

CHAPTER 13

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PART 1
JUNKYARDS

§13-101. General Regulations; License.

To establish, maintain or operate a junkyard the following regulations shall apply:

- A. An annual license, for which a fee in an amount to be established, from time to time, by resolution of Borough Council shall be charged for defrayment of costs for yearly inspections and other services, shall be obtained from the Borough.
- B. A fence of at least six feet in height shall fully enclose the property containing the junkyard in the interest of public safety and to provide greater security for the said junkyard. The fence shall be set at least 10 feet back from all property lines and, in cases where the fence shall border a stream or creek, it shall be set back at least 20 feet.
- C. Within a distance of 10 feet from adjoining properties and street or sidewalk lines, the height of junk or storage piles at any particular point shall not exceed in height the linear distance that that point is from the adjoining property line or street or sidewalk line.
- D. There shall be a fire lane for each 1,200 square feet of area covered by junk containing combustible material and areas where combustible material or inflammable or highly volatile material is stored, said lanes to be located therein so that no portion of said lane shall be more than 40 feet distant from adjoining lanes or the outer edge of the storage pile. Fire lanes shall be so located so that access thereto can be had from the nearest public street or opened thoroughfare. Fire lanes shall be kept open at all times and all fire lanes shall be not less than 8 feet in width.
- E. It shall be unlawful to permit the fence surrounding the junkyard to be used as a billboard or to allow handbills, signs or advertising matter of any kind to be posted or painted on such a fence.
- F. The planting of trees or large shrubs so as to completely shield the junkyard from general view shall be required.
- G. All combustible or inflammable material shall be stored separately from metal and no combustible or inflammable material shall be intermixed with metal junk, unless said combustible material is an integral part of said metal and cannot be removed therefrom.

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- H. Dangerous, explosive, highly volatile and corrosive substances shall be stored separate and apart from combustible or inflammable material and shall not be intermixed with scrap metal.
- I. All scrap automobiles shall have the gasoline drained therefrom prior to storage and the tank shall have been pierced in such a manner that there shall be no danger of explosion thereof in event of fire.

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

§13-102. Prorating of License Fees After Beginning of Year.

If application for a license shall be made after the first of the year, the annual fee for that particular year shall be prorated on a monthly basis. Thereafter all license fees shall be payable on or before the first of the year.

(Ord. 888, 3/2/1981, §1)

§13-103. Revocation of License.

If any person, firm or corporation licensed as aforesaid, shall violate any of the provisions of this Part or be convicted of receiving stolen goods, the Mayor shall have and is hereby given the power to forthwith revoke the aforesaid license.

(Ord. 888, 3/2/1981, §1)

§13-104. Penalties.

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

(Ord. 888, 3/2/1981, §1; as amended by A.O.)

PART 2

TRANSIENT RETAIL MERCHANTS

§13-201. Definitions and Interpretations.

1. As used in this Part:

PERSON — any natural person, association, partnership, firm or corporation

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- A. Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise for any goods, wares or merchandise upon any of the streets or alleys, sidewalks or public grounds or from house to house within the Borough of Philipsburg.
 - B. Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough, on a temporary basis, which shall include, but 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 masculine shall include the feminine and the neuter, the singular shall include the plural and the plural shall include the singular.

(Ord. 699, 3/7/1969, §1; as amended by Ord. 888, 3/2/1981, §1)

§13-202. License Required.

1. No person shall engage in any transient retail business within the Borough of Philipsburg without first having obtained a license from the Mayor. The license fees shall be established, from time to time, by resolution of the Borough Council.¹
2. No license fee shall be charged under this Section to farmers selling their own produce, for the sale of goods, wares and merchandise the proceeds whereof are to be applied to any charitable or philanthropic purpose or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products, but all persons exempted hereby from payment of the license fee shall be required to register with the Mayor and to obtain a license without fee.
3. Any person dealing in one or more of the hereinabove mentioned exempted categories and selling other goods, wares or merchandise not so exempted, shall be

¹ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

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subject to the payment of license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories.

4. 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.
5. Every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in such business, every individual shall obtain a separate license, issued to him in his name and the license fee hereby imposed shall be applicable to every such individual license.

(Ord. 699, 3/7/1969, §2; as amended by Ord. 888, 3/2/1981, §1; as amended by A.O.

§13-203. Application for License.

Ever person desiring a license under this Part shall first make application to the Mayor for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall give his name and address, his criminal record, if any, the name of the person by whom he is employed, if any, the type of goods, wares and merchandise he wishes to deal with in such transient retail business, the length of time for which such license is to be issued and the type and license number of the vehicle to be used, if any.

(Ord. 699, 3/7/1969, §3)

§13-204. Issuance of License; Custody and Display Thereof.

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. 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 a transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens and residents of the Borough.

(Ord. 699, 3/7/1969, §4)

§13-205. Prohibited Acts.

No person engaged in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
- C. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to person residing in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton or wrapping material or of any stock or wares or foodstuffs which have become unsaleable through handling, age or otherwise.

(Ord. 699, 3/7/1969, §5)

§13-206. Duties of Mayor.

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

(Ord. 699, 3/7/1969, §6)

§13-207. Suspension of License.

The Mayor is hereby authorized to suspend any license issued under this Part when he shall deem such suspension to be beneficial to the public health, safety or morals or for the violation of any provision of this Part or for giving false information upon any application for a license hereunder. Appeals from any suspension may be made to the Borough Council at any time within 10 days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

(Ord., 699, 3/7/1969, §7)

§13-208. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction there, 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 699, 3/7/1969, §8; as amended by Ord. 888, 3/2/1981, §1; and by A.O.

PART 3

REMOVAL OF MOBILE HOMES PERMITS

§13-301. Permit Required; Fee.

In order to ensure the payment of sewer bills, a mobile home removal permit² shall be obtained from the Tax Collector prior to the moving of a mobile home off any lot in the Borough. The fee for such permit shall be set by resolution of the Borough Council.³

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§13-302. Penalty for Noncompliance.

Any person, firm or corporation who fail to obtain the mobile home removal permit or who shall violate any provision of this Part shall, upon conviction there, be sentenced to pay a fine of \$25.

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² Editor's Note: The permit application form is included at the end of this chapter.

³ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.