

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PART 1

ALARM DEVICES

- §101. Definitions
- §102. Operational Standards
- §103. False Alarms
- §104. Change in Location of the Central Receiving Station
- §105. Testing
- §106. Liability of Township
- §107. Administration and Enforcement
- §108. Penalties

PART 2

PEDDLERS AND SOLICITORS

- §201. Title
- §202. Purpose
- §203. Definitions and Interpretation
- §204. License Required
- §205. Application for License
- §206. License Nontransferable
- §207. Waiting Period Following Application for License
- §208. License Fee
- §209. Issuance of License
- §210. License Term
- §211. License to be Carried and Exhibited
- §212. Limitations of Activities
- §213. Hours for Soliciting or Peddling
- §214. Record of License Issue; Supervision of Activities
- §215. Suspension or Revocation of License
- §216. Hawking, Use of Certain Audible Devices Prohibited
- §217. Suspension and Revocation of License
- §218. Penalties

PART 3

JUNKYARDS AND JUNK DEALERS

- §301. Definitions
- §302. Title
- §303. License
- §304. Application for License
- §305. License Fee
- §306. Issuance of License
- §307. Transfer of License
- §308. Records
- §309. Delay in Disposal
- §310. Regulations
- §311. Revocation of License
- §312. Penalties
- §313. Abatement

PART 4

LIQUOR LICENSE TRANSFER

- §401. Intent
- §402. Public Hearing Advertisement and Posting
- §403. Township Action
- §404. Application Fees
- §405. Hearing

PART 1

ALARM DEVICES

§101. DEFINITIONS.

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

ACCIDENTAL FALSE ALARM - any false alarm which is not an intentional false alarm as defined herein, or an alarm which occurs when there has not been an intrusion, crime, fire or other emergency.

ALARM - a communication to a public safety agency indicating that a crime, fire or other emergency situation warranting immediate action by the public safety agency has occurred or is occurring.

ALARM DEVICE - a mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means (A) directly to a public safety agency; (B) to a person who is instructed to notify the public safety agency of the alarm; or, (C) to activate a bell or sounding device to be heard outside a building which is intended to alert the public safety agency or others to the existence of a crime, fire or other emergency situation warranting public safety action.

CENTRAL RECEIVING STATION - the alarm or control panel installed at a public safety agency for the purpose of giving visual or audio response to direct alarm devices.

DIRECT ALARM DEVICE - an alarm device, other than a telephone digital dialer alarm device, designed to transmit an alarm directly to the public safety agency.

FALSE ALARM - an alarm to which the public safety agency responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the public safety agency has not in fact occurred.

INDIRECT ALARM DEVICE - an alarm device designed to transmit an alarm to a person who is instructed to notify the police or fire department of the alarm.

INTENTIONAL FALSE ALARM - a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the public safety agency has occurred or is occurring.

PERSON - an individual, corporation, partnership, incorporated association or other similar entity.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PUBLIC SAFETY AGENCY - any police or fire service serving the Township covered by this Part.

TELEPHONE DIGITAL DIAL ALARM DEVICE - an alarm device designed to automatically transmit a recorded message over regular telephone lines directly to the public safety agency or to a person who is instructed to notify the public safety agency of the alarm.

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

(Ord. 52-1986, 11/3/1986, §1)

§102. OPERATIONAL STANDARDS.

1. If an alarm device is designed to transmit a recorded message directly to the public safety agency, the duration of such recorded message shall not exceed 60 seconds. The contents of the recorded message shall be intelligible and in a format approved by the public safety agency.
2. An alarm device need not contain a delay service which causes a delay to occur between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.
3. A direct alarm device shall be designed to dial only specific telephone numbers designated by the public safety agency; and to allow the person to abort the alarm signals.
4. A direct alarm device shall be designed so that it interfaces with the central receiving station maintained by the public safety agency.
5. If an alarm device is designed to cause a bell, siren or sound making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound making device after 30 minutes of operation. Alarm devices in operation on the effective date of this Part must be modified for a 30 minute device unless said unit cannot be modified without replacement.
6. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises or other forces unrelated to genuine alarm situations.
7. The alarm device must be maintained by the person in good repair to assure reliability of operation.

