

## **Chapter 13**

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**Part 1****Peddling or Soliciting for Profit Purposes****§13-101. License Required; Exceptions.**

1. No person shall sell or offer for sale, order or exchange, or go from door to door soliciting the purchase of, or gift of any products, wares, merchandise or other articles of value or any money, or any services, in any place in, upon, along, or through the streets, alleys or other public places within the Township, unless he is the holder of a license which is in full force and effect and issued pursuant to provisions of this Part. Such person shall at all times have the license with him while exercising such calling, and shall exhibit the license to any police officer or Township official or Township resident upon demand.

2. Persons who, without compensation or remuneration, solicit in behalf of or for any publicly recognized religious, educational, civic, or charitable organization are not required to obtain a license as provided herein.

3. *Exceptions.*

A. No license fee shall be charged:

(1) To farmers selling their own produce.

(2) 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.

(3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(4) 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.

(5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

(6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

B. But all persons exempted hereby from the payment of the license fee shall be required to register with the Board of Supervisors and obtain a license without fee; provided, 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 Board of Supervisors 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 a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or 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 licenses for the applicants.

[*Ord. 8.5.2008*]

(*Ord. 8.02.05, 8/2/2005, §1; as amended by Ord. 8.5.2008, 8/5/2008*)

### **§13-102. Trespassing in Violation of Posted Signs.**

No person, whether licensed or not, while engaged in any profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building, or other dwelling unit in the Township upon which is displayed at the entrance a notice which reads “No Peddlers or Solicitors Allowed,” or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is or has been invited upon the premises by the owner, licensee or occupant thereof. This Section shall not be applicable to persons who, without compensation or remuneration, solicit in behalf of or for any publicly recognized religious, educational, civic or charitable organization.

(*Ord. 8.02.05, 8/2/2005, §2*)

### **§13-103. License Application, Investigation and Fee.**

1. Any person required to have a license under §13-101 and who desires to engage in the business of a peddler or solicitor shall make application in person for a license at the Township Building upon a form provided by the Township Secretary. The Township Secretary or some officer acting on his behalf shall make such investigation into the character of the applicant and the business to be conducted as he deems necessary to protect the interests of the Township residences.

2. Upon approval by the Township Secretary or other persons acting in his behalf, the applicant shall pay a license fee in an amount as established from time to time by resolution of the Board of Supervisors, depending on the term of the license applied for. The Township Secretary or other proper official may waive the payment of the license fee in special cases where the character and reputation of the solicitor is well-known in the Township and where no substantial investigation is deemed necessary. [*Ord. 8.5.2008*]

(*Ord. 8.02.05, 8/2/2005, §3; as amended by Ord. 8.5.2008, 8/5/2008*)

### **§13-104. Hours and Business Restrictions.**

1. No person, whether licensed or not, shall engage in any profit solicitation before the hour of 9 a.m. and after the hour of 7 p.m., Sundays, or on any legal holiday.

2. No licensed peddler or solicitor shall engage in or transact any type of business or solicitation other than that specified on the license application.

(*Ord. 8.02.05, 8/2/2005, §4*)

**§13-105. License Suspension or Revocation.**

The Township Secretary or anyone acting on his behalf may suspend or revoke any peddlers or solicitors license for violation of any Township ordinance, for false or incorrect information submitted on the license application, or for any fraud or misrepresentation made in the solicitation. Such person whose license is suspended above may not apply for a new license thereafter until 1 complete calendar year after such revocation or license suspension.

*(Ord. 8.02.05, 8/2/2005, §5)*

**§13-106. Penalty.**

Any person who violates any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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 less \$50 nor more than \$1,000 plus costs on the first violation, and a fine of not less than \$100 nor more than \$1,000 plus costs for the second and subsequent violations 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. 8.02.05, 8/2/2005, §6; as amended by Ord. 8.5.2008, 8/5/2008)*



**Part 2****Junkyards and Junk Dealers****§13-201. Title.**

This Part shall be known and maybe cited as the “Hepburn Township Junkyard and Refuse Ordinance.”

(*Ord. 66-1, 5/3/1966*)

**§13-202. Definitions.**

Unless otherwise expressly provided, the following words shall for purposes of this Part have the following meanings:

*Board* - the Board of Supervisors of Hepburn Township, Lycoming County, Pennsylvania.

*Junk* - any and all forms of waste and refuse of any type of material, including scrap metal, junked motor vehicles, glass, industrial waste, and other salvagable material.

*Junk dealer* - any person who buys, sells, salvages, stores, or in any way deals in junk or owns, leases, operates, or maintains a junkyard within the Township, whether on land owned by such person or otherwise.

