

CHAPTER 13

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Part 1

Heavy Equipment Usage

§13-101. Bond Posted by Persons Moving Heavy Equipment or Vehicles.

No contractor, subcontractor, corporation, partnership, person or persons shall move construction equipment, motor vehicles, and equipment on streets, or on Borough property in order to gain access to private property until he, she or it posts a surety bond in favor of the Borough and approved by the Borough, in the sum of \$10,000 to insure Borough against any damage which he, she or it might cause to streets, or under-ground installations, or other installations, or other property of the Borough, which bond shall be effective for damages which accrue within one year from the time the last entry was made.

(Ord. 526, 6/10/1969, §1)

§13-102. Exceptions.

This Part 1 shall not apply where property owners or lawful occupiers of private property, in the ordinary course of business cross a curb or any sidewalk at a location where a curb has been properly cut down in order to gain access to or egress from a driveway or alley leading to said private property.

(Ord. 526, 6/10/1969, §2)

§13-103. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(Ord. 526, 6/10/1969, §3; as amended by Ord. 621, 12/14/1983)

Part 2

Juke Boxes

§13-201. License Required for Juke Boxes.

No person or persons, firm, partnership or corporation, shall at any time have in his, her, its or their possession within the Borough, any coin-operated phonograph or other similar device or machine, commonly known as "juke boxes", designed for profit, amusement and entertainment, without first having procured a license as provided in this Part 2.

(Ord. 401, 12/14/1948, §1)

§13-202. Application for License; Fee.

Any person or persons, firm, association or corporation desiring to procure a license, as provided in §13-201, shall apply for the license, in writing, to the Borough Manager. The application shall set forth the name, citizenship, residence, present and previous occupation of the applicant, specific name and kind of machine, number of machines to be licensed, and location where machines are to be set up and operated. The Manager shall thereupon issue a license for each separate machine or apparatus for a period of one year or part thereof, upon payment of a license fee as prescribed in a schedule established by resolution of the Borough Council. A similar application shall be made for renewal or transfer of all licenses. (Ord. 401, 12/14/1948, §2; as amended by Ord. 621, 12/14/1983; and by Ord. 740, 2/10/2004)

§13-203. Issuance of License Certificate; Attachment or Display of License; Hours of Operation.

When the license or licenses are granted, and the fee paid, the Secretary shall issue to the applicant or applicants a license certificate, signed by the Secretary, which license shall be attached to and exposed in a conspicuous place upon each device or machine so licensed before that machine may be used or operated, and no such device or machine shall be used or operated between the hours of 11:00 p.m. and 9:00 a.m. of the following day.

(Ord. 401, 12/14/1948, §3)

§13-204. Duty of Mayor and Police Department.

It shall be the duty of the Mayor to regulate and supervise the operation of all such devices or machines, by requiring the Police Department to inspect same at regular inter-

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vals, and to require full compliance with the law and this Part 2 so that the same shall not amount to a nuisance or disturbance of the peace.

(Ord. 401, 12/14/1948, §4)

§13-205. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

(Ord. 401, 12/14/1948, §5; as amended by Ord. 621, 12/14/1983)

Part 3

Mechanical Amusement Devices

§13-301. General Scope.

The subject matter of this Part 3 is regulation, licensing and fines for the operation of machines operated as games of skill for amusement by patrons who pay money to use said machines in the Borough of Beaver. These coin-operated machines include but are not limited to pinball machines, electronically operated shuffleboard, bowling, video games, electronically operated tennis, billiards and other games of amusement. These games of amusement do not include any coin operated musical devices.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

§13-302. License Required.

1. It is the purpose of this Part that after the effective date of this Part 3 it shall be unlawful for any person, persons, corporations, companies or firms to have, keep, lease or maintain for purposes of operation any of the aforementioned coin-operated amusement machines without first having obtained the proper license from the Borough Secretary.
2. This license shall be posted at all times by affixing same in a conspicuous place so as to be easily seen and read by all parties who visit the premises wherein the machines are operated.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

§13-303. License Application.

The application for the aforementioned license shall be filed in writing with the Borough Secretary on a form to be provided by the Borough and shall specify:

- A. Name and address of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
- B. Name and address of the owner of the machines or the business – one who leases or distributes for the purpose of operation by another – if it be different from the applicant.
- C. Address of the premises where the licensed devices are to be operated, together with the general nature of the business carried on at such place.