8. Persons having their alarms terminate at the central receiving station shall insure that a person residing within 15 minutes of alarmed structure shall be available to respond when notified that alarm has been received and their presence is required. The names, addresses and phone numbers of at least two persons which can be contacted for responses as aforementioned must be kept on file at the central receiving station for public safety agency use.
9. Any person as hereinbefore defined having an automatic fire alarm system subject to the provisions of this Part who does not maintain on the premises 24 hour maintenance staff shall be required to install a Knox box whereby keys for resetting alarm panels and pull stations for alarm could provide access to representatives of the fire company to reset the alarm to insure that the person and the alarm system does not encounter a problem. The person shall provide in the Knox box emergency telephone contact numbers to provide representatives of the fire company east access to the facility. Notice of this requirement shall be furnished to each commercial, industrial and apartment facility so that compliance can be accomplished within 30 days after notice of the provision of this Part. [Ord. 2003-03]

(Ord. 52-1986, 11/3/1986, §2; as amended by Ord. 2003-03, 6/2/2003)

§103. FALSE ALARMS.

1. Intentional False Alarms. No person shall create an intentional false alarm. (18 Pa.C.S.A. §4905)
2. Accidental False Alarms. Any person causing accidental false alarms for any reason shall pay to the Township a charge for each and every false alarm to which the public safety agency responds, in an amount as established by resolution of the Board of Supervisors, in each calendar year. [Ord. 09-00]
3. When a false alarm occurs, the public safety agency, within 10 days from the date of the false alarm, shall notify the person of the alarm device from which the false alarm emanated causing said false alarm that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed to the person causing said false alarm at his last known address by regular mail, postage prepaid. Failure of the public safety agency to mail notice of assessment of a false alarm charge within 10 days from the occurrence of a false alarm shall preclude the Township from assessing a false alarm charge for said false alarm.
4. A false alarm charge shall be due and payable at the office of the Spring Township Supervisors, 15 days from the date of the mailing of the notice of assessment of the charge.
5. Failure of a person causing a false alarm to pay a false alarm charge on or before the date due shall constitute a violation of the Part and shall subject said person to the penalties set forth in §108, hereof.

(Ord. 52-1986, 11/3/1986, §3; as amended by Ord. 09-00, 10/2/2000)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§104. CHANGE IN LOCATION OF THE CENTRAL RECEIVING STATION.

If the location of the central receiving station should change at any time, the public safety office shall not be responsible for any cost incurred by a person to relocate their alarm because of said change in location.

(Ord. 52-1986, 11/3/1986, §4)

§105. TESTING.

No person shall conduct or test any alarm device without first notifying the public safety agency. Where the equipment is keyed through an intermediary, notification is unnecessary unless the alarm or signal is to be relayed to the central receiving station.

(Ord. 52-1986, 11/3/1986, §5)

§106. LIABILITY OF TOWNSHIP.

The public safety agency of the Township will not accept any liability to maintain any equipment, to answer alarms nor otherwise render the public safety agency of the Township liable to any person for any loss or damage relating to the alarm system or procedure.

(Ord. 52-1986, 11/3/1986, §6)

§107. ADMINISTRATION AND ENFORCEMENT.

Administration and enforcement of this Part shall be functions of the public safety agency of the Township and shall include the following: authority to order the disconnection of an alarm device until such device is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the public safety agency of the Township as a result of false alarms.

(Ord. 52-1986, 11/3/1986, §7)

§108. PENALTIES.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 52-1986, 11/3/1986, §8; as amended by Ord. 58-1989, 3/6/1989, §2(K); and by Ord. 09-00, 10/2/2000)

PART 2

PEDDLERS AND SOLICITORS

§201. TITLE.

This Part shall be known as the "Peddlers and Solicitors Ordinance."

(Ord. 32-1979, 11/5/1979, §1)

§202. PURPOSE.

