

## **Chapter 13**

### **Licenses, Permits and General Business Regulations**

#### **Part 1**

##### **Amusement Devices**

- §13-101. License Required for Certain Amusement Devices
- §13-102. Business for Primary Purpose of Playing Amusement Devices or Games Not to Be Established
- §13-103. Application for License; Investigation; Decision
- §13-104. Application Made under Oath
- §13-105. Gambling Devices and Unlawful Devices Not to Be License
- §13-106. License Fee; Limitation of Number of Mechanical and/or Electronic Devices to Be Licensed in One Establishment
- §13-107. Issuance of License Certificate; Display; Nontransferable
- §13-108. Certain Devices Not to Be Used by Children under 16 Years of Age
- §13-109. Penalty for Violation

#### **Part 2**

##### **Billiard and Pool Rooms**

- §13-201. Billiard and Pool Rooms to Be Closed Certain Days and Hours
- §13-202. Minors Not to Be Allowed in Pool and Billiard Room
- §13-203. Penalty for Violation

#### **Part 3**

##### **Juke Boxes**

- §13-301. License Required
- §13-302. Annual License Fee
- §13-303. Application for License
- §13-304. Application to Be Signed and Given under Oath
- §13-305. Waiting Period
- §13-306. Exemptions
- §13-307. Hours When Juke Boxes May Be Operated
- §13-308. License Tag
- §13-309. Penalty for Violation

#### **Part 4**

##### **Junk Dealers**

- §13-401. Definitions
- §13-402. License Required; Fee
- §13-403. Application for License; Issuance of License
- §13-404. Posting of License; Information Shown on Vehicles of License Holder
- §13-405. Conditions for Transfer of License
- §13-406. Records of Vehicles Received

- §13-407. Junk to Be Kept Intact for at Least 48 Hours
- §13-408. Burglar Alarm System in Police Station Authorized
- §13-409. Manner of Maintenance of Licensed Premises
- §13-410. Penalty for Violation

**Part 5  
Tag Days**

- §13-501. Request for Designation of Tag Days and Issuance of Permits
- §13-502. Designation of Tag Days; Issuance of Permits
- §13-503. Restrictions on Activities of Permit Holders
- §13-504. Exceptions
- §13-505. Penalty for Violation

**Part 6  
Peddling and Soliciting**

- §13-601. Definitions
- §13-602. Registration Required
- §13-603. Identification Card
- §13-604. Hours
- §13-605. Denial of Card; Revocation
- §13-606. Solicitation at Businesses
- §13-607. No Soliciting/Peddling List
- §13-608. Violations and Penalties

**Part 7  
Health Clubs and Similar Establishments**

- §13-701. Definitions
- §13-702. License Required
- §13-703. License Requirements for Health Clubs
- §13-704. License Requirements for Massage Technicians
- §13-705. Revocation of Licenses
- §13-706. Deferred Compliance
- §13-707. Administration and Appeal
- §13-708. Penalty

**Part 8  
Dealers in Jewels and Precious Metals**

- §13-801. License
- §13-802. Record Keeping
- §13-803. Weekly Reports to Police
- §13-804. Ten-Day Retention Period
- §13-805. Purchase from Minors Prohibited

**Part 9  
Regulation of Seismic Testing and Geophysical Operations**

§13-901.	Definitions
§13-902.	Permit
§13-903.	Permit Application; Fee Procedure
§13-904.	Term of Permit
§13-905.	Operations in General
§13-906.	Notice Required
§13-907.	Energy Level Restrictions
§13-908.	Hours of Operation
§13-909.	Lands, Streets, Rights-of-Way, and Easements
§13-910.	Testing
§13-911.	Bond, Insurance, and Indemnity
§13-912.	Penalties



**Part 1****Amusement Devices****§13-101. License Required for Certain Amusement Devices.**

No person or persons, firm or corporation shall at any time have in its or their possession within the Borough of Glassport any device, machine or apparatus whatsoever for the playing of games and amusement, said devices being commonly known as pinball machines or other mechanical, electrical or electronic or video cassette or any apparatus utilizing electrical impulses upon which any game or form of amusement is played such as baseball, football, skeeball or any other games that are played: pool tables, table games, shuffle board and any other game or playing device, including music boxes, juke boxes and the like or any coin or other metal disc, slug or token or for the awarding of free games or any other item of value whatsoever, without first having procured a license therefor as hereinafter provided in this Part.

(*Ord. 963, 12/10/1996, §1; as amended by Ord. 1101, 2/17/2010, §1*)

**§13-102. Businesses for Primary Purpose of Playing Amusement Devices or Games Not to Be Established.**

Notwithstanding the provisions of §13-101, the establishment of a place of business at which the primary business is the playing of machines or devices licensed under this Part or from said licensed machines or devices the majority of receipts is received by said place of business is strictly prohibited within the boundaries of the Borough. No establishment shall be permitted to have in said establishment any more than ten of the aforesaid mechanical or electronic amusement devices for which a fee in an amount as established from time to time by resolution of Borough Council shall be imposed.

