

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Circuses and Carnivals****§13-101. Definition and Interpretation.**

When used in this Part, the word “person” shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(*Ord. 120, 12/27/1979, §XIII-1*)

§13-102. Permit Required.

No person shall operate or install or conduct, at any place in the Borough of Port Matilda, any circus or carnival without first having obtained a permit therefor, as herein required, and except under all the terms and conditions of this Part pertaining thereto. Application for the permit shall be made to the Mayor, who shall have authority, before granting such permit, to cause an investigation to be made of the proposed circus or carnival. If the Mayor shall find the application in order, he shall issue such permit upon payment by the applicant of a fee in an amount as established from time to time by resolution of Borough Council for each day on which such circus or carnival is to be conducted in the Borough. Provided: the Mayor may waive the permit fee in the case of any circus or carnival held, conducted or operated for the sole benefit of any charitable, community betterment, educational or religious organization or corporation.

(*Ord. 120, 12/27/1979, §XIII-2; as amended by Ord. 178, 9/15/2009*)

§13-103. Expiration of Permit; Extension.

It shall be unlawful for any person to conduct, hold or operate any circus or carnival after the permit therefor shall have expired, unless such person shall have applied for, shall have paid the applicable fee for, and shall have been issued a permit for such extended period of operation.

(*Ord. 120, 12/27/1979, §XIII-3*)

§13-104. Revocation of Permit.

The Mayor shall have the authority to revoke any permit issued hereunder when he shall deem such revocation to be in the interest of the health, safety, welfare or morals of the Borough and the inhabitants thereof. In case of revocation, no part of any permit fee required hereunder shall be refunded.

(*Ord. 120, 12/27/1979, §XIII-4*)

§13-105. Penalty for Violation.

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. 120, 12/27/1979, §XIII-5; as amended by Ord. 178, 9/15/2009*)

Part 2**Transient Retail Business****§13-201. Definitions and Interpretation.**

As used in this Part:

Legal holiday—includes New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

Person—any natural person, partnership, association, corporation or other legal entity.

Transient retail business—includes the following:

(1) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough of Port Matilda.

(2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but 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 specific yearly holidays.

The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 120, 12/27/1979, §XIII-51)

§13-202. License Required; Fee; Conditions of License.

No person shall engage in any transient retail business within the Borough of Port Matilda without having obtained from the Mayor a license, for which a fee in an amount as established from time to time by resolution of Borough Council, which shall be for the use of the Borough, shall be charged. Provided: no license fee shall be charged under this Section:

- A. To 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.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- F. To any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.* [Ord. 178]

But all persons exempted hereby from the payment of the license fee shall be required to register with the Mayor and obtain a license without fee. Provided; further, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided; further, the Mayor may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation. Provided; further, every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in such business; every 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, except that a representative of a charitable organization may obtain the licenses for the applicants therein.

(*Ord. 120, 12/27/1979, §XIII-52; as amended by Ord. 178, 9/15/2009*)

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the Mayor 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 state:

- A. His name and address, both permanent and local.
- B. His criminal record, if any.
- C. The name and address of the person by whom he is employed.
- D. The type of goods, wares, and merchandise he wishes to deal with in such transient retail business.
- E. The length of time for which license is to be issued.
- F. The type and license number of the vehicle to be used, if any.

(*Ord. 120, 12/27/1979, §XIII-53*)

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

1. Upon receipt of such application and the prescribed fee, the Mayor, if he shall find such application in order, shall issue the license required under this Part. Provided: in order to properly investigate the information contained in the application, the Mayor may require a waiting period of up to 48 hours prior to issuing the license.

2. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person, if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials, and citizens or residents of the Borough.

(*Ord. 120, 12/27/1979, §XIII-54*)

§13-205. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become unsaleable through handling, age, or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 8 p.m. any day of the week other than a Sunday or legal holiday.

(*Ord. 120, 12/27/1979, §XIII-55*)

§13-206. Supervision; Records and Reports.

The Mayor shall supervise the activities of all persons holding licenses under this Part, he shall keep a record of all such licenses issued hereunder, and shall make a report thereof each month to the Borough Council.

(*Ord. 120, 12/27/1979, §XIII-56*)

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

1. The Mayor is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Part, or for giving false information upon any application for a license hereunder.

2. Appeals from any suspension or revocation may be made to the 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. 120, 12/27/1979, §XIII-57*)

§13-208. Penalty for Violation.

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. 120, 12/27/1979, §XIII-58; as amended by Ord. 178, 9/15/2009*)