The purpose of this Part is to provide protection of the citizens and residents of the Township from individuals or organizations who temporarily come into the Township or who live in the Township or have a permanent business address in the Township, but set up temporary places of doing business, or who solicit sales or contributions and from unreliable operators. The intent of this Part is to require registration of all such peddlers, solicitors and transient retail merchants so that if any fraud or improper practice occurs, the identity of the person shall be available; and further, to establish certain regulations governing the conduct of solicitors, peddlers and transient retail merchants while engaged in activities in the Township.

(Ord. 32-1979, 11/5/1979, §2)

§203. DEFINITIONS AND INTERPRETATION.

1. Definitions.

PEDDLER - any person who shall engage in peddling as herein defined.

PEDDLING - the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the said Township.

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

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

SOLICITOR - any person who shall engage in soliciting as herein defined.

TRANSIENT RETAIL MERCHANT - any person, firm, corporation or organization, whether residing or having a permanent address in the township or not, and whether principal or agent, entering into, beginning, repeating or continuing a transient retail business for the sale of any goods, wares, merchandise or services of any nature whatsoever, and who temporarily hires, leases, occupies or uses any room, apartment, store, shop, building, railway car or other place, structure or vehicle for the exhibition and sale of such goods, wares or merchandise or who engages in soliciting, as defined above.

2. Interpretation. The words "peddler," "peddling," "solicitor," "soliciting" or "transient retail merchant" shall not mean or apply to:
- A. To farmers seeking or taking orders for the sale of their own products.
 - B. To the seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products, or milk or milk products.
 - C. To the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purposes.
 - D. To the seeking or taking of orders, by insurance agents or brokers, licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
 - E. To persons, corporations, partnerships and associations, their agents or employees who have complied with the provision of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes.
 - F. To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.
 - G. A local post, camp, chapter or similarly designated element of a county unit of such elements of a bona fide veterans' organization, volunteer fire company, ambulance association or rescue squad association, provided for all its fund raising activities are carried on by members of such local post, carried on by members of such local post, chapter or element.

(Ord. 32-1979, 11/5/1979, §3; as amended by Ord. 09-00, 10/2/2000)

§204. LICENSE REQUIRED.

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

(Ord. 32-1979, 11/5/1979, §4)

§205. APPLICATION FOR LICENSE.

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

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.
- E. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
- H. If the applicant is personally known to the Township Secretary, or is vouched for as to the identity by a person whose word the Township Secretary will accept, any requirements concerning production of identity documents may be waived by the Township Secretary, provided the Township Secretary notes on the application the basis of the knowledge of the applicant's identity.
- I. In the event the applicant is to hire, engage or be aided and assisted by any other persons, whether as employees or helpers, all applicable personal information specified in this Section shall be given for each helper or employee and verified or affirmed by such employee or helper. Individual licenses shall be required for each employee or helper.

(Ord. 32-1979, 11/5/1979, §5)

§206. LICENSE NONTRANSFERABLE.

No license issued under this Part shall be transferrable from one person to another.

(Ord. 32-1979, 11/5/1979, §6)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

§207. WAITING PERIOD FOLLOWING APPLICATION FOR LICENSE.

No license shall be issued under this Part until a period of 24 hours has elapsed from the time the application has been filed with the Secretary in order to give the Secretary sufficient time to make proper investigation before issuing the license.

(Ord. 32-1979, 11/5/1979, §7)

§208. LICENSE FEE.

Licenses shall be issued under this Part upon payment to the Township Treasurer of an amount as established, from time to time, by resolution of the Board of Supervisors for each license issued under this Part. Such license fees shall be payable separately for each license to be issued, including license for employees, agents or servants of a licensed employer.

(Ord. 32-1979, 11/5/1979, §8; as amended by Ord. 09-00, 10/2/2000)

§209. ISSUANCE OF LICENSE.

The Township Secretary is hereby authorized to receive applications and to issue licenses pursuant to the provisions of this Part; provided, however, that when any transient retail merchant is required to be licensed by the County of Centre, the Commonwealth of Pennsylvania or the United States of America, for the purpose of engaging in activities set forth in any application, if any person be required to engage in such activities or to transport such goods, wares or merchandise, or if any goods, wares or merchandise require inspection approval prior to sale of any governmental body or agency, no license shall be issued until such other license, permit or proof of inspection approval shall first be furnished by the applicant.