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- D. Trade name(s), serial numbers, names of the manufacturer, and the number of devices to be licensed along with the general description of the devices to be licensed.
- E. Fee that is paid and the effective dates of the applicant, which shall be from whatever date the applicant starts the business of that year until December 31 of that year.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

§13-304. License Fee.

- 1. Before license may be issued, the applicant must pay the fee therefor, as prescribed in a schedule established by resolution of the Borough Council. Such fee shall be payable every year. For purposes of yearly renewal, the fee shall be due by January 31 of each year.
- 2. A license shall not be transferable from one applicant to another. A new owner, proprietor, or operator shall be required to secure a new license and pay the fees therefor. However, he shall not be required to secure a new or different license when one machine is replaced by another, as long as the total number of machines remains the same.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983; and by Ord. 740, 2/10/2004)

§13-305. Restrictions.

- 1. There shall be no more than 20 machines of any type or types permitted to be operated, maintained or in use in any one place, location or premises.
- 2. It shall be prohibited to license, maintain, place or operate machines as described in this Part 3 at any location within 300 feet of an entrance to any house of worship, public school or public playground. The 300 feet shall be measured along the street line.
- 3. It shall be unlawful to permit persons to operate or play machines between the hours of 10:00 p.m. and 7:00 a.m., prevailing time.
- 4. It shall be prohibited to offer any prize or any other award to any person playing a coin-operated amusement device; furthermore, it shall be prohibited to permit any said machine to be used for any gambling purpose.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

§13-306. Inspections.

The Borough Secretary or any other duly authorized official or person shall make periodic inspections of all premises where machines of amusement and games of skill for amusement are operated for the purpose of enforcing this Part 3.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

§13-307. Violations and Penalties.

Any person, firm or corporation who violates any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine not more than \$300 together with costs of prosecution, or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this part continues shall constitute a separate offense.

(Ord. 399, 4/13/1948; as revised by Ord. 621, 12/14/1983)

Part 4

Parades and Public Gatherings

§13-401. Permit Required.

No person shall conduct any street parade, street meeting or public gathering of any nature upon any street or public ground in the Borough without first having obtained a permit from the Mayor.

(Ord. 520, 7/9/1968, §1)

§13-402. Application for Permit; Waiting Period; Issuance.

Before securing a permit, written notice of the object, time, place and route, character and purpose of the procession, parade, assembly or meeting, and the name of the officers or persons having the same, shall be given to the Mayor not less than 10 days previous to the street parade, street meeting or public gathering; and the Mayor shall, if satisfied that the same shall not be detrimental to the public interest and decorum, issue a permit for the holding of it.

(Ord. 520, 7/9/1968, §2)

§13-403. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(Ord. 520, 7/9/1968, §3; as amended by Ord. 621, 12/14/1983)

Part 5

Real Estate Occupancy

§13-501. Definitions.

Except when the context clearly indicates or requires a different meaning, the following words used in this Part 5 shall have the meanings ascribed to them as defined below:

LESSEE — a person who has the use of real estate of a lessor and who is responsible for the giving of any type of consideration for that use.

LESSOR — a person who grants a lease or otherwise permits use of his real estate; or a portion of that estate, for any consideration.

PERSON — a natural person, partnership, association, firm or corporation.

(Ord. 583, 6/14/1977, §1)

§13-502. Reports of Rental Property and Units.

Within 30 days after the effective date of Ordinance 583 [June 14, 1977], or in the case of real estate, the title to which is acquired after the effective date, or which is rented after that date, or which becomes available for rental in the future, the lessor shall, within 30 days after that acquisition, rental or availability for rental, report to the Borough Secretary, in writing, the number of parcels or units of real estate presently or in the future rented or available for rental, a short description by address, number or some other method, of the parcel or unit, and the name of its lessee at the time of the report for each unit designating which parcel or unit is occupied, shall be included. If there is a written lease, report may be made by giving to the Secretary a copy of the lease agreement, indicating when possession was or is to be taken.

(Ord. 583, 6/14/1977, §2)

§13-503. Reports of Vacancies and Change of Occupancy.

Within 10 days after any change in occupancy of a real estate unit or after any real estate unit becomes vacant, a report shall be made by the lessor to the Secretary of that change or the vacating of the unit, giving notice of the names of the lessees, if any, then occupying the unit. It is intended that the lessor shall, within that ten-day period, report each new lessee or each change of occupancy of each real estate unit.

(Ord. 583, 6/14/1977, §3)

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§13-504. Status of Occupancy Record.

The Borough Secretary shall keep a separate record entitled "Status of Occupancy," incorporating the information given on said reports as required above and such other pertinent information as the Council may from time to time by resolution direct the Secretary to collect and require the lessors to provide.

