

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Peddlers and Solicitors****A. Solicitation License****§13-101. License Required.**

It shall be unlawful for any peddler, canvasser or solicitor as defined in §13-102 of this Part to engage in any such business within the Township of Ross without first obtaining a license therefore in compliance with the provisions of this Part.

(Ord. 2288, 4/12/2010)

§13-102. Definitions and Word Usage.

As used in this Part, the following terms shall have the meanings indicated:

Canvass or solicit - includes the practice of going from house-to-house and place-to-place in this Township selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise or services. For the purpose of this Part, “canvass” or “solicit” shall also be deemed to include surveys for research purposes, analyses, opinion polls, rating data and any such similar work which of its nature involves a house-to-house or place-to-place activity, and shall include the practice of going from house-to-house or place-to-place for the purpose of contributions, donations or alms for any person or organization.

Canvasser or solicitor - includes any person or entity which canvasses or solicits in the Township, whether for himself or as agent or representative of another.

Merchandise or services - any goods or services including, but not limited to, magazines, periodicals, books and orders or contracts for services, home improvements or alterations.

(Ord. 2288, 4/12/2010)

§13-103. Exceptions.

The Township reserves the right to have all the following named groups be subject to the registration and licensing requirements of this Part, except that the license fee shall be waived. All other provisions of this Part will be applicable to the following:

A. Boys or girls under 18 years of age who take orders for and deliver newspapers, greeting cards, candy, submarine sandwiches and the like for Boy Scouts, Girl Scouts, schools, churches or other charitable and civic organizations.

B. Ross Township volunteer fire companies, fire police, police and Ross/West View E.M.S.

C. Persons who deliver milk, bread, gasoline, kerosene or other heating and/or cooking fuels.

D. Persons who are acting as representatives of accredited war veterans organizations.

E. Farmers who are selling their own produce that is raised or produced on their farm.

F. All bonafide religious, charitable and political organizations, societies, associations or corporations so long as the principal purpose of their solicitation activities is the expression of religious, political or other philosophical beliefs, as opposed to the sale or distribution of goods and merchandise.

(Ord. 2288, 4/12/2010)

§13-104. Application.

Applicants for a peddler or solicitor license must file in person with the Township Manager, or his designee, a sworn application in writing on form to be furnished by the Township. The following information is required for issuance of a license:

A. Name, age and physical description of applicant and each such agent and/or employee.

B. Complete permanent home and local address of registrant and his agents or employees.

C. Name and address of the organization or person for whom the canvass or solicitation is being made.

D. The applicant must submit proof of registration for Commonwealth of Pennsylvania sales/use tax and proof of registration for Township business taxes.

E. Description of the nature of the canvass or solicitation or a description of the purpose or causes for which the canvass or solicitation is being made.

F. Two photographs of the applicant and each such agent and/or employee which shall be approximately 2 inches by 2 inches in size, showing the head and shoulders in a clear and distinguishing manner.

G. The days, dates and route of the registrant's canvass or solicitation in the Township of Ross.

H. The make, model, year, color and license plate number of automobiles used by the applicant and such agents and/or employees during the period of solicitation within the Township and the numbers of their drivers, licenses and the states of issuance.

I. A statement as to whether or not the registrant or any of such agents and/or employees have been convicted of, or plead guilty to, a felony or a misdemeanor involving moral turpitude and where and when so convicted, the nature of the offense and the penalty, if any.

(Ord. 2288, 4/12/2010)

§13-105. Issuance of License.

The application for license shall be approved or denied by the Township Manager within 5 business days of submission. Approval shall not be unreasonably withheld. If approved, the license shall have fixed upon it one photograph of the applicant over which shall be impressed the official seal of the Township of Ross. If the application for license is denied for any reason, the applicant may appeal the decision to the Board of Commissioners as provided in §13-106 of this Part.

(Ord. 2288, 4/12/2010)

§13-106. Appeal from Denial of Application.

In the event that an application for a license is disapproved by the Township Manager, the applicant may, within 5 days of the denial, appeal the decision to the Board of Commissioners, which shall set a time and place for a hearing. This hearing shall be held within 30 days after the appeal is taken by applicant, at which hearing the applicant will be given opportunity to present reasons why the license should be issued. The decision of the Board of Commissioners shall be made within 10 days of the appeal hearing.

(Ord. 2288, 4/12/2010)

§13-107. Display of License Required.

Every peddler or solicitor shall, at all times while engaged in peddling or soliciting in Ross Township, carry such license upon his person. The license shall be attached in a conspicuous location on the outer most layer of apparel and visible to the public, police officers or other enforcement officers of the Township.

(Ord. 2288, 4/12/2010)

§13-108. License Duration.

Permits shall be valid for a period of 15 days and may be renewed prior to expiration upon the completion of a new application and payment of the applicable fee, provided all the requirements of this Part are met.

(Ord. 2288, 4/12/2010)

§13-109. No Solicitation of Registered Property Owners.

No person shall canvass, solicit, distribute circulars or other matter or call from house-to-house or place-to-place in the Township of any person who has specifically requested that peddlers and solicitors not solicit such persons at any time. The Township Manager, or his designee, shall provide a list of all persons and their addresses who have specifically requested that peddlers and solicitors not solicit such persons at any time.

(Ord. 2288, 4/12/2010)

§13-110. Time Restrictions.

All solicitation carried on by persons for charitable, religious and nonprofit causes shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

A. From October 1 through April 30, such solicitation shall be limited to the period from 9 a.m. to 5 p.m., prevailing local time, including Saturdays and Sundays.

B. From May 1 through September 30, such solicitation shall be limited to the period from 9 a.m. to 8 p.m., prevailing local time, including Saturdays and Sundays.