(Ord. 32-1979, 11/5/1979, §9)

§210. LICENSE TERM.

Licenses granted pursuant to this Part shall be valid for 6 calendar months after the date of such license. The license may be renewed only upon the filing of a new license application and the payment of a new fee.

(Ord. 32-1979, 11/5/1979, §10)

§211. LICENSES TO BE CARRIED AND EXHIBITED.

Every solicitor, peddler and transient retail merchant shall, at all times when engaged in such activities in the Township, carry such a license upon his person and exhibit it upon

request to all citizens with whom the licensee deals, all policy officers and all Township officials.

(Ord. 32-1979, 11/5/1979, §11)

§212. LIMITATIONS ON ACTIVITIES.

No solicitor, peddler or transient retail merchant shall engage in the selling, peddling or solicitation for sale of any product or service not set forth in the application and including on such license. In addition, the following regulations shall apply to all persons:

- A. There shall be no crying or hawking of goods, wares or services within the Township.
- B. No person shall park any vehicle upon the streets and ways of the Township for the purpose of sorting, rearranging or cleaning any goods, wares or merchandise, nor shall any such person park upon such streets or ways for the purpose of keeping or maintaining a street or curbstone market place.

(Ord. 32-1979, 11/5/1979, §12)

§213. HOURS FOR SOLICITING OR PEDDLING.

No person licensed as a solicitor or peddler under this Part shall engage in soliciting or peddling on any day of the week before 9 a.m. or after 8 p.m. During the time of year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time, and during the time of the year when Daylight Savings Time is effective, the aforesaid hours shall be Daylight Savings Time.

(Ord. 32-1979, 11/5/1979, §13)

§214. RECORD OF LICENSES ISSUED; SUPERVISION OVER ACTIVITIES.

The Secretary shall keep a record of all licenses issued under this Part and the Township police shall apply daily for a list of licenses issued hereunder since the previous day. The Township police shall supervise the activities of all holders of such licenses.

(Ord. 32-1979, 11/5/1979, §14)

§215. SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under this Part may be suspended or revoked at any time by the Secretary of the Township of Spring upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license and that the licensee

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania, or any ordinance of the Township of Spring.

(Ord. 32-1979, 11/5/1979, §15)

§216. HAWKING, USE OF CERTAIN AUDIBLE DEVICES PROHIBITED.

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

(Ord. 32-1979, 11/5/1979, §16)

§217. SUSPENSION AND REVOCATION OF LICENSE.

The Township Secretary may, upon proof furnished to him (A) that the licensee supplied false information on license application; (B) was convicted of a crime involving moral turpitude after issuance of license; (C) that the licensee was convicted of disorderly conduct while engaged in licensed activities after the license had been issued; or, (D) that the licensee failed to comply with this Part in any manner, may suspend or revoke any license issued hereunder.

(Ord. 32-1979, 11/5/1979, §17)

§218. PENALTIES.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 32-1979, 11/5/1979, §18; as amended by Ord. 58-1989, 3/6/1989, §2(G); and by Ord. 09-00, 10/2/2000)

PART 3

JUNKYARDS AND JUNK DEALERS

§301. DEFINITIONS.

The following words and phrases shall be construed throughout this Part to have the meanings herein indicated:

BOARD - the Board of Supervisors of Spring Township, Centre County, Pennsylvania.

JUNK - any discharged material or article and shall include, but not be limited to, abandoned, junked or scrapped motor vehicles (not bearing a current registration), machinery, equipment, paper, containers and structures, scrap metal and other waste material, but shall not include garbage or refuse kept by a person on his own property in a proper container for the purpose of immediate disposal.

JUNK DEALER - any person as defined hereinafter who shall engage in the business of buying, selling, dealing and salvaging in junk and who maintains and operates a junkyard within the Township of Spring.

JUNKYARD - any place where any junk as hereinafter defined is stored, disposed of or accumulated.

LICENSE - the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON - includes a natural person, association, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

TOWNSHIP - Spring Township, Centre County, Pennsylvania.