(*Ord. 963, 12/10/1996, §2; as amended by Ord. 1077, 5/23/2006*)

**§13-103. Application for License; Investigation; Decision.**

Any person, firm or corporation desiring to procure a license as provided in §13-101 shall apply therefor in writing to Borough Council upon a form prepared by Borough Council. Said application shall set forth the name, citizenship, residency, present and previous occupation of the applicant and all his partners, if a partnership or association, and the names and addresses of the officers and board of directors, if a corporation, the number of arrests and convictions, if any, of any of the laws of the Commonwealth of Pennsylvania or Federal laws and of other states and of the ordinances of the Borough of Glassport. The specific apparatus to be licensed and the location where said machine and devices or apparatus are to be set up and operated. The Borough Council and the Mayor shall designate an official of the Borough who shall investigate all applicants and report to the Council and the Mayor with regard to the character, reputation and fitness of the applicant to hold such license. The report shall be presented to the Council and the Mayor who will take up the application and the report at a regular Council meeting and will determine whether the applicant is of fit and proper character and good repute and a citizen of the United States and is a fit and proper person who conducts a legitimate business. Upon such a determination by the Council and Mayor that a license or licenses, should be issued to the applicant, then such license shall be

granted for each separate device, machine or apparatus to be used by the applicant.  
(*Ord. 963, 12/10/1996, §3*)

**§13-104. Application Made under Oath.**

The application referred to in §13-103 shall be made under oath before any person legally authorized to administer oaths.

(*Ord. 963, 12/10/1996, §4*)

**§13-105. Gambling Devices and Unlawful Devices Not to Be Licensed.**

Nothing in this Part, in any way, shall be construed to authorize, license, or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania.

(*Ord. 431, 12/29/1944; as amended by Ord. 814, 2/23/1982; by Ord. 951, 7/11/1995; and by Ord. 963, 12/10/1996, §5*)

**§13-106. License Fee; Limitation of Number of Mechanical and/or Electronic Devices to Be Licensed in One Establishment.**

No license shall be issued under this Part until an annual fee shall have been paid to the Borough of Glassport in an amount established from time to time by resolution of the Borough Council. Said fees shall cover the calendar year to December 31 of each year for which said license was issued and no pro-ration of fees is permissible.

(*Ord. 963, 12/10/1996, §6; as amended by Ord. 1050, --/--, §1; and by Ord. 1077, 5/23/2006*)

**§13-107. Issuance of License Certificate; Display; Non-transferable.**

Upon payment of the license fee provided by this Part and the granting of the license by the Council and Mayor as aforesaid, the Secretary of the Borough shall issue a numbered license certificate setting forth the name and address of the establishment or place of business in which the machine, devices, etc. which are licensed to be operated in said establishment or place of business in which the machine, device, etc. which are licensed to be operated in said place of business or establishment or place of business for which it was originally issued.

(*Ord. 963, 12/10/1996, §7*)

**§13-108. Certain Devices Not to Be Used by Children under 16 Years of Age.**

No machine, device or apparatus licensed under the provisions of this Part on which card games or dice games are played or simulated shall be used or played by any minor child under the age of 16 years, and notice of this regulation shall be exhibited prominently on each and every machine apparatus or device.

(*Ord. 963, 12/10/1996, §8*)

**§13-109. Penalty For Violation.**

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus

costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. It is further directed that any person or persons, firm or corporation violating any provisions of this Part shall suffer revocation of the license and permit for each and every machine, apparatus or device used by them in the Borough of Glassport and shall not be eligible for application for relicensing for a period of 3 years from the date of such violation. Each and every day that any machine, apparatus or device, under the terms of this Part shall be operated and used in violation thereof shall constitute a separate and distinct offense under this Part and shall be subject to a separate and distinct penalty thereunder as provided above.

(*Ord. 963, 12/10/1996, §9; as amended by Ord. 1077, 5/23/2006*)





**Part 2****Billiard and Pool Rooms****§13-201. Billiard and Pool Rooms to Be Closed Certain Days and Hours.**

It shall be unlawful for the owner, proprietor or other person in charge of any pool room or billiard room in the Borough to have or keep that room open for business at any time on Sunday, or on any other day of the week at any time between the hours of 1:00 a.m. and 6:00 a.m.

(*Ord. 775, 7/11/1978, §6-2021*)

**§13-202. Minors Not to Be Allowed in Pool or Billiard Room.**

It shall be unlawful for the owner, proprietor or other person in charge of any pool room or billiard room to permit or allow any individual under the age of 18 years to be or remain in that room at any time.

(*Ord. 775, 7/11/1978, §6-2022*)

**§13-203. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 775, 7/11/1978, §6-2023; as amended by Ord. 1077, 5/23/2006*)



**Part 3****Juke Boxes****§13-301. License Required.**

No person shall at any time have in his possession within the Borough, any mechanical device or machine, commonly known as a “juke box,” for the playing of records, tunes or any transmission of music through the insertion in the device or machine of a coin or other metal disc, slug, or token whatsoever, without first having procured a license.

(*Ord. 441, 6/10/1946, §1*)

**§13-302. Annual License Fee.**

No license shall issue until an annual fee shall have been paid to the Treasurer in an amount as established from time to time by resolution of the Borough Council for each device so installed and used under the terms of this Part, which amount paid as provided in this Section, shall be a license fee until December 31 of each year.

(*Ord. 441, 6/10/1946, §2; as amended by Ord. 1077, 5/23/2006*)

**§13-303. Application for License.**

Any person desiring to procure a license as provided in §13-302 shall apply for it in writing to the Secretary. The application shall set forth the name and the residence of the person so applying, together with the present and previous residence of the applicant and the length of residence at the present and at the previous place of residence, the name of the owner of the premises upon which the machine or device is to be used or installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The application shall also set forth the manufacturer and nature of the machine to be installed and used.

(*Ord. 441, 6/10/1946, §3*)

**§13-304. Application to Be Signed and Given under Oath.**

The information required in §13-303 shall be furnished under the signature of the applicant and shall be made under oath before any person legally authorized.

(*Ord. 441, 6/10/1946, §4*)

**§13-305. Waiting Period.**

No application shall be granted by the Secretary until a period of 7 days shall have elapsed from the date of application, during which time the Secretary may, at his discretion, investigate the facts set forth in the application.

