement or gathering after the last day stated in the permit.

**§505. Revocation of Permit.** The Code Enforcement Officer or a Police Officer shall have authority to revoke any permit issued under this Part when they shall deem the revocation to be in the interest of the health, safety, welfare or morals of the Borough and



its inhabitants, and it shall be unlawful, and a violation of this Part, for any person to hold or to continue to hold the amusement or gathering for which the permit was issued, after the permit has been revoked.

**§506. Penalties/Enforcement.** Any person who shall violate provision of this code shall, upon conviction thereof, be subject to a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Part 6**  
**Transient Retail Business**

**§601. Definitions.** The term “transient retail business”, as used in this Part, shall mean and include the following:

(a) Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street, alley, sidewalk or public place, or from house to house, within the Borough; and

(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 shall not be limited to, any activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

**§602. License required to engage in Transient Retail Business.** No person shall engage in any transient retail business within the Borough without first having obtained from the Code Enforcement Officer or a Police Officer a license for which a fee of Fifty Dollars (\$50.00) for one (1) calendar year or Twenty Five Dollars (\$25.00) for one calendar month, which shall be for the use of the Borough, shall be paid. Provided: no license fee shall be required under this section;

(a) from farmers selling their own produce;

(b) for the sale of goods, wares and merchandise, donated by their owners, the proceeds of which 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: or

(d) for the sale of goods, wares and merchandise, for a profit, by vendors to established businesses operating in the Borough.

Provided further: any person dealing in one (1) or more of the above-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 or her activities in connection with the sale of goods, wares and merchandise not so exempted. Provided further: the Borough may similarly exempt from payment of the license fee persons working without compensation and selling goods, wares or merchandise for the sole benefit of any non-profit corporation. Provided further: every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in a transient retail business; every individual shall obtain a separate license, issued to him in his name, and the license fee imposed by this section shall be applicable to every individual license.

**§603. Application for License.** Every person desiring a license under this Part shall first make application to the Code Enforcement Officer of a Police Officer for the license. If the person shall also be required to obtain a license from any state or county officer, he or she shall, when making the application, exhibit a valid license from the state or county officer. The applicant shall give his or her name and address; the name of the person by whom he or she is employed; the type of goods, wares and merchandise he or she wishes to deal with in the transient retail business; the number of persons to be employed by him or her in the Borough; and the type and license numbers of all vehicles to be used, if any. The application shall be accompanied by the license fee required by Section 602, and shall include a photograph of the applicant.

**§604. Investigation; Issuance or Refusal of License.** Following the making of the application by the applicant, no license shall be issued until the police department has investigated the application, but the waiting period for the purpose of the investigation shall not exceed seventy two (72) hours. Following the investigation, the Code Enforcement Officer or a Police Officer may refuse the license where the investigation discloses a criminal record or any false or misleading statement on the application. When a license is refused, the Borough shall return to the applicant the license fee that had been paid to the Borough at the time of making the application, less the costs of the investigation.

**§605. Custody, Display and Exhibit of License.** Every license holder shall carry the license upon his or her person or shall display it upon his or her vehicle, if he or she is engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground, or he or she shall display the license at the fixed location where he or she shall engage in business if doing so from a fixed location. The holder shall exhibit the license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

**§606. Prohibited Acts.** No person engaged in any transient retail business shall:

- (a) Sell any product or type of product not mentioned in the license.
- (b) Market his or her wares upon any street, alley, sidewalk or public ground in the Borough, or use any loud speaker or horn or other device for announcing his or her presence by which the public may be annoyed.
- (c) When selling from a vehicle, stop or park the vehicle upon any street or alley in the Borough for longer than necessary in order to sell from the vehicle to persons residing or working in the immediate vicinity.
- (d) Engage in any house-to-house activity, except by prior appointment, before 9:00 a.m. or after 5:00 p.m., or in the summer months until 8:00 p.m.

**§607. Certain Practices constitutes Nuisances.** The practice or custom of going in and upon private residences in the Borough by solicitors, peddlers, itinerant merchants or

transient retail merchants, regardless of whether they hold a valid license under this Part, not having been requested or invited to do so by the owner or occupant of that private residence, for the purpose of soliciting orders for the sale of goods, wares, or merchandise, or of disposing of, peddling or hawking goods, wares or merchandise is declared to be a nuisance and punishable as such and is also a violation of this Part.

**§608. Suspension, Revocation or Denial of License.** The Code Enforcement Officer or a Police Officer is authorized to suspend, revoke or deny any license issued under this Part when it is the interest of 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 under this Part. Appeals from any suspension, revocation or denial may be made to Council at any time within 10 days after suspension, revocation or denial. No part of a license fee shall be refunded to any person whose license has been suspended or revoked.

**§609. Penalties.** In addition to the penalties set forth in Section 608 above, a person who shall violate any provision of this part shall, upon conviction thereof, be subject to a fine of not less than Three Hundred (\$300.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.