(Ord. 2288, 4/12/2010)

§13-111. Use of Streets or Parks.

Solicitation and peddling in the Township are subject to the following additional requirements:

A. No peddler or solicitor shall have an exclusive right to any location in the streets or other public passages of the Township, be permitted a stationary location thereon or be permitted to obstruct such streets and public passages thereby rendering such street or public passage impassable without unnecessary inconvenience or hazard.

B. No person shall engage in peddling or soliciting on Ross Township property or parks without the written permission of the Township Manager.

(Ord. 2288, 4/12/2010)

§13-112. Loud Noises and Speaking Devices.

No licensee or any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets of Ross Township or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. 2288, 4/12/2010)

§13-113. Transfer of License Prohibited.

No license issued under the provisions of §13-105 shall be used at any time by any person other than the one to whom it was issued.

(Ord. 2288, 4/12/2010)

§13-114. License Revocation.

Peddler and solicitor licenses may be revoked for any of the following causes:

A. Fraud, misrepresentation or false statement contained in the application for license.

B. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or peddler.

C. Any violation of §§13-107, 13-109, 13-110, 13-111 or 13-112.

D. Conviction of any crime or misdemeanor involving moral turpitude.

E. Conducting his business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. 2288, 4/12/2010)

§13-115. License Fee.

Concurrently with the submission of the peddler and solicitor application, the applicant shall pay a fee in an amount as established from time to time by resolution of the Board of Commissioners.

(Ord. 2288, 4/12/2010)

§13-116. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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 no to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 2288, 4/12/2010)

§13-117. Severability.

If a final decision of a court of competent jurisdiction holds any provision or wording of this Part, or the application of the provision or wording to other circumstances illegal or unconstitutional, the remainder shall remain in full force and effect. The intent is that the provisions of this Part shall be severable and that this Part would have been adopted if any such illegal or unconstitutional provisions or wording had not been included.

(Ord. 2288, 4/12/2010)

B. Registration by Residents of No Solicitation Instructions.**§13-121. Registration by Residents.**

Any resident of the Township of Ross not wanting to be visited or called upon at home by transient merchants or solicitors for contributions, gifts or pledges of money or other items or things of value nor to be the subject of religious proselytizing, the distribution of hand bills or the recipient of political speech may register at the office of the Secretary-Manager of the Township of Ross (or his designee) on a list of the residents/registrants of the Township who do not want to be visited or solicited at their homes for such purposes in the following manner:

A. The residents shall either personally appear, or in form supplied by the Secretary-Manager of the Township (or his designee) register with the Secretary-Manager (or his designee) advising that said resident does not want transient merchants and/or solicitors, hand bill distributors, political speech makers or religious proselytizers to call at their home.

B. The Secretary/Manager (or his designee) shall keep on file at all times a registration book showing the names and addresses of the residents of the Township who have registered as not wanting such activity at their homes.

C. Said resident, in addition, shall be furnished a sticker by the Secretary-Manager (or his designee) which may be affixed upon the resident's property in a conspicuous place.

D. Any person violating the "no solicitation" directive may, at the instance of the resident be charged with "defiant trespass" before the magisterial district judge having jurisdiction and be subject to a penalty pursuant to the laws of the Commonwealth of Pennsylvania. [*Ord. 2288*]

(*Ord. 2068, 8/12/2002, §201; as amended by Ord. 2288, 4/12/2010*)

Part 2**Transient Merchants****§13-201. License Required.**

It shall be unlawful for any person to engage in any business within the Township of Ross on a transient basis without first obtaining a license therefore in compliance with the provisions of this Part.

(Ord. 2288, 4/12/2010)

§13-202. Definitions and Word Usage.

As used in this Part, the following terms shall have the meanings indicated:

Transient merchant - any person who occupies a room, apartment, store, shop, building, trailer, tent or other temporary structure for the exhibition or sale of goods, wares or merchandise with the intention of remaining less than 90 days.

Temporary seasonal sales of Christmas trees, Easter flowers, Mother's Day flowers, etcetera - shall be considered as transient in nature and therefore under the regulations of this Part.

(Ord. 2288, 4/12/2010)

§13-203. Exceptions.

The Township reserves the right to have all the following named groups be subject to the registration and licensing requirements of this Part, except that the license fee shall be waived. All other provisions of this Part will be applicable to the following:

A. Boys or girls under 18 years of age who take orders for and deliver newspapers, greeting cards, candy, submarine sandwiches and the like for Boy Scouts, Girl Scouts, schools, churches or other charitable and civic organizations.

B. Ross Township Volunteer Fire Companies, Fire Police, Police and Ross/West View EMS.

C. Persons who are acting as representatives of accredited war veterans organizations.

D. Farmers who are selling their own produce that is raised or produced on their farm.

E. Any non profit charitable organization which submits with its application proof of its Internal Revenue Code 501C3 Certificate.

(Ord. 2288, 4/12/2010)

§13-204. Application.

Applicants for a transient merchant license must file in person with the Township Manager, or his designee, a sworn application in writing on form to be furnished by the Township. The following information is required for issuance of a license:

A. Name, age and physical description of applicant and each such agent and/or employee.

B. Complete permanent home and local address of applicant and his agents or employees.

C. Name of corporation, copy of the Articles of Incorporation, certification of Federal Income Tax I.D. number.

D. The applicant must submit proof of registration for Commonwealth of Pennsylvania sales/use tax and proof of registration for Township business taxes.

E. Length of time and description of the items that will be sold.

F. The address at which the goods, wares and merchandise shall be sold.

G. A statement as to whether or not the registrant or any of such agents and/or employees have been convicted of, or plead guilty to, a felony or a misdemeanor other than a minor traffic violation and when so convicted, the nature of the offense and the penalty, if any.