(*Ord. 441, 6/10/1946, §5*)

**§13-306. Exemptions.**

Nothing in this Part shall be construed as applying to the installation and

operation of a radio, Victrola, juke box or other instrument for the production of music or the transmission of the same, in any private dwelling, hotel room, apartment, or other usual place of habitation used by the occupants for domestic habitation.

(*Ord. 441, 6/10/1946, §6*)

**§13-307. Hours When Juke Boxes May Be Operated.**

Mechanical devices or machines which come within the purview of this Part shall be operated only between the hours 8:00 a.m. and 1:00 a.m. of the following day.

(*Ord. 441, 6/10/1946, §7*)

**§13-308. License Tag.**

Upon the payment of the license fee provided by this Part, the Secretary shall issue a license tag setting forth the number of the license for each machine so licensed, which license tag shall be attached and fastened to the machine or device so that the tag may be clearly observable and readable.

(*Ord. 441, 6/10/1946, §8*)

**§13-309. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 441, 6/10/1946, §9; as amended by Ord. 1077, 5/23/2006*)

**Part 4****Junk Dealers****§13-401. Definitions.**

As used in this Part the following words and terms shall have the following meanings:

*Junk* - any discarded material or article that is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap iron, metal and scrapped motor vehicles, and shall not include any garbage or other organic waste or material.

*Junk dealer* - any person who shall engage in the business of selling, buying and dealing in junk and/or scrap material.

*License year* - the period from April 1 of 1 year to March 31 of the following year.

(*Ord. 546, 3/13/1956, §1*)

**§13-402. License Required; Fee.**

No person shall engage in business as a junk dealer or scrap dealer in the Borough without first having obtained a license from the Borough for which license the fee shall be in an amount as established from time to time by resolution of the Borough Council for each license year; the license shall be renewed annually on or before the first day of April of each year.

(*Ord. 546, 3/13/1956, §2, as amended by Ord. 606, 4/11/1961, §1; and by Ord. 1077, 5/23/2006*)

**§13-403. Application for License; Issuance of License.**

The license provided for in §13-402 shall be issued by the Secretary after application is made by the person desiring to be licensed. The license shall state the name of the person to whom the license is issued and the premises from which the business is to be conducted. The application shall be accompanied by a sketch, or survey of the property used for the conduct of the business, the sketch of survey to show thereon the various means of ingress and egress to and from the premises, the location and size of the buildings erected on the premises and the entrances to them. The application shall also include the names and addresses of the person or persons who are to be contacted by the Borough in cases of emergency occurring on the licensed premises.

(*Ord. 546, 3/13/1956, §3*)

**§13-404. Posting of License; Information Shown on Vehicles of License Holder.**

The license, following its issuance, shall be posted conspicuously upon the premises licensed under the license. The name of the licensed junk or scrap dealer and the number of the license under which he operates shall be placed in a conspicuous place

on the outside of every vehicle used for business purposes by him.

(*Ord. 546, 3/13/1956, §4*)

**§13-405. Conditions for Transfer of License.**

No license issued under this Part shall be transferable from one person to another person, except, however, when the ownership of a licensed premises changes. In any such case the new owner shall apply for a transfer of the license to him and shall pay to the Borough a transfer fee in an amount as established from time to time by resolution of the Borough Council.

(*Ord. 546, 3/13/1956, §5*)

**§13-406. Records of Vehicles Received.**

Every junk or scrap dealer shall provide and shall constantly keep and maintain a book, or other record, containing therein a description of every motor vehicle purchased or received by him, including the date and hour of purchase or receipt, and the person from whom that vehicle was purchased or received or handled by any junk scrap dealer shall at all times be subject to the inspection of the Chief of Police or any other official of the Borough.

(*Ord. 546, 3/13/1956, §6*)

**§13-407. Junk to Be Kept Intact for at Least 48 Hours.**

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

(*Ord. 546, 3/13/1956, §7*)

**§13-408. Burglar Alarm System in Police Station Authorized.**

Every junk or scrap dealer licensed under this Part shall be accorded the privilege of installing in the police station of the Borough a burglar alarm for the added protection of the premises licensed under this Part. The alarm system shall be installed and maintained by the licensed dealer and the Borough shall not be responsible for the maintenance or care of the system, which shall remain the property and responsibility of the dealer at all times.

(*Ord. 546, 3/13/1956, §8*)

**§13-409. Manner of Maintenance of Licensed Premises.**

Every junk or scrap dealer licensed under this Part shall constantly maintain the licensed premises in the manner prescribed by this Section, as follows:

A. The 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, and/or materials shall be stored in the premises.

C. Whenever any motor vehicle shall be received on the premises as junk, all

gasoline and oil shall be drained and removed from it and none shall be permitted to remain upon the premises.

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 inspection and firefighting purposes.

(*Ord. 546, 3/13/1956, §9*)

**§13-410. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 546, 3/13/1956, §10; as amended by Ord. 1077, 5/23/2006*)





**Part 5****Tag Days****§13-501. Request for Designation of Tag Days and Issuance of Permits.**

For the purpose of reducing congestion on streets, sidewalks and public places in the Borough as a result of individuals occupying these streets, sidewalks and public places while soliciting contributions for specific organizations, causes or purposes; and, by enabling any one organization, cause or purpose to receive the maximum financial support through appeals by persons operating on streets, sidewalks and public places, the practice of "tag days" is instituted in the Borough. Any person desiring to solicit funds for any organization, cause or purpose, from the public on any street, sidewalk or public place shall request that the Borough designate a tag day for the purpose and grant permits to individuals soliciting on that tag day.