*Junkyard* - any place where junk as herein before defined is stored or accumulated. Any premises as hereinafter defined having two or more unlicensed motor vehicles thereon shall, in any event, be deemed a junkyard.

*Motor vehicle* - any and all types of motor vehicles, regardless of the degree to which they have been dismantled, including self-propelled machinery of all kinds, with the exception of useable farm machinery.

*Person* - any natural person, partnership, firm, corporation or other legal entity, including singular and plural, male and female.

*Premises* - any parcel of land situated in Hepburn Township, Lycoming County, Pennsylvania, having a separate tax map parcel number for County assessment purposes.

*Township* - the Township of Hepburn, Lycoming County, Pennsylvania.

(*Ord. 66-1, 5/3/1966*)

**§13-203. License Required.**

No person shall allow junk to be stored or accumulated on their premises or engage in business as a junk dealer, or maintain a junkyard without first having obtained a license from the Board, for which license a fee as established from time to time by resolution of the Board of Supervisors hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the 12-month period beginning June 1, and ending May 31 of the following year, and each license must be renewed annually on or before the first day of June of each year.

(*Ord. 66-1, 5/3/1966; as amended by Ord. 8.5.2008, 8/5/2008*)

**§13-204. License Application.**

The license provided for in this Part shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

*(Ord. 66-1, 5/3/1966)*

**§13-205. Issuance of License.**

Upon receipt of an application by the Board, the Board shall approve the issuance of a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall approve the issuance of a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this Part, which terms and conditions must be complied with within 60 days from the date of approval, or the license will be revoked and the applicant considered to be in violation of this Part.

*(Ord. 66-1, 5/3/1966)*

**§13-206. License Fee.**

The license fee shall be paid prior to the issuance or renewal of the license in an amount as established from time to time by resolution of the Board of Supervisors; provided, however, that until the adoption of an appropriate resolution setting a different fee, the fee for each license shall be in an amount as established from time to time by resolution of the Board of Supervisors per license year.

*(Ord. 66-1, 5/3/1966; as added by Ord. 1990-2, 11/6/1990; and as amended by Ord. 8.5.2008, 8/5/2008)*

**§13-207. License Limitation.**

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard, for the purpose of buying, selling and/or dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his license.

*(Ord. 66-1, 5/3/1966)*

**§13-208. Transfer of License.**

No license issued by the Board shall be transferable by the licensee to any other

person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in §13-209 of this Part, by the transferee.

*(Ord. 66-1, 5/3/1966)*

**§13-209. Transfer Fee.**

Upon approval of a transfer of a junkyard license and prior to such transfer taking place the license fee shall be paid prior to the issuance or renewal of the license in an amount to be determined by the Supervisors of Hepburn Township by resolution from time to time; provided, however, that until the adoption of an appropriate resolution setting a different fee, the fee for each license shall be in an amount as established from time to time by resolution of the Board of Supervisors.

*(Ord. 66-1, 5/3/1966; as amended by Ord. 8.5.2008, 8/5/2008)*

**§13-210. Records.**

Every person licensed under this Part shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, and the person from whom such article or material was purchased, received or handled by such person, which book shall at all times be subject to the inspection of any official of the Township.

*(Ord. 66-1, 5/3/1966)*

**§13-211. Regulations.**

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board.

A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby, or a place for the breeding of rodents and vermin.

B. No garbage or other organic waste shall be stored in such premises.

C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline, in an amount not exceeding 10 gallons, may be stored aboveground in said junkyard, provided the same be placed in containers approved by the Board. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Board.

D. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.

E. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junkyard as described in the application for license hereunder, and as limited under paragraph .D above.

F. The premises to be licensed shall be set back a minimum distance of 25 feet from the right-of-way lines on all streets, roads, or highways and a minimum distance of 25 feet from all other property lines. The area between the setback line and the right-of-way line of all streets, roads and highways, and all other property lines, shall be at all times kept clear and vacant.

G. The premises to be licensed shall at the setback lines be entirely enclosed within a solid wall, or fence or evergreen screen plantings of a type which form a complete visual obstruction, which wall, fence or plantings shall be not less than 6 feet high.

(*Ord. 66-1, 5/3/1966; as amended by Ord. 1986-3, 10/7/1986; and by Ord. 8.5.2008, 8/5/2008*)

#### **§13-212. Violations.**

Any person who shall violate any of the provisions of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 66-1, 5/3/1966; as amended by Ord. 8.5.2008, 8/5/2008*)

#### **§13-213. Abatement of Nuisances.**

In addition to the remedies provided in §13-212 above, any continued violation of this Part which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 66-1, 5/3/1966*)

#### **§13-214. Enforcement.**

Enforcement of this Part and all its provisions will be accomplished by the Board of Supervisors in the manner provided in the Second Class Township Code, 53 P.S. §66601.