(Ord. 2288, 4/12/2010)

§13-205. Issuance of License.

The application for license shall be approved or denied by the Township Manager within 5 business days of submission. Approval shall not be unreasonably withheld. If approved, the license shall be impressed with the official seal of the Township of Ross. If the application for license is denied for any reason, the applicant may appeal the decision to the Board of Commissioners as provided in §13-206 of this Part.

(Ord. 2288, 4/12/2010)

§13-206. Appeal from Denial of Application.

In the event that an application for a license is disapproved by the Township Manager, the applicant may, within 5 days of the denial, appeal the decision to the Board of Commissioners, which shall set a time and place for a hearing. This hearing shall be held within 30 days after the appeal is taken by applicant, at which hearing the applicant will be given opportunity to present reasons why the license should be issued. The decision of the Board of Commissioners shall be made within 10 days of the appeal hearing.

(Ord. 2288, 4/12/2010)

§13-207. Display of License Required.

Every transient merchant shall, at all times while engaged in the sales of merchandise in Ross Township, display the license at their location of sales. The license shall be located in a conspicuous location and visible to the public, police officers or other enforcement officers of the Township.

(Ord. 2288, 4/12/2010)

§13-208. License Duration.

Permits shall be valid for a period of 30 days and may be renewed prior to expiration upon the completion of a new application and payment of the applicable fee, provided all the requirements of this Part are met. Under no circumstances will a license be issued for more than 3 consecutive months in any calendar year.

(Ord. 2288, 4/12/2010)

§13-209. Use of Streets or Parks.

Transient merchants in the Township are subject to the following additional requirements:

A. No license holder shall conduct any business in any street right of way or other public passages of the Township.

B. No transient merchant shall engage in sales on Ross Township property or parks without the written permission of the Township Manager.

(Ord. 2288, 4/12/2010)

§13-210. Loud Noises and Speaking Devices.

No licensee or any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets of Ross Township or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. 2288, 4/12/2010)

§13-211. Transfer of License Prohibited.

No license issued under the provisions of §13-205 shall be used at any time by any person other than the one to whom it was issued.

(Ord. 2288, 4/12/2010)

§13-212. License Revocation.

Transient merchant licenses may be revoked for any of the following causes:

A. Fraud, misrepresentation or false statement contained in the application for license.

B. Fraud, misrepresentation or false statement made in the course of carrying on his business as transient merchant.

C. Any violation of §§13-207, 13-208, 13-209, 13-210 or 13-211.

D. Conviction of any crime or misdemeanor involving moral turpitude.

E. Conducting his business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. 2288, 4/12/2010)

§13-213. Bond Required for Future Delivery; Forfeiture.

Where a transient merchant contracts to deliver at a future date and the purchaser pays for goods before delivery, before an applicant is issued a license, he or she shall post with the license officer for 4 months from the date of the last sale an approved surety bond of \$1,000 conditioned on compliance and delivery. Bond forfeiture shall not occur where the licensee proves nondelivery was the result of a strike, calamity or other extraordinary condition beyond his or her control.

(*Ord. 2288, 4/12/2010*)

§13-214. License Fee.

Concurrently with the submission of the transient merchant application, the applicant shall pay a fee in an amount as established from time to time by resolution of the Board of Commissioners.

(*Ord. 2288, 4/12/2010*)

§13-215. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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 no to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 2288, 4/12/2010*)

§13-216. Severability.

If a final decision of a court of competent jurisdiction holds any provision or wording of this Part, or the application of the provision or wording to other circumstances illegal or unconstitutional, the remainder shall remain in full force and effect. The intent is that the provisions of this Part shall be severable and that this Part would have been adopted if any such illegal or unconstitutional provisions or wording had not been included.

(*Ord. 2288, 4/12/2010*)

Part 3**Distribution of Advertising Materials and Other Materials Primarily for Convenience in Locating the Telephone Number of Business and Professional Subscribers Where the Element of Advertising is Present****§13-301. Distributing Advertising Materials.**

Any person, firm or corporation distributing advertising materials at a residence within the Township of Ross by placing such materials at the residence, on the property or on the residential mailbox of the person owning or occupying the property, shall be subject to the terms and provisions of this Part.

(*Ord. 1861, 10/24/1994, §401*)

§13-302. Registration.

Prior to making any such distribution, the distributor shall register with the Ross Township Manager and/or his/her designee and provide the Township of Ross, in writing, the following:

- A. Name, address and telephone number of distributor.
- B. Name, address and telephone number of distributor's representative, if any.
- C. The address at which the distributor will receive notices.

(*Ord. 1861, 10/24/1994, §402*)

§13-303. Nondistribution Requests.

The distributor will be provided with a list of all "nondistribution" requests from Ross Township residents and the distributor shall not leave or otherwise distribute any materials to such residents on said list.

(*Ord. 1861, 10/24/1994, §403*)

§13-304. Service Area of Distribution.

Any person, firm or corporation distributing advertising materials or materials primarily for convenience in locating the telephone number of business and professional subscribers where the element of advertising is present, commonly referred to as "The Yellow Pages," regardless of who is the publisher or distributor thereof at a residence within the Townships of Ross by placing such materials at the residence, on the property or on the residential mailbox of the person owning or occupying the property, shall be subject to the terms and provisions of this Part.

(*Ord. 1861, 10/24/1994, §404; as amended by Ord. 2144, 3/14/2005, §1*)

§13-305. Ceasing Distribution.

The distributor shall cease distribution of materials to a residence where prior materials have not been claimed.