(Ord. 775, 7/11/1978, §6-2081)

**§13-502. Designation of Tag Days; Issuance of Permits.**

Specific tag days shall be designated by Council, upon consultation with the Mayor and Chief of Police. Council may limit the number of times in any calendar year that a tag day may be designated for a specific organization, cause or purpose. In no case may the same day be designated tag day for more than one organization, cause or purpose. Upon designation of a specific tag day, the Mayor shall grant permits, free of charge, for each individual designated to solicit for funds on that tag day. It shall be unlawful for any individual to solicit funds for any organization, cause or purpose, upon any street, sidewalk or public place in the Borough, except on the tag day established for that organization, cause or purpose.

(Ord. 775, 7/11/1978, §6-2082)

**§13-503. Restrictions on Activities of Permit Holders.**

No individual soliciting funds under permit granted by the Mayor under this Part shall sell any goods, wares or merchandise of intrinsic value without having obtained in advance a permit to engage in a transient retail business. Any individual may, however, under the permit granted under this Part, give to any contributor:

- A. A receipt for his contribution.
- B. A tag that an individual may wear to show that he has contributed.
- C. Printed material giving information on the organization, cause or purpose for which the contribution was made.

(Ord. 775, 7/11/1978, §6-2083)

**§13-504. Exceptions.**

1. Nothing in this Section shall require a permit or a designation of a tag day for the following activities:

- A. Distribution in streets, sidewalks and public places of handbills and other literature dealing with subject matter of religious, political, civic or charitable

nature, to persons willing to receive the material.

B. Going from house to house seeking contributions or distributing printed material.

(*Ord. 775, 7/11/1978, §6-2084*)

**§13-505. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 775, 7/11/1978, §6-2085; as amended by Ord. 1077, 5/23/2006*)

**Part 6****Peddling and Soliciting****§13-601. Definitions.**

For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

*Canvass* - the act of going upon property or approaching people to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

*Canvasser* - a person who engages in canvassing.

*Canvassing* - to canvass.

*Peddle* - the act of going upon property or approaching people to sell goods or products.

*Peddler* - a person who engages in peddling.

*Peddling* - to peddle.

*Person* - any natural person, corporation, association or organization.

*Solicit* - the act of going upon property or approaching people to ask for, request or seek monetary contributions, donations or support.

*Soliciting* - to solicit.

*Solicitor* - a person who engages in soliciting.

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

(Ord. 1077, 5/23/2006)

**§13-602. Registration Required.**

1. It shall be unlawful for any person to go upon residential property within the Borough of Glassport to peddle and/or solicit Borough residents by knocking upon residential doors, or by ringing doorbells, or otherwise so as to cause or attempt to cause residents to open their doors unless the person doing the peddling and/or soliciting activity has first registered at the Borough building and has received an identification card from the office of the Chief of Police of the Borough of Glassport.

2. No identification card shall be issued to a peddler or solicitor unless the following information is given by the applicant:

A. Full identification, including proof thereof by voter's registration card, vehicle operator's license or some other accepted method of identification containing applicant's photograph, residence and office address.

B. The name of the organization for which the applicant is peddling and/or soliciting, together with the address of that organization.

C. The length of time the peddling and/or soliciting is to be carried on.

D. Any criminal record which the applicant may have.

(Ord. 1077, 5/23/2006)

**§13-603. Identification Card.**

Peddlers and/or solicitors regulated by this Part shall carry their identification card, which shall be issued by the Chief of Police without charge, at all times while peddling and/or soliciting within the Borough and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities of funds.

(Ord. 1077, 5/23/2006)

**§13-604. Hours.**

All peddling, soliciting and/or canvassing activities shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

A. From October 1 through April 30: between the hours of 9:00 a.m. to 5:00 p.m., prevailing time, including Saturdays and Sundays.

B. From May 1 through September 30: between the hours of 9:00 a.m. to 9:00 p.m., prevailing time, including Saturdays and Sundays.

(Ord. 1077, 5/23/2006)

**§13-605. Denial of Card; Revocation.**

In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she may be denied an identification card or the identification card may be revoked or canceled by the Borough Council after a hearing before the Borough Council. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or her identification or the identity of the organization for which the peddler and/or soliciting is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Borough Council after a hearing before the Borough Council.

(Ord. 1077, 5/23/2006)

**§13-606. Solicitation at Businesses.**

Soliciting shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours, as long as the solicitors receive written permission from the owner of the subject business or property and comply with the registration, identification card and hour restrictions referenced in this Part.

(Ord. 1077, 5/23/2006)

**§13-607. No Soliciting/Peddling List.**

1. Borough residents may post or display “No Soliciting/Peddling/Canvassing” or similar signs, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of this Part for any peddler, solicitor and/or canvasser to go upon any property that the owner or resident has posted a “No Soliciting/Peddling/Canvassing” sign.

2. The Chief of Police shall maintain a list of the addresses of Borough residents

who have notified the Chief of Police in writing that they do not wish peddlers and/or solicitors to enter upon their property. A copy of this “no soliciting/peddling list” shall be provided along with and as part of any identification card issued under this Part. It shall be a violation of this Part for a peddler and/or solicitor to go upon any property listed on the “no soliciting/peddling list.”

3. Violations of this Section are subject to the penalties set forth in §13-608 hereof, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa.C.S.A. §3503, as amended.

*(Ord. 1077, 5/23/2006)*

**§13-608. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 1077, 5/23/2006)*



**Part 7****Health Clubs and Similar Establishments****§13-701. Definitions.**

1. As used in this Part, the following words and terms shall have the following meanings:

*Body massage* - the application to the human body by the hands or mechanical apparatus, of any touching, stroking, friction, kneading, vibration, percussion, oil alcohol rubs, mechanotherapy, hot or cold packs, heat, cold, salt glows, cabinet, tub, shower, sitz, sauna, vapor, steam or any other special type of bath.