(Ord. 71-1966, 6/13/1966, §1)

§302. TITLE.

This Part may be cited and shall be known as the "Spring Township Junkyard and Junk Dealers Ordinance."

(Ord. 71-1966, 6/13/1966, §2)

§303. LICENSE.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

From and after the effective day of this Part, no person shall maintain a junkyard or engage in the business as a junk dealer in the Township without first having obtained a license from the Board, for which license a fee in an amount as established, from time to time, by resolution of the Board of Supervisors shall be paid to the Township for the use of the Township. The license shall be issued for the 12 month period beginning January 1 and ending December 31, and such license shall be renewed annually or before January 1 of each year.

(Ord. 71-1966, 6/13/1966, §3; as amended by Ord. 09-00, 10/2/2000)

§304. APPLICATION FOR LICENSE.

Any person desiring to engage in the business of a junk dealer or maintain a junkyard shall make application to the Secretary of the Board on a written application form, which application form shall be secured from the Secretary of the Board. The written application for license shall be signed by the applicant, shall be accompanied by the license fee hereinafter provided for and shall be accompanied with a plot or a survey of the premises desired to be used or then in use by the applicant in connection with such license, which said survey shall show the location of the premises to be used with reference to public roads and any buildings, either public or private; such plot shall also include a topographic survey showing the drainage of the area which the applicant desires to use in connection with the license.

(Ord. 71-1966, 6/13/1966, §4)

§305. LICENSE FEE.

The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be in an amount as established by resolution of the Board of Supervisors.

(Ord. 71-1966, 6/13/1966, §5; as amended by Ord. 09-00, 10/2/2000)

§306. ISSUANCE OF LICENSE.

Upon receipt of an application for a license by the Board, the Board shall review the application and shall issue a license or refuse to issue the same after due examination of the application and taking into consideration the suitability of the property proposed to be used by the licensee, the character of the adjunct properties and what effect the proposed use by the licensee would have upon the health, welfare, economic and aesthetic value of the Township. In the event the Board determines to issue the license, it may impose upon the license such terms and conditions, in addition to the regulations herein contained and any other regulations adopted pursuant to this Part, as may be necessary to carry out the intent of this Part. The license, when issued, shall state the name of the person to whom the license is issued, shall describe the premises on which the business is to be conducted or the junkyard maintained, and such license shall be conspicuously posted upon the

license premises by the licensee. Such license shall be limited to the place of business indicated on the license and no person licensed under this Part shall keep or maintain more than one place of business within the Township and no person, after having secured a license, shall engage in business as a junk dealer in any other place in the Township other than that designated upon his license.

(Ord. 71-1966, 6/13/1966, §6)

§307. TRANSFER OF LICENSE.

Any license issued by the Board shall not be transferrable by the licensee to any other person. In the event the licensee discontinues business, the license shall be promptly surrendered to the Board, and any new owner desiring to conduct the business shall make application for new license in accordance with §304 of this Part.

(Ord. 71-1966, 6/13/1966, §7)

§308. RECORD.

Every licensee who shall secure a license under the provisions of this Part shall keep an accurate record in a book which shall be open to inspection at any time by the officials of the Township which records shall disclose a description of every article or material purchased or received by the licensee, the date and hour of such purchase or receipt, the person from whom the article or junk material was purchased, which records shall be kept for a period of 2 years after each license year. These records shall be written in the English language and shall be, at all times, open to and subject to the inspection of any official of the Township.

(Ord. 71-1966, 6/13/1966, §8)

§309. DELAY IN DISPOSAL.

Every person licensed under this Part shall keep and retain upon the licensed premises for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

(Ord. 71-1966, 6/13/1966, §9)

§310. REGULATIONS.

In order to carry out the intent and purposes of the Second Class Township Code and the provisions of this Part, the Supervisors hereby adopted the following regulations, which regulations every person licensed under this Part shall comply with and shall maintain a

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

copy on the licensed premises; and the Supervisors shall have the power to pass subsequent regulations which shall become part of the regulations adopted by this Board.