(*Ord. 1861, 10/24/1994, §405*)

§13-306. Nondistribution List.

Any resident of the Township of Ross not wanting to receive materials to be distributed at their residence shall, on forms supplied by the Township of Ross, register with the Township of Ross that said resident does not want materials to be distributed at their home.

(Ord. 1861, 10/24/1994, §406)

§13-307. Registration Book.

The Township of Ross shall keep on file at all times, a registration book showing the names and addresses of the residents of the Township who have not wanting such distributions at their registered as homes.

(Ord. 1861, 10/24/1994, §407)

§13-308. Nondistribution Sticker May Be Provided.

The Township of Ross may, if it deems it advisable, furnish a sticker to the resident which may be affixed to the resident's mail box, advising that no distributions of material shall be made.

(Ord. 1861, 10/24/1994, §408)

§13-309. Review List.

Every distributor registering must review such list of residents of the Township who are so registered and shall sign an affidavit that said list has been reviewed and received.

(Ord. 1861, 10/24/1994, §409)

§13-310. List to Be Provided to Distributors.

The Township of Ross shall furnish the list to a distributor at no charge.

(Ord. 1861, 10/24/1994, §410)

§13-311. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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. 1861, 10/24/1994, §411; as amended by Ord. 2288, 4/12/2010)

Part 4**Mechanical Amusement Devices****§13-401. License Required.**

1. No proprietor shall set up, allow to be set-up, establish or cause to be set up or established, exhibit, display or maintain on the premises of a business establishment within the Township, for the purpose of gaining advantage or profit, any mechanical or electronic device, machine or apparatus of any kind for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any currency or a coin or any other metal disc, slug or token, credit or debit card without first obtaining a license from the Building Code Official. A license fee shall be paid for each machine. This provision shall be applicable to proprietors who charge fees for the use of pool tables on their premises although such pool tables do not operate through the insertion of currency, coin; metal disc, slug; token, credit or debit card.

2. Upon the payment of the license fee provided by this Part, and if the application fully complies with this Part, the Ross Township Building Code Official shall issue a placard setting forth the number of machines/devices licensed by the Township. Said placard shall be displayed in a clearly observable and readable location at the place where the machines/devices are installed and used. All placards issued by the Township for video and mechanical amusement devices shall clearly state that the video or mechanical amusement devices are for amusement purposes only, that they are not gambling devices and that only games and not money may be won on the machines/devices.

(Ord. 2225, 3/26/2007, §1; as amended by Ord. 2288, 4/12/2010)

§13-402. Definitions.

As used in this Part, certain terms are defined as follows:

Business establishment - any retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresidential establishment, whether or not in operation.

Electro mechanical gambling device - any electronic amusement device which:

- (1) Is activated by the insertion or exchange of consideration such as a coin, token or currency.
- (2) Is a game of chance not requiring any skill or manual dexterity in order to receive a reward as extra playing credits.
- (3) Has the ability to, or be converted to, knockdown or eliminate playing credits.
- (4) Is a similar type, brand or model, of an electromechanical video display device which simulates the game of poker utilizing the rules that govern the card game of poker; or simulates slot machines consisting of rolling wheels stopping on numbers, foods, fruits, X's and O's, animals or other items which offer a winning line combination of the forementioned; or simulates the game of bingo; or any other type of games of chance used in casino style

gambling.

Proprietor - the person who owns the business establishment and controls the ingress and egress of the business establishment in which any mechanical or electronic device is placed for the use, patronage or recreation of the public or of persons in or about the place.

(Ord. 2225, 3/26/2007, §1)

§13-403. Information Required.

The following information is required:

A. *Premises.*

(1) Name and address of premises owner.

(2) Name, address and telephone number of business establishment owner or proprietor where machines are to be installed and used and lease term, if applicable.

B. *Devices.*

(1) Name, address and telephone number of owner of each device:

(a) A list provided by the device owner on January 1 of each year of the names and locations of each mechanical device and jukebox located within the Township.

(b) If the owner is a corporate entity or partnership, name, address and telephone number of each individual owning in excess of 5 percent of the corporate entity or partnership, and each individual lending in excess of \$500 to the corporate entity or partnership.

(2) The type and fee for each machine, video or mechanical device, pool table, juke box or apparatus pursuant to this Part to be located on the premises.

C. *Certification.*

(1) A certification by the applicant, owner and proprietor that the facts set forth in the application are true and correct to the applicant's, owner's and proprietor's personal knowledge, information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

(2) That applicant, owner and proprietor, have been provided a copy of this Part and that the applicant, owner and proprietor have read and agree to be bound by all terms and provisions hereof.

(3) That Ross Township shall notify the appropriate law enforcement officials of the use or possession of modified or other illegal gambling devices, whether or not such devices are licensed.

(Ord. 2225, 3/26/2007, §1)

§13-404. Prohibited Devices.

1. Nothing in this Part shall authorize, license or permit any gambling devices, or any mechanism that has been judicially determined to be a gambling device, or that

is in any way contrary to present or future law.

2. No person shall permit any mechanical or other means of amusement to be located on the premises of any establishment if such amusement device shows any specified anatomical area or specified sexual activity as set forth in the Zoning Ordinance, §27-906.4.Y.

(*Ord. 2225, 3/26/2007, §1*)

§13-405. License Fees.