*Health club* - any establishment which offers service in the form of body massage, baths, exercises or similar services in combination to club members or to the public for a charge, fee, or donation; but shall exclude hospitals, nursing homes, medical clinics, and the office or quarters of licensed health profession practitioners.

*Massage technician* - any masseur (male) or masseuse (female) who administers body massage to any other person for a charge, fee or donation; but shall exclude persons licensed by the Commonwealth to practice medicine, chiropractic, osteopathy, podiatry, nursing or physical therapy, and barbers, beauticians and manicurists insofar as they deal with the head, hands, and feet.

*Person* - any individual, or any firm, partnership, association of individuals, corporation, organization, or any other group acting as a unit.

(Ord. 766, 8/9/1977, §1)

**§13-702. License Required.**

No health club or massage technician may operate or practice within the Borough without a license to operate or practice, which shall be issued upon proper application to the Secretary and upon the fulfillment of the requirements set forth in this Part and payment of a fee, which shall be for the use of the Borough, in an amount as established from time to time by resolution of the Borough Council per annum for a health club and a fee in an amount as established from time to time by resolution of the Borough Council per annum for a massage technician. Licenses granted under this Part shall be renewed yearly, and may be revoked for any failure to comply with any provision of this Part.

(Ord. 766, 8/9/1977, §2; as amended by Ord. 1077, 5/23/2006)

**§13-703. License Requirements for Health Clubs.**

No health club shall be granted a license to operate until the fulfillment of the following:

A. All zoning, building, fire, electrical, plumbing and health codes applicable to the Borough shall be complied with.

B. An application for a license shall include the names of all owners, stockholders and managing personnel, their addresses and occupations, and

satisfactory proof that they have not been convicted of any violation of laws proscribing prostitution, obscenity, indecency or pornography.

C. Plans and specifications of the quarters proposed to be occupied shall be submitted to the Secretary, which shall include details of entrances, partitions, windows, openings, ventilation, plumbing fixtures, water supply, waste and vent connections. Those quarters shall be equipped with separate toilet and lavatory facilities for patrons and personnel, and a service sink for custodial services. No part of the quarters may be used for or connected with any bedroom or sleeping quarters.

D. All tables, tubs, shower stalls and floors, with the exception of reception and administrative areas, shall be of non-porous materials which may be readily disinfected.

E. Closed containers shall be provided for wet towels and waste material.

F. All equipment, shower stalls, toilets, lavatories, tubs, cabinets and other accouterments of the establishment shall be regularly treated with disinfectants, and shall be maintained in a clean and sanitary condition at all times.

G. As a condition of receiving a license, the owners and operators of the health club shall expressly grant access to health, plumbing, fire, electrical and other authorized Borough inspectors to any part of the quarters of the health club for purposes of inspection at all reasonable times.

H. The health club shall require and retain on file certificates of good health issued by a licensed physician for all employees practicing any services of the health club. Those certificates shall be renewed every 6 months.

I. No health club shall serve any patrons infected with any fungus or skin infection.

J. All personnel shall wash their hands in hot, running water, using proper soap or disinfectants, before giving any service or treatment to each separate patron.

K. All towels and tissues, all sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.

L. Nondisposable tools or equipment shall be disinfected after use upon one patron.

M. The applicant shall have a valid lease or title to the quarters which meet the requirements of this Part.

N. No body massage shall be provided to the genitals of the patron.

(Ord. 766, 8/9/1977, §3)

#### **§13-704. License Requirements for Massage Technicians.**

No person shall be granted a license to practice as a massage technician without satisfactory proof of the following:

A. That the applicant is at least 18 years of age.

B. That the applicant has never been convicted of prostitution, obscenity, indecency or any related crime.



C. That the applicant has a diploma from a recognized school of massage having a curriculum approved by the Pennsylvania Department of Education certifying that he has completed 400 hours of study in the basic subjects of anatomy, physiology, hygiene, hydrotherapy, technique of massage, clinical internship, contra-indications of massage, physical and mechanical exercise.

D. In lieu of the requirements of subsection .C, the applicant can furnish equivalent credentials by way of experience and training of at least 1 year's duration.

E. The license shall contain a photograph of the massage technician and shall be carried on the person of the massage technician or conspicuously displayed in the health club where the massage technician is employed.

F. The application for a license shall contain the name, address, Social Security Number, photograph and fingerprints of the applicant and shall be kept on file in the Borough office. Photographing and fingerprinting shall be done by the Glassport Police Department.

(Ord. 766, 8/9/1977, §4)

#### **§13-705. Revocation of Licenses.**

1. The Secretary may revoke the license of a health club or massage technician upon satisfactory proof of any of the following:

A. That the licensee does not meet the licensing requirements of this Part.

B. That the licensee has been convicted of prostitution, obscenity, indecency, promoting prostitution, keeping or maintaining a disorderly house, or related crimes and offenses.

C. That the licensee has diagnosed or treated classified diseases, practiced spinal adjustments, or prescribed medicines.

D. That the licensee is guilty of fraud or wilful negligence in the practice of body massage.

E. That the licensee is a habitual user of narcotics or other drugs.

F. That the licensee has allowed or permitted an unlicensed person to perform body massage.

G. That the licensee has provided body massage to the genitals of any patron.

H. That the licensee has violated any of the provisions of this Part or other applicable ordinances of the Borough, or any laws of the Commonwealth or of the United States of America. Any violation by an employee of a health club or by a massage technician shall be considered a violation of the health club.

(Ord. 766, 8/9/1977, §5)

#### **§13-706. Deferred Compliance.**

The owner or manager of any health club operating in the Borough as of the effective date of this Part, may apply for and may be granted by the Secretary a grace period not to exceed 6 months in order to comply with §13-703.1.C and §13-703.1.D. With these exceptions, the Part becomes effective upon all health clubs and proposed health clubs upon enactment.