- A. The premises to be licensed shall be setback a minimum distance of 25 feet from the right-of-way lines on all streets or roads and a minimum distance of 25 feet from all other property lines. The area between the setback line and the right-of-way in all streets and roads and all other property lines shall be at all times kept clear and vacant.
- B. The premises licensed for a junkyard under the terms of this Part shall at all times be kept and maintained so as not to constitute a nuisance or a menace to the health of the community or of the residents who lie nearby or a place for the breeding and housing of vermin, rodents and other animals.
- C. The junk stored and arranged on the licensed premises and the drainage facilities of the premises shall be so arranged to as to prevent at all times the accumulation of stagnant water upon the licensed premises.
- D. No rubbish, ashes, garbage, refuse or other organic waste shall be stored upon any licensed premises.
- E. All junk kept, stored or arranged on the licensed premises shall be so kept, stored and arranged so as to provide access for firefighting purposes.
- F. Any motor vehicles which shall be received on the licensed premises for storage as junk, the licensee shall drain all gasoline and oil therefrom immediately after receiving the same. Gasoline in excess of 10 gallons may not be stored above the ground but shall be stored only in underground storage, which underground storage must be approved by the Board.
- G. No material, grease, tires, gasoline, oil or other dangerous materials shall be burned within the junkyard at any time which might tend to produce obnoxious or harmful smoke or odors. Motor vehicles may be burned providing not more than one is burned at a time and providing that the licensee or one of his employees is in attendance and control of the burning vehicle at all times.
- H. The Board reserves the right to prescribe that any premises to be licensed shall be enclosed by a fence in order to maintain the economic and aesthetic value of the Township. The board shall prescribe in the license the type and height of the fence which shall be erected by the licensee before the premises are used as a junkyard.
- I. No premises shall be licensed if they are located adjacent to build up areas or other housing areas so that the conduct of a junkyard would interfere with the health, sanitation and economic use of the premises.

(Ord. 71-1966, 6/13/1966, §10)

§311. REVOCATION OF LICENSE.

In the event any licensee violates any of the terms and provisions of this Part, or any of the regulations prescribed by virtue of said Part, or any of the terms and conditions of his license, the Board shall have the right to revoke said license and upon the revocation of the same, the licensee shall no longer be permitted to conduct the business under the terms of said license.

(Ord. 71-1966, 6/13/1966, §11)

§312. PENALTIES.

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 71-1966, 6/13/1966, §12; as amended by Ord. 118-1968, 10/7/1968, §1; and by Ord. 09-00, 10/2/2000)

§313. ABATEMENT.

In addition to the other remedies provided in this Part, the Board shall have the power to institute proceedings in a court of equity to enjoin any continued violation of this Part which shall constitute a nuisance, and the Board shall determine if such violation constitutes a nuisance and, in the event it does, such nuisance may be abated by proceedings against the violator in the court of equity for relief.

(Ord. 71-1966, 6/13/1966, §13)

PART 4

LIQUOR LICENSE TRANSFER

§401. INTENT.

1. Township of Spring does hereby provide for the administration of applications for transfer of liquor licenses within the boundaries of the Township and conduct hearings in compliance with Pennsylvania law. The following requirements apply to all proposed liquor license transfers.

2. Application for Approval License Transfer. The applicant must provide the following information:
 - A. The applicant's full name, home address, home telephone number.
 - B. The applicant's Pennsylvania LCB license number.
 - C. The current business name, address, telephone number where the liquor license proposed for transfer is located.
 - D. The business name, address, telephone number, where the liquor license is proposed to be located within the Township of Spring.
 - E. The type of operation proposed (restaurant-R License) serving malt and brewed beverages and other forms of alcohol, or an eating establishment (E License) serving only malt and brewed beverages.
 - F. Information about the following operating details:
 - (1) Amusement Permit? Yes ___ No ___
If yes, type of entertainment? _____
 - (2) Extended Hours Food Permit? Yes ___ No ___
 - (3) Sunday Sales Permit? Yes ___ No ___
 - (4) Days of operation? _____
 - (5) Hours of operation? _____
 - (6) Seating Capacity:
At bar? _____
At tables and chairs? _____
 - (7) Characteristic of Neighborhood (within 500 feet):
Residential ___% Commercial ___% Rural ___%