1. The annual fee for the issuance of a license to maintain a mechanical or electronic amusement device that is not a ride or a juke box or an electromechanical gambling device shall be in an amount as established from time to time by resolution of the Board of Commissioners. [*Ord. 2288*]

2. The annual fee for a juke box shall be in an amount as established from time to time by resolution of the Board of Commissioners. [*Ord. 2288*]

3. The annual fee for an electro mechanical gambling device as described in §13-402 shall be in an amount as established from time to time by resolution of the Board of Commissioners. [*Ord. 2288*]

4. The annual license fee for proprietors with places containing pool or billiard tables shall be in an amount as established from time to time by resolution of the Board of Commissioners. [*Ord. 2288*]

5. Licenses shall be obtained and posted prior to or simultaneous with establishing or maintaining any device described in this Part. The license term shall be from January 1 through December 31. A late fee in an amount as established from time to time by resolution of the Board of Commissioners shall be assessed for each device on the premises if the license is not obtained prior to January 1 of each year, or prior to or simultaneous with the first date establishing or maintaining the mechanical or electronic device. [*Ord. 2288*]

6. The Board of Commissioners shall be empowered to reevaluate these fees and make necessary adjustments which shall not be considered as an amendment to this Part, and may be adopted at any public meeting by resolution.

(*Ord. 2225, 3/26/2007, §1; as amended by Ord. 2288, 4/12/2010*)

§13-406. Responsibility.

1. The responsibility to insure that each premise containing the devices is licensed shall be joint and severable. Where the owner of the premise or the proprietor of the business establishment fails to acquire the proper license, the owner of the device shall bear the responsibility to either acquire the proper license or remove the device.

2. The owner of each device shall prominently display on each device through a decal or other method, his company name and business address.

3. The licensee, upon applying for and being granted such license, thereby permits all Ross Township inspectors the right to inspect the premises for violation of any law, statute or ordinance.

(*Ord. 2225, 3/26/2007, §1*)

§13-407. Revocation.

In the event an owner of a device, or person listed pursuant to §13-403.B(1)(b), or owner of the premises, or applicant/proprietor of the business establishment is convicted of having a mechanical or, electronic device that is in violation of any gambling laws of Pennsylvania, the license officer shall revoke each Township license which had been issued to such person and each Township license for machines owned by such person.

(*Ord. 2225, 3/26/2007, §1*)

§13-408. Penalty.

Any person, proprietor, partnership, firm or corporation violating any of the provisions of this Part, upon conviction thereof, shall be sentenced to pay 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. 2225, 3/26/2007, §1; as amended by Ord. 2288, 4/12/2010*)

Part 5**False Alarms****§13-501. False Fire Alarms Declared Unlawful.**

It shall be unlawful for any person, firm or corporation to start or spread any false alarm of fire, including false alarms caused by improperly maintained alarm systems which are received whether by direct line or by telephone from an outside receiving center to Ross Township or Newcom 911 center.

(*Ord. 2031, 9/11/2000, §201*)

§13-502. False Police Alarms.

It shall be unlawful for any person, firm or corporation to start or spread any false alarm or burglar alarm including false alarms caused by improperly maintained alarm systems which are received whether by direct line or by telephone from an outside receiving center to Ross Township or Newcom 911 center.

(*Ord. 2031, 9/11/2000, §202*)

§13-503. Penalties.

1. *Violation of §13-501.* Any person, firm or corporation who shall violate any provision of §13-501 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; provided, that any such person, firm or corporation charged with the violation of §13-501 may, within 30 days after receiving notice of said violation, pay a service fee in an amount as established from time to time by resolution of the Board of Commissioners to the Office of Building and Fire Inspection, in which event no proceedings shall be initiated; and, provided further, that no proceedings or service fee shall be charged and/or initiated for a first offense occurring within each quarter of the calendar year.

2. *Violation of §13-502.* Any person, firm or corporation who shall violate any provision of §13-502, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days; provided, however, that any such person, firm or corporation charged with a violation of §13-502 may, within 30 days after having received notice of said violation, pay a service fee in an amount as established from time to time by resolution of the Board of Commissioners to the Ross Township Police Department, in which event no proceedings shall be instituted; and, provided further, that no summary proceedings or service fee shall be charged and/or initiated for a first offense occurring within each 30 calendar day period.

(*Ord. 2031, 9/11/2000, §203; as amended by Ord. 2288, 4/12/2010*)

Part 6**Cable Television Regulation****§13-601. Definitions.**

Basic service tier - the basic service tier shall, at a minimum, include all signals of domestic television broadcast stations provided to any subscriber [except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable operator(s)], any public, educational, and governmental programming required by the franchise agreement to be carried on the basic tier, and any additional video programming signals or service added to the basic tier of the cable operator(s).

Cable Act of 1992 - Cable Television Consumer Protection and Competition Act, Pub.L.No. 102-385, 106 Stat. 1460 (1992).

Cable operator(s) - all cable television operators who are party to a current franchise agreement with the franchising authority.

Cable programming service - any video programming provided over a cable television system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than:

- A. Video programming carried on the basic service tier.
- B. Video programming offered on a pay-per-channel or pay-per-program basis.
- C. A combination of multiple channels of pay-per-channel or pay-per-program video programming offered on a multiplexed or time-shifted basis so long as the combined service: (1) consists of commonly-identified video programming; and (2) is not bundled with any regulated tier of service.

Certification - the certification received by the franchising authority from the FCC, empowering the franchising authority to regulate certain cable television rates.

Cost-of-service rate application - a rate application filed in the manner prescribed and on the forms adopted by the FCC. A cost-of-service rate application may be submitted by a cable operator(s), in its sole discretion, in support of its current rates or a proposed rate increase.

Current rates - those rates in effect for the basic service tier, and for the equipment and installation necessary to receive the basic service tier, existing on the date when the franchising authority notifies the cable operator(s) that it has received certification.

Customer service standards - those standards governing customer service which are prescribed by the FCC and may be enforced by the franchising authority.

FCC - the Federal Communications Commission.