(*Ord. 766, 8/9/1977, §6*)

**§13-707. Administration and Appeal.**

This Part shall be administered by the Secretary or licensing officer appointed by the Secretary. An appeal from the denial of a license or the revocation of a license shall be filed with the Secretary within 15 days of that action, and shall be heard and determined by the Public Safety Committee of Council within 30 days of the filing of the appeal. The applicant or licensee shall be informed in writing 5 days before the hearing date of the reasons for denial or revocation of the license.

(*Ord. 766, 8/9/1977, §7*)

**§13-708. Penalty.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. In addition, any health club which is found to operate without a current license shall suffer the immediate revocation of its occupancy permit and shall not be permitted to operate.

(*Ord. 766, 8/9/1977, §8; as amended by Ord. 1077, 5/23/2006*)

**Part 8****Dealers in Jewels and Precious Metals****§13-801. License.**

No person, corporation or business entity of whatever kind or nature shall engage in the business of buying and selling gold, jewels and other precious metals on a full or part time basis without first obtaining a permit, transient license pursuant to Part 6 of this Part, or other applicable license from the office of the Secretary.

(*Ord. 805, 7/14/1981, §1; as amended by Ord. 1077, 5/23/2006*)

**§13-802. Record Keeping.**

1. Said person or business entity shall keep a book or invoices legibly written in the English language at the time of acquiring items in the course of business, which book or invoices shall contain:

A. An accurate description of the article purchased.

B. The name, address, telephone number, and Social Security number of the seller of the item.

C. The name of the party who purchases the item on behalf of the business entity, the date purchased and amount paid.

(*Ord. 805, 7/14/1981, §2*)

**§13-803. Weekly Reports to Police.**

Every business entity shall furnish by 4:00 p.m., Monday, to the Chief of Police the information specified in §13-802 for the previous business week.

(*Ord. 805, 7/14/1981, §3*)

**§13-804. Ten-Day Retention Period.**

No person or business entity shall sell or dispose of any gold, jewels, and other precious metals in any manner whatsoever until at least 10 days have expired from the date of purchase.

(*Ord. 805, 7/14/1981, §4*)

**§13-805. Purchase from Minors Prohibited.**

No person or business entity shall purchase any item from any person under the age of 18.

(*Ord. 805, 7/14/1981, §5*)



**Part 9****Regulation of Seismic Testing and Geophysical Operations****§13-901. Definitions.**

*Borough*—Borough of Glassport, Allegheny County, Pennsylvania.

*Energy source operations*—operations that involve the creation or transmittal of seismic waves to model the geophysical properties of the Earth's crust.

(Ord. 1134, 6/17/2014, §13-901)

**§13-902. Permit.**

It shall be unlawful for any person, organization, company, or association to conduct any exploration activities in the Borough of Glassport regarding oil, gas, and/or other materials by the use of energy source operations, including without limitation weigh drops, and/or vibrating machines including thumper trucks or any other vehicles or equipment that cause vibrations without first obtaining a permit for such use from the Borough.

(Ord. 1134, 6/17/2014, §13-902)

**§13-903. Permit Application; Fee Procedure.**

Application for a permit hereunder shall be made with the Borough's Code Enforcement Officer. Such application shall contain the following information:

- A. The applicant's name.
- B. The applicant's address.
- C. A map designating a testing area and showing the location of all points of use and the energy source to be used at each point.
- D. A traffic control plan for any operations or testing that will impede traffic on a public right-of-way.
- E. The location of all wires, cables, accelerometers and other equipment to be placed on the Borough right-of-way properties.

F. Applicant's insurance information, including the name of the applicant's insurance carrier, the types and amount of insurance covering its proposed operations, the name and telephone number of an individual to contact in case of a claim for personal injury or property damage, and the procedure for obtaining a copy of the applicant's certificate of insurance. A non-refundable permit fee of \$500 for processing the application and preparing the permit shall accompany each such application. An escrow of ( ) will accompany each such application in order to pay for the Borough staff, solicitor, and consultant time to process the application, coordination, inspections and other tasks as may be necessary. Upon receipt of such application, the Code Enforcement Officer or his/her designee shall prepare a report showing all Borough facilities, infrastructure, or buildings that may be negatively affected by the proposed exploration activity located in the testing area shown in such application. Such report and the application shall then be submitted to the Borough Manager with the recommendation of the Code Enforcement Officer

or his/her designee. No permit shall be issued except upon approval of the Borough Council.

(*Ord. 1134, 6/17/2014, §13-903*)

**§13-904. Term of Permit.**

The term of a permit issued under this section shall be for 1 year beginning on the date of approval of the permit by the Borough Council, and all energy source operations shall be completed within said term. The applicant shall notify the Code Enforcement Officer or his designee a minimum of 3 business days in advance of the actual commencement of energy source operations. Once operations have commenced, in the event applicant is rendered unable, wholly or in part, by circumstances beyond the applicant's control, to complete operations within the remaining term of the permit, then the time for completion shall be extended, at the sole discretion of the Borough Manager or his/her designee, for a period not to exceed 6 months, upon written request by the applicant setting forth full particulars of the circumstances causing the delay which were not within the control of the applicant and which the applicant could not have avoided by the exercise of due diligence and care.

(*Ord. 1134, 6/17/2014, §13-904*)

**§13-905. Operations in General.**

1. All geophysical operations shall be limited to areas approved by the Borough Council, and depicted on the map kept in the Borough building. A copy of such map shall be attached to any permit issued by the Borough. If, during the course of operations, any utility line must be relocated to maintain compliance with the terms and conditions set forth herein or to ensure the safety of the general population, the applicant shall notify the Code Enforcement or his/her designee at least 3 business days prior to embarking on such relocation, which shall be performed in compliance with Borough standards and at no cost to the Borough or respective utility company or Authority.