(*Ord. 66-1, 5/3/1966; as amended by Ord. 8.5.2008, 8/5/2008*)

**Part 3****Granting of CATV Franchises****§13-301. Title, Authority, Purpose.**

This Part is adopted by the Supervisors of Hepburn Township in order to promote the granting of franchises by the Township for the use of Township roads and for the purposes of allowing cable television systems to operate within the Township in the best interest of the citizens and the Township welfare, trade and commerce and accordingly, the following is adopted:

A. This Part shall be known and may be cited as, "Governing the Granting of Cable Television Franchises by Resolution of the Board of Supervisors and Providing for Regulation Thereof and Penalties for Violation in the Township of Hepburn, Lycoming County, Pennsylvania, Ordinance."

B. The Supervisors have determined that it is in the best interest of the citizens to promote the supplying of cable television service to the residences and other buildings and consumers in the Township provided that the same be done in an orderly and appropriate manner and that each system providing services be regulated in a consistent manner with appropriate fees being paid for the privilege of operating within the Township and accordingly under the authority of the Second Class Township Code of the Commonwealth of Pennsylvania and the Federal laws, rules and regulations pertaining to the same this Part is implemented in order that the Supervisors may by resolution approve contracts from time to time for the operation of such cable television systems within the Township.

(Ord. 1991-5, 12/16/1991)

**§13-302. Definitions.**

The following definitions shall apply to this Part:

*Board* - the Board of Supervisors, Hepburn Township, Lycoming County, Pennsylvania.

*Cable television systems* - any system using a cable for the distribution of television impulses and television energy for sale to the residents and businesses and other consumers and inhabitants of the Township; the same may be abbreviated CATV systems.

*Franchisee* - any person granted a contract approved by corporate resolution of the Supervisors permitting the operation of a CATV system within the Township.

*Municipality* - Hepburn Township, Lycoming County, Pennsylvania.

*Owner* - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if the lessee is authorized under the lease to exercise the rights of the owner, or other person have a proprietary or legally recognizable interest in land which is served by or is required to be served by an on-lot sewage disposal system.

*Person* - any individual, association, public or private corporation for profit or

not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty, fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

*Supervisors* - the Board of Supervisors of Hepburn Township, Lycoming County, Pennsylvania.

*Township* - Hepburn Township, Lycoming County, Pennsylvania.

(Ord. 1991-5, 12/16/1991)

### **§13-303. Franchise Required.**

1. No person shall operate a CATV system in the Township or supply any person in the Township with CATV services without having entered into a nonexclusive franchise contract agreement with the Supervisors.

2. The Supervisors may hereafter from time to time by resolution authorize the entry into of said contracts with franchisees as the Supervisors deem appropriate for operation of CATV systems within the Township.

(Ord. 1991-5, 12/16/1991)

### **§13-304. Penalty for Violation.**

Any person who shall operate a CATV system in the Township or who provides any CATV system services to any person, resident, business or other place in the Township or constructs any line cable or any other type of structure or facility designed or intended to be used for providing CATV systems within the Township, whether or not the same provides services to persons, residences or other inhabitants of the Township without having first entered into a franchise agreement with the Supervisors, or who shall wilfully violate the terms of any such franchise agreement entered into before or after the effective date of this Part, upon conviction thereof or such other maximum fines as may be applicable to such offense under the laws of Commonwealth of Pennsylvania in an action brought before a magisterial district judge 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. 8.5.2008]

A. The Supervisors may from time to time designate an appropriate official of the Township to institute prosecutions for violation of this Part.

B. In the event the Supervisors fail to designate an appropriate Township official to commence prosecutions as set forth above, the Zoning Officer of the Township shall have the authority to institute prosecutions for violations of this Part.

(Ord. 1991-5, 12/16/1991; as amended by Ord. 8.5.2008, 8/5/2008)

**§13-305. Retroactivity.**

This Part shall be deemed to be retroactive and applied to the contract with Telesystems Corporation, dated December 19, 1989, and said contract shall be deemed to have been adopted under the terms of this Part by the resolution of the Supervisors which adopted the same and, furthermore, the Supervisors do hereby ratify and confirm the terms of the contract in accordance with the provisions of this Part.

*(Ord. 1991-5, 12/16/1991)*