Franchise agreement - the agreement between one or more cable operator(s) and the franchising authority pursuant to which the cable operator(s) was granted a franchise to offer cable television services to subscribers.

Franchising authority - the Board of Commissioners of Ross Township, Allegheny County, Pennsylvania.

Maximum permitted rates - those rates against which all rate applications shall be

measured. The maximum permitted rates shall be determined consistent with the rules adopted by the FCC.

Opinion - an opinion issued by the franchising authority in response to any rate application.

Order - an order issued by the franchising authority advising the cable operator(s) and other interested parties of the franchising authority's intent to take additional time to review and approve or disprove any rate application.

Prescribed rate - the rate prescribed by the franchising authority for the basic service tier and/or for the equipment and installation necessary to receive the basic service tier, which may differ from the proposed rate submitted by the cable operator(s) in a rate application.

Prospective rate adjustment - a reduction by the franchising authority in the current rates charged by a cable operator(s).

Rate application - an application on the form adopted by the FCC to be submitted by the cable operator(s) for approval of its current basic and/or any proposed increase in the rates for the basic service tier and/or for the equipment and installation necessary to receive the basic service tier.

Refund - any refund ordered by the franchising authority of rates charged for the basic service tier and/or the rates for the equipment and installation necessary to receive the basic service tier pursuant to the terms contained in §13-604.4.B.

Subscriber - a customer of the cable operator(s) receiving cable television service within the geographic boundaries of the franchising authority.

(Ord. 1876, 3/31/1995, §1001)

§13-602. Obtaining Certification.

1. The motion approved by the franchising authority on February 27, 1995, authorizing and empowering the franchising authority to seek certification as a franchising authority by filing FCC Form 328, is hereby formally ratified and adopted and the franchising authority shall make application for certification with the Federal Communications Commission to regulate cable television rates for the basic service tier, the equipment and installation necessary to receive the basic service tier and to provide notice to the cable operator(s) of its application for certification. Application shall be made in the manner and on the forms adopted by the FCC and notice shall be provided to the cable operator(s) before or on the same day of filing of the application. In the event the franchising authority has already made application for certification to the FCC without providing the cable operator(s) such notice, the franchising authority is hereby authorized to refile such application for certification, provided the franchising authority provides the cable operator(s) notice before or on the same day of filing of the application.

2. Upon the effective date of certification, the franchising authority shall provide notice to the cable operator(s) of its certification, its intention to regulate rates for the basic service tier, the equipment and installation necessary to receive the basic service tier and its intention to enforce customer service standards.

3. In the event that the franchising authority shall not obtain certification, or that its certification shall be reconsidered and revoked, the franchising authority is hereby

authorized to continue to enforce customer service standards and to take such steps as are necessary to receive certification.

(*Ord. 1876, 3/13/1995, §1002*)

§13-603. Regulatory Authority.

Pursuant to the power and authority granted to the franchising authority under the Cable Act of 1992, its certification by the FCC for regulating rates for the basic service tier, and rates for the equipment and installation necessary to receive the basic service tier, and other charges which may be regulated by the franchising authority pursuant to the regulations adopted by the FCC under the Cable Act of 1992, the franchising authority shall exercise regulatory power over the rates charged or to be charged to a subscriber for the basic service tier, and for the equipment and installation necessary to receive the basic service tier applicable to those subscribers of the cable operator(s).

(*Ord. 1876, 3/13/1995, §1003*)

§13-604. Rate Application.

1. *Initial Procedures.*

A. The cable operator(s) shall give notice to its subscribers within 90 days (or three billing cycles) of the effective date of the rules adopted by the franchising authority, and all new subscribers at the time of installation, of the availability of the basic service tier.

B. Each cable operator shall submit a rate application to the franchising authority for approval of that cable operator's current rates for the basic service tier and for approval of its rates for the equipment and installation necessary to receive the basic service tier, and for approval of any proposed rate increase.

(1) The rate application for approval of current rates for the basic service tier and the rates for the equipment and installation necessary to receive the basic service tier shall be filed within 30 days of notice from the franchising authority to the cable operator(s) that the franchising authority has been certified by the FCC and has adopted the regulations required by the FCC for rate regulation.

(2) The rate application for any proposed increase in rates for the basic service tier or for the equipment and installation necessary to receive the basic service tier shall be filed a minimum of 30 days before the effective date of the proposed increase.

(3) Included in a rate application shall be such information as is set forth in the application form adopted by the FCC.

(4) The cable operator(s) shall submit any relevant information as is permitted by FCC rules, as contained on the application and worksheets adopted by the FCC for rate applications, and which the cable operator(s) would like the franchising authority to consider in evaluating the current rates for the basic service tier and/or for the equipment and installation necessary to receive the basic service tier, and/or in evaluating any proposed rate increase of those same items.

(5) If the current rates for the basic service tier and/or for the equipment

and installation necessary to receive the basic service tier, or any proposed rate increase exceeds the maximum permitted rates, the cable operator(s) may submit a cost-of-service rate application in conformity with FCC rules. Only the cable operator(s) may decide whether to submit a cost-of-service rate application.

C. The cable operator shall give written notice to its subscribers that a rate application has been filed at least 30 days prior to the effective date of any proposed rate increase. Said notice shall provide the name and address of the franchising authority before whom the rate application is pending.

D. The cable operator(s) bears the burden of proof that its current rates or any proposed rate increase complies with the statutes of the United States and the regulations of the FCC.