(Ord. 583, 6/14/1977, §4)

§13-505. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days.

(Ord. 583, 6/14/1977, §5; as amended by Ord. 621, 12/14/1983)

Part 6

Transient Retail Businesses

§13-601. Definitions.

1. As used in this Part 6, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY — 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 –

- A. 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 Beaver; or
 - B. Selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the Borough of Beaver, 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.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 621, 12/14/1983)

§13-602. License Required; Fee.

No person shall engage in any transient retail business within the Borough of Beaver without a license to do so, issued by the Borough Manager. The fee for such a license shall be as prescribed in a schedule established by resolution of the Borough Council. Such fee must be paid in cash, money order or certified check at the time the license application is filed. The duration of a license shall be for seven consecutive days, at the expiration of which the license will no longer be valid.

(Ord. 621, 12/14/1983; as amended by Ord. 662, 6/8/1993, §1; and by Ord. 740, 2/10/2004)

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§13-603. Exceptions.

1. No license fee shall be charged:
 - 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 any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61 (1982), hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867.
 - F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - G. To any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, P.L. 628, 10 P.S. §§160-1 to 160-17 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
 - H. 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.
2. 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 that 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, that 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, that every license issued under the provisions of this Part 6 shall be issued on an individual basis to any person or persons engaging in such business and 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. 621, 12/14/1983)

§13-604. Application.

A person desiring a license under this Part must submit a written application to the Mayor at least three days before the desired effective date of the license period. All information called for on the application form must be provided. An application will be denied if any required information is not given or if any statement made is found to be inaccurate. If an application is denied, the prepaid fee will not be refunded but will be used to defray the Borough's costs of processing the application.

(Ord. 621, 12/14/1983; as amended by Ord. 662, 6/8/1993, §1)

§13-605. Issuance of License; Custody, Display, or Exhibit.

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 6. 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, municipal officials, and citizens or residents of the Borough.

(Ord. 621, 12/14/1983)

§13-606. 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 of Beaver.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough of Beaver for longer than necessary in order to sell therefrom to persons residing [or working] 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

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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 6:00 a.m. or after 8:00 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 621, 12/14/1983)

§13-607. Supervision; Records and Reports.

The Mayor shall supervise the activities of all persons holding licenses under this Part 6. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 621, 12/14/1983)

§13-608. Suspension and Revocation of License; Appeal.

The Mayor is hereby authorized to suspend or revoke any license issued under this Part 6 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 6, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 621, 12/14/1983)

§13-609. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine not more than \$300, together with costs of prosecution, or to imprisonment for not more than 90 days. Each day that a violation of this Part 6 continues shall constitute a separate offense.

(Ord. 621, 12/14/1983)

Part 7
Cable Television

§13-701. Purpose.

The purpose of this Part is to authorize the operation of a cable television system within the territorial boundaries of this Borough.

(Ord. 797, 10/14/2014, §1)

§13-702. Grant of Franchise.

The Borough hereby grants to Comcast of Colorado/Pennsylvania/West Virginia, LLC a non-exclusive franchise to operate a cable television system within the Borough.

(Ord. 797, 10/14/2014, §1)

§13-703. Agreed Terms.

The terms and conditions of such franchise shall be as stated in the written agreement negotiated by representatives of the Borough and the aforesaid franchisee, a true copy of which is attached hereto and incorporated herein.¹

Such agreement is hereby approved.

The President of Council and the Borough Secretary are authorized and instructed to execute and attest, respectively, such agreement on behalf of this Borough.

(Ord. 797, 10/14/2014, §1)

¹ Editor's Note: The Cable Franchise Agreement is on file in the Borough office.

Part 8

Soliciting and Canvassing

§13-801. Definitions.

SOLICITING or CANVASSING — shall include or mean any one or more of the following meanings, for the purpose of this Part:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever.
- B. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and any or every other type of publication.
- C. Seeking to obtain gifts or contributions of money, clothing, property of any kind, or any other valuable thing for the support or benefit of any project or any social, religious or political organization or other kind of association or organization whatever.
- D. Seeking to secure membership of the residents or citizens of the Borough in any social, religious or political organization.
- E. Seeking information relative to the economic, social, religious or political status or preference or of information regarding names, numbers, addresses of residents, or their status in any respect, whether to be used as raw or refined data in any document, book, record or directory or to be sold or used, wholly or in part for any commercial purpose or for the records of any social, religious or political organization.
- F. Distribution of any advertising matter or informational material by pamphlet, or by single sheet or by book or other method or distribution for advertising purpose of any kind for goods or merchandise.