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- (8) Restrictive Institutions (within 200 feet)? Yes ___ No ___
 - (9) Other Licenses (existing within 200 feet)? Yes ___ No ___
 - (10) Protesters? Yes ___ No ___
 - (11) Supporters? Yes ___ No ___
 - (12) Type of Menu? (Check where applicable):
Breakfast ___ Lunch ___ Dinner ___
Meal price range? _____
- G. The names, addresses, telephone numbers of all parties who have or propose to have a financial interest or ownership in the business where the proposed liquor license will be located.
- H. The owner of the property where the liquor license is proposed to be located.
- I. The names, addresses, telephone numbers of all property owners of property fully or partially within 500 feet of the proposed license location.
- J. The date at which the applicant proposes to relocate the liquor license to Township of Spring.
- K. A copy of the completed application required by the Pennsylvania LCB including the applicant's criminal history and liquor code violations.
- L. The names of other businesses with liquor licenses in Pennsylvania County in which applicant has some interest or ownership.
- M. The number of existing liquor licenses of all types within the Township of Spring.
- N. The population of the Township of Spring taken from the latest Federal census.

(Ord. 2002-02, 3/4/2002, §1)

§402. PUBLIC HEARING ADVERTISEMENT AND POSTING.

Upon receipt of the application and the appropriate filing fees, as required in this Part, the Township of Spring will conspicuously post the property identified as the location of the proposed liquor license in a manner consistent with the requirements for posting a property for rezoning. The Township of Spring will advertise the date, time and place of al public hearing to be conducted by the Council of the Township of Spring.

(Ord. 2002-02, 3/4/2002, §2)

§403. TOWNSHIP ACTION.

In deciding whether the proposed transfer application would adversely effect the welfare, health, peace and morals of the Township of Spring or its inhabitants, the Council of the Township of Spring may consider, in addition to the information in §401(2) above, any or all of the following:

- A. A report and recommendation from the Township Chief of Police.
- B. The population of the Township of Spring; the number of residents under the age of 21.
- C. The total number of existing liquor licenses in the Township and whether the total number of existing liquor licenses exceeds one license per 3,000 population of the Township (the quota established by the LCB).
- D. The location of the closest existing licensed establishment.
- E. Concerns expressed by area residents, businesses, public interest organization, and the Bellefonte Area School District.
- F. The copy of the completed application required by the Pennsylvania Liquor Control Board, and the applicant's complete criminal history.
- G. The names of and information about other businesses in which the applicant has some interest or ownership.
- H. Any other issue or fact that may adversely effect the welfare, health, peace and morals of the Township of Spring or its inhabitants.

(Ord. 2002-02, 3/4/2002, §3)

§404. APPLICATION FEES.

The Township of Spring wishes to provide for the reimbursement of expenses incurred in the administration of the applications and hearings for transfer of liquor licenses into the Township. In order for any application to be accepted by the Township, the applicant must submit an application fee to defray the cost of public notices, secretarial costs, and administrative overhead. The initial application fee will defray these costs up to and including a maximum hearing of 3 hours. Each additional 3 hours of hearing, or any part thereof, will constitute an additional hearing day with the resulting additional fees set forth below:

- A. Initial application fee: \$800.
- B. Fee for additional hearing day: \$600.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- C. In addition to the application fee and additional hearing fees set forth above, if the applicant requests a stenographic record, all costs for providing a stenographic record, including appearance fees, will be the responsibility of the applicant.
- D. All fees must accompany the application and are non-refundable.
- E. The above-referenced fee schedule may be changed by resolution of the Township of Spring.

(Ord. 2002-02, 3/4/2002, §4)

§405. HEARING.

Council will conduct a hearing to determine whether or not to approve the transfer of the liquor license into the Township. Any approval will be limited to the individual applicant, the proposed transfer location and the type of establishment proposed. Any proposed change in ownership, location, or type of establishment will require a new application and Township approval. The Township may also impose additional conditions.

(Ord. 2002-02, 3/4/2002, §5)