E. Within 10 days of receipt of a rate application, the franchising authority shall provide notice in a newspaper of general circulation within the jurisdiction of the franchising authority, which notice shall contain at a minimum:

- (1) The rate application has been received by the cable operator(s).
- (2) The manner in which interested parties may review and/or obtain copies of the rate application.
- (3) The effective date of the proposed rate increase, if that is the subject of the rate application.
- (4) The manner in which interested parties may offer their comments regarding the rate application.
- (5) The date all comments must be received by the franchising authority.
- (6) The date on which the franchising authority must act on the rate application or the rate application shall have become effective without action.

F. Within 30 days of receive of the rate application, the franchising authority shall:

- (1) Review the rate application and documentation submitted by the cable operator(s).
- (2) Compare the current rates, or the proposed rate increase submitted by the cable operator(s) with the maximum permitted rates or with such other applicable standards as have been adopted and/or approved by the FCC.
- (3) Consider any public input on the rate application which may have been provided.
- (4) Approve, disapprove or seek additional time to consider the rate application.

G. If the franchising authority shall fail to either approve, disapprove or seek additional time to consider the rate application within said 30 days, the rate application shall be deemed approved on the thirtieth day after submission.

2. *Request for Additional Time.*

A. *Rate Application.* If the franchising authority is unable to determine from the rate application, including any supporting documentation submitted by the cable operator(s), whether the current rates for the basic service tier and/or the proposed rate increase are within the maximum permitted rates, the franchising

authority may, in cases not involving cost-of-service showings, take an additional 90 days to consider the rate application.

(1) The franchising authority shall issue an order and serve the same upon the cable operator(s) indicating that additional time is required to consider the rate application. The order shall be issued prior to the expiration of the 30 days during which the franchising authority may consider the rate application. Within 7 days of issuance of such order, the franchising authority shall publish notice in a newspaper of general circulation within the jurisdiction of the franchising authority, which notice shall contain a summary of the order, including the additional time requested, and the reason for requesting such additional time.

(2) The cable operator may submit such additional information as it believes will cure any deficiencies in the rate application during the additional time.

(3) The franchising authority may require the cable operator(s) to furnish additional specified information, including proprietary information, when the current rate or proposed rate increase is in excess of the maximum permitted rate. When the current rate is equal to or below the maximum permitted rate, the franchising authority may only require furnishing of documentation that the rate is within the maximum permitted rate. Any proprietary information furnished to the franchising authority shall be retained as confidential in conformity with regulations adopted by the FCC in this regard, a copy of which regulations are on file with and available for review upon request to the franchising authority.

(4) If no decision is issued by the franchising authority at the expiration of the additional time, the current rates or proposed rate increase shall become effective, subject to any later refund order adopted by the franchising authority. Notwithstanding the foregoing, the franchising authority, in order to later order a refund, must, within the text of the order, direct the cable operator(s) to keep an accurate account of all amounts received by reason of the rate in issue and on whose behalf such amounts were paid.

B. *Cost of Service Rate Application.* If the cable operator(s) has submitted a cost-of-service rate application and the franchising authority is unable to determine whether the cable rates for the basic service tier and/or for the equipment and installation necessary to receive the basic service tier and/or the proposed rate increase are within the maximum permitted rates, the franchising authority may take an additional 150 days to consider the cost of service rate application.

(1) The franchising authority shall issue an order and serve the same upon the cable operator(s) indicating that additional time is required to consider the rate application because it is a cost-of-service rate application. The order shall be issued prior to the expiration of the 30 days during which the franchising authority may consider the rate application. Within 7 days of issuance of such order, the franchising authority shall publish notice in a newspaper of general circulation within the jurisdiction of the franchising authority, which notice shall contain a summary of the order, including the additional time requested, and the reason for requesting such additional time.

(2) The franchising authority may require the cable operator(s) to furnish additional specified information including, proprietary information, when the current rate or proposed rate increase is in excess of the maximum permitted rate. When the current rate is equal to or below the maximum permitted rate, the franchising authority may only require furnishing of documentation that the rate is within the maximum permitted rate. Any proprietary information furnished to the franchising authority shall be retained as confidential in conformity with regulations adopted by the FCC in this regard, a copy of which regulations are on file with and available for review upon request to the franchising authority.

(3) If no decision is issued by the franchising authority at the expiration of the additional time, the current rates or proposed rate increase shall become effective, subject to any later refund order adopted by the franchising authority. Notwithstanding the foregoing, the franchising authority, in order to later order a refund, must, within the text of the order, direct the cable operator(s) to keep an accurate account of all amounts received by reason of the rate in issue and on whose behalf such amounts were paid.

3. *Decision of the Franchising Authority.*

A. The franchising authority shall issue a written opinion when:

(1) The rate application is not approved, in whole or in part, by the franchising authority.

(2) The rate application is approved by the franchising authority over the objection(s) of any interested party.

B. The franchising authority may, but is not required, to issue a written opinion when the rate application is approved and there have been no objections filed.

C. Within 7 days of issuance of an opinion, the franchising authority shall provide notice in a newspaper of general circulation within the jurisdiction of the franchising authority; which notice shall contain at a minimum, that:

(1) The franchising authority has reached a decision on the rate application, and announcing that decision.

(2) The manner in which interested parties may review and/or obtain copies of the opinion.

(3) The right of interested parties to take an appeal from the opinion of the franchising authority.

(4) The deadline for taking any such appeal.

4. *Disapproval of the Rate Application.*

A. *Rate Reduction.*

(1) *Current Rates.* If the franchising authority shall issue an opinion disapproving the current rates of the cable operator(s) for the basic service tier or for rates for the equipment and installation necessary to receive the basic service tier, the franchising authority may order a reduction in the current rates for the basic service tier and/or for the equipment and installation necessary to receive the basic service tier. The prospective rate adjustment

may be set at: (a) a level consistent with the FCC adopted maximum permitted rates; (b) another rate, based on review of a cost-of-service rate application; or (c) another rate consistent with FCC Rules.