2. The applicant is required to employ a Pennsylvania licensed professional engineer specializing and certified in seismology, who shall be on the job site during the entire period of testing to mitigate any potential damage to public or private property. The applicant shall also designate a point of contact who will respond within 24 hours to request from the Borough Manager or his/her designee for information regarding the applicant's testing operations, including a request for maps of the testing area that show the points of use as planned by the applicant at the time of the request.

3. The applicant shall obtain written permission, as required by law, from property owners before entering upon or crossing their property.

4. The applicant shall be responsible for and shall settle all reasonable and legitimate claims, demands, and causes of actions relating to property or persons arising out of or as a result of the applicant's operations under this permit and shall handle all such claims in fair, reasonable, and expedient manner.

(*Ord. 1134, 6/17/2014, §13-905*)

**§13-906. Notice Required.**

1. The applicant shall notify each owner of property, in writing by U.S. Mail or

by personal delivery at the property, located within 250 feet of its planned energy source operations a minimum of 10 working days prior to the conducting of any test or as required by law if a greater distance is specified. Said notice shall include the anticipated start date of energy source operations and the energy source planned to be used. The applicant will offer to provide and will provide if requested, to such owner, in writing, the insurance information required by §13-903.F to be included in its application.

2. The applicant shall notify each owner of property, in writing or U.S. Mail to or by personal delivery at the property, within 125 feet of vibroseis or weight drop tests, a minimum of 10 working days prior to the conducting of any test, of the availability at no cost to the property owner of pre- and post-test inspections of all structures located on or under said property, including appropriate testing and lab test for water wells. Such requests shall be performed by the applicant at the property owner's request. The applicant shall perform the offered inspections if requested by the property owner before commencing any testing and the applicant shall provide copies of the test results to the property owner. The applicant shall maintain records of such inspections for a period of 2 years and shall make such records available upon the Borough's request.

3. The applicant shall place newspaper advertisements in the newspaper of record in the Borough of not less than 3 inches by 4 inches explaining the work to be performed, the location of the proposed work, and a toll-free telephone number where residents may call for more information. Said advertisement shall be placed continuously during the 2-week period immediately before the permit application is scheduled to be considered by the Borough Council, and again during the 2-week period immediately before the actual operations commence in the testing area. The toll-free telephone number provided by the applicant shall be answered during hours of operation as set forth in §13-905 while work is ongoing in the Borough, and an answering machine shall be installed to answer after-hour calls.

(*Ord. 1134, 6/17/2014, §13-906*)

### **§13-907. Energy Level Restrictions.**

1. The applicant shall engineer all source locations (vibrator source seep frequency and drive levels or other geophysical sources) so that no structure, subject to limitations contained in §13-910 herein, shall be subject to any peak particle velocity greater than  $\frac{1}{10}$  inch per second. The applicant shall conduct all the necessary engineering tests on property located within a 100-mile radius from the Borough and containing soils similar to that at the planned locations of the geophysical operations and shall provide to the Borough in an appropriate format for evaluation at the time of application by a professional engineer or geologist registered in the Commonwealth of Pennsylvania. All reports submitted by the applicant shall be signed and sealed by a licensed Pennsylvania Professional Engineer.

2. Using industry standard equipment and techniques, the engineer required by §13-905.2 shall monitor and record, during operations, all pertinent locations to ensure compliance with the maximum peak particle velocity established by subsection .1. If peak particle velocity for any test exceeds said maximum, the engineer shall notify the Borough Manager or his/her designee and cease all operations until corrections are made. The applicant shall maintain all documentation of monitoring activities for a period of at least 2 years and make said documentation available upon request for

inspection by the Borough.

3. The applicant shall obtain locations maps for all water wells, underground hazardous waste storage/disposal sites, and water, sewer, oil, gas, and chemical pipelines located in the testing area and conduct all energy source operations in a manner so as to not damage, interrupt, or otherwise interfere with said structures. Information obtained by the applicant shall be used by the surveying teams and operations manager to ensure compliance with the terms and conditions of this permit and that safe operating distances are maintained. If requested by the applicant, the Borough shall make available for inspection and copying, maps, if any, prepared by or on the applicant's reliance on any information furnished by the Borough, its agents, representatives, and employees, whether written or verbal, shall be at the sole risk of the applicant and the following disclaimer shall be placed on and shall apply to any and all such information:

APPLICANT ACKNOWLEDGES THAT THE BOROUGH OF GLASSPORT HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF INFORMATION REGARDING SUBSURFACE STRUCTURES AND FACILITIES FURNISHED TO APPLICANT AND MAKES NO REPRESENTATION OR WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. APPLICANT EXPRESSLY ACKNOWLEDGES THAT THE BOROUGH OF GLASSPORT MAKES NO WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF FITNESS FOR A PARTICULAR USE OR PURPOSE OF SUCH SUBSURFACE INFORMATION.

4. All Borough owned structures, buildings, waste water treatment facilities, pump stations, including, but not limited to, susceptible underground utilities (water mains, sewer mains, etc.) shall have pre- and post-testing inspections paid for by the applicant if it may be subjected to a peak particle velocity greater than  $\frac{35}{100}$  inch per second. The Borough shall have the option of receiving reimbursement of its actual cost of performing said inspections or having the inspections done by a third-party firm approved by the Borough and hired by the applicant. Any reimbursement provided by this Section shall be paid to the Borough within 30 days following the applicant's receipt of an invoice from the Borough.

