

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Transient Amusements****§13-101. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Amusement ride - any device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement including, but not limited to, merry-go-rounds, ferris wheels, roller coasters, which may be permanently or temporarily installed or used in the Borough of Carroll Valley.

Carnival or circus - an itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

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

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

(Ord. 5-92, 6/8/1992)

§13-102. Permit and Fees Required.

1. It shall be unlawful for any person to hold or conduct any circus or carnival, at any location within the Borough of Carroll Valley, or to operate any amusement ride therein, without first having obtained a permit therefor from the Zoning Officer, for which a fee for the use of the Borough, shall be paid as established pursuant to a resolution of the Borough Council; provided, that no separate permit shall be required for any amusement ride that shall be a part of any carnival that shall be authorized under this Part.

2. At the discretion of the Borough Council the permit fee may be remitted in the case of a circus or carnival, the proceeds of which are applied to purely charitable uses or in the case the application for such permit shall have been made by and on behalf of any organization connected with the municipal government or with any public school district.

(Ord. 5-92, 6/8/1992)

§13-103. Rejection of Permits; Appeals.

The Zoning Officer shall refuse to grant a permit in any case where the owner of such circus or carnival, or the operator of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act, 4 P.S. §407, and the regulations of the Amusement Ride Safety Board, 7 Pa.Code §139.1 *et seq.*, along with a certificate of insurance as required by §414 of that same Act. If any permit shall be denied, an appeal from such denial, may be made by the applicant or by the person to whom such permit had been issued, as the case may be, to the Borough Council, within 10 days of rejection, but no portion of a permit fee shall be refunded in case of

suspension or revocation. Such hearing shall be conducted within 30 days of the appeal and a decision rendered by the Borough Council.

(Ord. 5-92, 6/8/1992)

§13-104. 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. 5-92, 6/8/1992; as amended by A.O.

Part 2**Transient Retail Business****§13-201. 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.

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, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

(*Ord. 6, 6/14/1975, §6-2011*)

§13-202. License Required to Engage in Business.

1. No person shall engage in any transient retail business within the Borough of Carroll Valley without first having obtained from the Zoning Officer a license, for which a fee, as established from time to time by resolution of Borough Council, shall be paid to the Borough. Such license shall be valid for a period of 6 months, and no license shall be issued for less than 6 months. Persons wishing to continue a license in effect after the first 6 months may do so on an annual basis for such fee as is established from time to time by resolution of Borough Council, for the rest of the year. [*Ord. 5-92*]

2. 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 the owners thereof, the proceeds whereof 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.

3. 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 so exempted.

4. The Zoning Officer 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 nonprofit corporation. [*Ord. 5-92*]

5. Every license issued under the provisions of this Part shall be issued on an individual basis to 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. 6, 6/14/1975, §6-2012; as amended by Ord. 4-76, 3/13/1976; and by Ord. 5-92,*

6/8/1992)

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the Zoning Officer for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall give his name and address; the name of the person by whom he is employed, the type of goods, wares and merchandise he wishes to deal with in such transient retail business; the number of persons to be employed by him in the Borough; and the type and license numbers of all vehicles to be used, if any. Such application shall be accompanied by the license fee herein required and shall include a photograph of the applicant.

(*Ord. 6, 6/14/1975, §6-2013; as amended by Ord. 5-92, 6/8/1992*)

§13-204. Investigation; Issuance of License; Refusal.

Following the making of such application by the applicant, no license shall be issued until the Police Department shall have investigated such application and the waiting period for the purpose of such investigation shall not exceed 72 hours. Following such investigation, the Police Department shall report the results thereof to the Zoning Officer, and the Zoning Officer may refuse the license in cases where the investigation shall disclose 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 such sum as shall be established from time to time by resolution of Borough Council, which shall be retained by the Borough to partially reimburse the Borough for the expenses of investigation.

(*Ord. 6, 6/14/1975, §6-2014; as amended by Ord. 5-92, 6/8/1992*)

§13-205. Custody, Display and Exhibit of License.

Every license holder shall carry such license upon his person or shall display the same upon his vehicle, if he is engaged in a 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 fixed location where he shall engage in such business if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

(*Ord. 6, 6/14/1975, §6-2015*)

§13-206. Prohibited Acts.

No person engaged 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, or use any loud speaker or horn or other device for announcing his presence by which the public may be annoyed.
- C. 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 or working in the immediate vicinity.

D. Engage in any house-to-house activity, except by prior appointment, prior to the hour of 9 a.m. or after the hour of 7 p.m. [*Ord. 5-92*]

(*Ord. 6, 6/14/1975, §6-2016; as amended by Ord. 5-92, 6/8/1992*)

§13-207. Suspension or Revocation of License.

The Zoning Officer is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be in the interest of the public health, safety or morals, or for violation of the provisions of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspensions or revocation may be made to the Borough Council at any time within 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. 6, 6/14/1975, §6-2017; as amended by Ord. 5-92, 6/8/1992*)

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

(*Ord. 6, 6/14/1975, §6-2018; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