(2) *Proposed Rates.* If the franchising authority shall issue an opinion disapproving of any proposed rate increase, the franchising authority may:

(a) Prescribe a reasonable rate to be charged by the cable operator(s) instead of the proposed rate. The prescribed rate may not be lower than the maximum permitted rate unless a cost-of-service rate application has been submitted by the cable operator(s) and the franchising authority determines that the cost-of-service analysis justifies a lower rate.

(b) Advise the cable operator(s) of a rate level to which it would not object if a modified rate application were resubmitted.

B. *Refunds.* The franchising authority may order a refund if:

(1) The cable operator failed to comply with a rate decision by the franchising authority. The refund period may be retroactive to the effective date of the rate order issued by the franchising authority.

(2) The franchising authority determines in its initial review of the current rates that they exceed the maximum permitted rates and are unsupported by a cost-of-service rate application. In such instance, the refund period may be retroactive to September 1, 1993, or 1 year prior to the date on which the cable operator(s) implement(s) the prospective rate adjustment, whichever is shorter.

(3) The franchising authority: (a) has issued an order permitting it to take an additional 90 days or 150 days to consider a rate application; and (b) has directed the cable operator(s) to keep an accurate account of all amounts received by reason of the rate in issue and on whose behalf such amounts were paid; but (c) failed to issue an opinion during the time period, causing the rates to become provisionally effective, and the franchising authority later finds all or a portion of the rates to be unreasonable. In such instance, the refund period may be retroactive to the date of the order and ending on the date on which the cable operator(s) implements the prospective rate reduction, or 1 year, which is shorter.

C. Before any refund order shall become effective, the franchising authority must send notice to the cable operator(s), and provide said cable operator(s) a maximum of 30 days to submit additional information to the franchising authority as to why the refund should not be ordered. At the end of said period, the franchising authority shall either confirm, amend or rescind said refund order.

D. Refunds shall include interest computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments.

E. If any proposed rate increase has gone into effect due to inaction of the franchising authority or the failure of the franchising authority to issue an order stating a need for additional time, the franchising authority has no right to order a refund.

F. Any violation of any order issued hereunder shall be considered a violation of this Part.

(Ord. 1876, 3/13/1995, §1004)

§13-605. Customer Service Standards.

1. Within 90 days of receipt by the cable operator(s) of written notice from the franchising authority of the franchising authority's intention to monitor and enforce the customer service standards adopted by the FCC, a copy of which are attached hereto as Exhibit "A"¹ and incorporated herein by reference, the cable operator(s) shall comply with said standards.

2. At the next billing cycle after receipt of said notice, as to its existing subscribers, and at the time of installation for new subscribers, the cable operator(s) shall provide its subscribers with notice of its customer service standards, and shall provide said subscribers with the name of the franchising authority or contact person for such franchising authority that the subscriber should contact to report any violation, or alleged violation of said customer service standards.

3. The franchising authority, upon receipt of a complaint of an alleged violation of the customer service standards by the cable operator(s), or upon discovery of a violation of its own accord, shall provide notice of the same to the cable operator(s) who may respond thereto within 10 days of said notice.

4. Any failure of the cable operator(s) to cure a violation of the customer service standards within such time as shall be set by the franchising authority, or to timely respond to a notice from the franchising authority regarding a violation, shall be a violation of this Part.

(Ord. 1876, 3/13/1995, §1005)

§13-606. Enforcement.

1. *Cumulative Remedies.* Where this Part provides alternative penalties or remedies, they shall be cumulative and the imposition of one penalty or remedy shall not prevent the franchising authority from invoking any other penalty or remedy provided herein.

2. In addition to all other rights and remedies provided herein, the franchising authority shall have all rights and remedies afforded under the franchise agreement.

3. Unless otherwise provided, any person convicted of violating any provision of this Part, including any order issued or any rule or regulation promulgated hereunder, shall, upon conviction, shall be sentenced to pay 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. 1876, 3/13/1995, §1006)

§13-607. Ratemaking Appeals.

Appeals of all ratemaking decisions by the franchising authority may be taken to the FCC by the cable operator(s), subscribers, or other interested parties.

¹Editor's Note: Exhibit "A" is on file in the Township office.

A. Appeals must be filed within 30 days of the date of public release of the franchising authority's opinion.

B. Oppositions to an appeal must be filed within 15 days after the filing of the appeal and must be served on the party appealing.

C. Replies to oppositions shall be filed within 7 days of the filing of an opposition and served on all parties.

(Ord. 1876, 3/13/1995, §1007)

§13-608. Other Matters.

1. *Cable Programming Service Rates.*

A. The franchising authority is hereby authorized to file complaints with the FCC on behalf of itself and/or any subscriber(s) who files a complaint with the franchising authority for those cable programming service rates solely regulated by the FCC.

B. The decision to file a complaint with the FCC by the franchising authority shall be in the sole discretion of the franchising authority.

C. Any such complaint filed by the franchising authority shall be in conformity with the rules of the FCC.

D. The franchising authority, if it chooses not to file a complaint may, but is not required, to assist a Subscriber in filing a complaint.

E. No formal review or adjudication by the franchising authority of any such complaint is permitted.

2. *Information to Be Included in Billing.*

A. A cable operator(s) shall provide the following information to subscribers on monthly bills:

(1) The name and mailing address of the franchising authority.

(2) The FCC community unit identifier for the cable system.

B. A cable operator(s) shall provide notice to the franchising authority at least 30 days in advance of any change in rates for cable programming service or associated equipment.

(Ord. 1876, 3/13/1995, §1008)