(Ord. 1134, 6/17/2014, §13-907)

#### **§13-908. Hours of Operation.**

Energy source testing may be conducted from 8 a.m. until the earlier of sunset or 7 p.m. local time, on Mondays through Fridays, and from 9 a.m. until the earlier of sunset or 7 p.m. local time, on Saturday. Testing shall not be permitted on Sunday.

(Ord. 1134, 6/17/2014, §13-908)

#### **§13-909. Lands, Streets, Rights-of-Way, and Easements.**

1. The applicant shall restore, at its own cost, Borough-owned lands, roadways or rights-of-way used in its operations to the original conditions just prior to the testing operations, free of damage, including ruts or any injury to landscaping. At the Boroughs discretion, a road bond or maintenance agreement for road-based testing shall be required.



2. The applicant shall ensure that its operations will not interfere with the free and safe flow of traffic. When operations are immediately adjacent to the pavement, all equipment shall be parked and/or operated in one lane of traffic. The applicant shall follow all applicable PennDOT traffic standards.

3. The applicant shall notify the Borough Manager or his/her designee of any equipment to be operated on Borough streets that will exceed a maximum load limit of 20,000 pounds and obtain any special permitting required.

4. Cables placed on the pavement within rights-of-way must be arranged so they do not create a hazardous condition or rumble strip effect. All cables shall be securely anchored to the roadway with materials that will not damage and/or puncture the pavement. Nails, spikes, and similar materials used for anchors shall not be placed inside the pavement edge.

5. Each testing crew performing work that impedes the flow of traffic such as testing on Borough streets or rights-of-way shall be accompanied by a certified peace officer provided by the applicant. The applicant shall furnish at its cost, adequate signs, barricades, flares, flagmen, etc., as necessary, to protect the traveling public.

(Ord. 1134, 6/17/2014, §13-909)

#### **§13-910. Testing.**

1. The applicant shall furnish to the Borough Manager, or designee, a schedule of each week's test plans. If Thumper Trucks are utilized on Borough roads, which will require the Borough's permission, the Borough Engineer shall inspect the road before and after testing. The applicant shall pay any and all costs incurred by the Borough as a result of these inspections.

2. All vibroseis or weight drop operations shall be conducted a minimum distance of 150 feet from any building, which shall mean a structure built for the support, shelter or enclosure of persons, chattel, or movable property of any kind and which is affixed to the land. No charge test shall be detonated within 300 feet of any building, water well, or underground hazardous waste storage/disposal site. The applicant will provide multiple monitoring of any charge testing within 300 feet of any occupied building. Operations specified herein shall comply with current regulations as promulgated by the Department of Environmental Protection. After testing, all holes shall be filled (closed).

3. The applicant shall maintain and make available upon the Borough's request, for a period of 2 years, the daily log of energy source tests showing date, location, energy source used, drive level, operator and all other related information including seismic and pre- and post-test survey.

4. No energy source operations shall subject any building intended for human habitation, utility line, water well, or underground hazardous waste storage/disposal site to a peak particle velocity greater than  $\frac{7}{16}$  inch per second.

5. The applicant shall notify the Borough Manager or designees within 24 hours after the occurrence of any violation of these permit requirements. The Borough's Code Enforcement Officer is hereby authorized to issue "Stop Work Orders" for any violation of the provisions contained in this Part.

(Ord. 1134, 6/17/2014, §13-910)

**§13-911. Bond, Insurance, and Indemnity.**

1. The applicant shall submit to the Borough a performance bond in the amount of \$250,000 from a surety authorized to do business in the Commonwealth. The performance bond shall be valid for a period of 2 years from the date that the permit is issued. The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the Borough, jointly and severally from the principal and surety any and all damages, loss or costs suffered by the Borough in connection with the applicant's geophysical operations within the Borough. The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled by the surety company until 60 days after receipt by the Borough, by registered mail or written notice, of such intent to cancel or not to renew." The rights reserved to the Borough with respect to the bond are in addition to all other rights of the Borough and no action, proceeding, or exercise of a right with respect to such bond shall affect any other rights of the Borough.

2. Prior to commencement of any operations hereunder, the applicant and/or its contractors shall furnish a certificate of insurance to the Borough showing the Borough as an "additional insured" with respect to operations conducted within the Borough and showing liability insurance coverage covering commercial, personal injury, and general liability in amounts not less than \$1,000,000 per person, \$3,000,000 per occurrence, and \$1,000,000 property damage.

3. The applicant shall protect, indemnify, defend, and hold the Borough, its officers, employees, agents, and representatives harmless from and against all claims, demands, and causes of action of every kind and character for injury to, or death of, any person or persons, damages, liabilities, losses, and/or expenses, occurring or in any way incident to, arising out of, or in connection with its or its contractors', agents', or representatives' operations under this permit, including attorneys' fees, and any other costs or expenses incurred by the Borough in defending against any such claims, demands, and causes of action. Within 30 days of receipt of same, the applicant shall notify the Borough, in writing, of each claim for injuries to, or death or, persons or damages or losses to property occurring or in any way incident to, arising out of, or in connection with its or its contractors' agents', or representatives' operations conducted under this permit. At the Borough's discretion, the Borough may conduct an independent investigation, monitor, and review the processing of any such claim to ensure that such claim is handled as required herein.

4. Any permit granted hereunder may be revoked upon breach of any term or condition contained herein.

5. Notwithstanding anything contained herein to the contrary, any permit granted hereunder shall not be effective unless and until a copy of the permit, signed by an authorized officer of the applicant, the performance bond, and the certificate of insurance have been filed with the Borough Manager.

*(Ord. 1134, 6/17/2014, §13-911)*

**§13-912. Penalties.**

A person who knowingly violates any provision of this Part shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

(*Ord. 1134, 6/17/2014, §13-912*)