(Ord. 628, 8/13/1985, §1)

§13-802. Registration Required.

It shall be unlawful for any person or association or organization to engage in activity of canvassing or soliciting either from door to door or upon the streets or sidewalks of the Borough of Beaver, whether individually or in a group or by the maintenance of a booth or stand, unless such person, organization or association shall have first applied for a license or permit for such activity and registered the information hereinafter required in the office of the Police Department of the Borough.

(Ord. 628, 8/13/1985, §2)

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§13-803. Application for Registration.

Application for a license or permit to canvass or solicit within the Borough of Beaver shall be made to the Chief of Police, at the Police Department of the Borough at least 20 days prior to the proposed effective date of the license. The application shall disclose the following information:

- A. Name(s), address(es) and headquarters of the applicant(s) and similar information regarding the employer or principal for whom the applicant is to act.
- B. If the application is made by or for an association, organization or any artificial person, the information given shall include the name of such organization, its address, principal officer and his address, the nature and purpose of the organization and under what state it was legally organized.
- C. The purpose for which the canvass or solicitation is made and the use and disposition to be made of the information being required.
- D. Names, addresses and social security numbers of the persons who will actually conduct the canvass or solicitation or who direct the same or who are promoting it.
- E. A physical description of each actual solicitor or a picture of such person.
- F. Description of the goods, wares, merchandise, books, magazines, periodicals, newspapers and every type of product to be distributed or sold.
- G. The proposed method of operation, length of time to be used and the date or time when the solicitation shall end or the term for which it is to be conducted; the method of conduct of the solicitation, whether by door to door or from booths or other headquarters.
- H. The application shall contain a promise that the license will not be used or represented in any way as an endorsement by the Borough or any officer or department thereof.
- I. The application shall be signed by the applicant.

(Ord. 628, 8/13/1985, §3)

§13-804. License or Permit.

Upon said application being completed and signed by the applicant, a license or permit to canvass or solicit shall issue to the applicant in the form of a certificate, numbered,

dated and authorizing the solicitation either from door to door or from a booth or stand or other headquarters, setting forth the term for which it issues, in hours or days, and the date or time on which the certificate expires.

(Ord. 628, 8/13/1985, §4)

§13-805. Identification.

1. The licensee shall furnish for himself and for any other person who will actually conduct the canvass or solicitation, identification either in the form of a badge which shall clearly disclose:
 - A. The name of the solicitor or canvasser.
 - B. The name of the licensed person or organization for whom the solicitor works.
 - C. The purpose of the activity.
 - D. A statement that a resident or citizen of the Borough of Beaver who is approached in the solicitation/canvass is not required to purchase or accept any goods or merchandise or advertising or information offered, nor is he required to give any information to the solicitor/canvasser if he does not so desire.
2. Such card or badge shall at the request of a police officer be presented for examination. It shall also be exhibited to the resident or citizen who shall be given sufficient opportunity to read the same.

(Ord. 628, 8/13/1985, §5)

§13-806. Records.

The Police Department shall keep a complete record of all applications, identifying pictures presented and all other information received and shall preserve a numbered copy of the certificate showing the license or permit.

(Ord. 628, 8/13/1985, §6)

§13-807. Revocation.

The Chief of Police may revoke any license or permit if the holder or any of his agents or employees violates any provision of this Part or has made false statement in any part of the application.

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(Ord. 628, 8/13/1985, §7)

§13-808. Time of Solicitation.

No solicitation or canvass shall be held between the hours of 9:00 p.m. and 9:00 a.m., prevailing time, nor shall any be conducted after the termination date of the certificate or after it has been revoked.

(Ord. 628, 8/13/1985, §8)

§13-809. Exceptions.

No license or permit shall be required of:

- A. Any farmer selling or peddling his own produce.
- B. Children under 18 years of age selling or delivering candy, bakery products and the like, or any person delivering newspapers.
- C. Any bona fide news gathering activity by local or metropolitan newspapers.
- D. Any solicitation or canvasser for any governmental unit either local, state or federal.
- E. Any solicitation of information by a legally constituted telephone company operating in the Borough.

(Ord. 628, 8/13/1985, §9)

§13-810. License/Permit Fee.

Before a license or permit may be issued, the applicant must pay the fee therefor, as prescribed in a schedule established by resolution of the Borough Council.

(Ord. 628, 8/13/1985, §10, as amended by Ord. 740, 2/10/2004)