

## **CHAPTER 13**

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**PART 1**

**JUNK DEALERS**

**§101. DEFINITIONS AND INTERPRETATION.**

1. The word "junk," as used in this Part, shall mean any discarded material or article, such as is not ordinarily disposed of as rubbish or refuse, and shall include, but shall not be limited to, scrap metal and scrapped motor vehicles, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable article or material.
2. The words "junk dealer," as used in this Part, shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying and dealing in junk.
3. The word "person," as used in this Part, shall mean any natural person, partnership, association, firm or corporation.
4. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.
5. Nothing in this Part shall apply to used articles commonly referred to as "antiques," or second-hand articles, offered for sale and not intended to be discarded at the time or shortly thereafter.

(Ord. 257, 11/6/1969, §1)

**§102. JUNK DEALER'S RECORDS.**

Every junk dealer in the Borough of New Oxford shall provide and shall constantly keep current a book in which he shall write down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase or receipt, and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any junk dealer shall at all times be subject to the inspection of the Chief of Police of the Borough.

(Ord. 257, 11/6/1969, §2)

**§103. JUNK TO BE RETAINED AND UNALTERED FOR AT LEAST 48 HOURS AFTER ACQUISITION.**

Every junk dealer in the Borough of New Oxford shall keep and retain upon the premises used by him for his business, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

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(Ord. 257, 11/6/1969, §3)

### §104. MANNER OF CONDUCTING JUNK BUSINESS.

Every junk dealer in the Borough of New Oxford shall constantly maintain the premises used for his business in the manner prescribed by this Section as follows:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents or vermin.
- B. No garbage or other organic waste, and no paper, rubbish, rags or other flammable articles or materials shall be stored in such premises.
- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom, 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 firefighting purposes.
- E. No junk dealer shall burn more than one motor vehicle at any one time, and no grease, tires, oil, gasoline or other similar material or substance that might be dangerous or produce obnoxious smoke or odors shall be burned on his premises at any time. Burning of vehicles shall be attended and controlled at all times.
- F. No junk shall be stored upon any junk dealer's premises within 25 feet of the property lines.
- G. The premises of any junk dealer shall, whenever the Borough Council shall deem the same necessary and desirable, be enclosed by a fence of the type and style to be determined by the Borough Council or by evergreen screen plantings, or both.

(Ord. 257, 11/6/1969, §4)

### §105. PENALTY FOR VIOLATION.

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

(Ord. 257, 11/6/1969, §5; as amended by Ord. 384, 6/7/1999)

PART 2

TRANSIENT RETAIL BUSINESSES

§201. DEFINITIONS AND INTERPRETATION.

1. The term "transient retail business," as used in this Part, shall mean and include the following:
  - 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, public squares or public grounds, or from house to house, within the Borough of New Oxford; and,
  - 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 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 word "person," as used in this Part, shall mean any natural person, partnership, firm or corporation.
3. In this Part, the masculine shall include the feminine and the neuter, the singular shall include the plural and the plural shall include the singular.

(Ord. 258, 11/6/1969, §1)

§202. LICENSE REQUIRED TO ENGAGE IN TRANSIENT RETAIL BUSINESS.

1. No person shall engage in any transient retail business within the Borough of New Oxford, without first having obtained from the Chief of Police a license, for which fees, to be established from time to time by resolution of Borough Council, which shall be for the use of the Borough, shall be charged.
2. Exceptions.
  - A. No license fee shall be charged:
    - (1) To farmers selling their own produce.
    - (2) For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

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- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
  - (4) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
  - (5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
  - (6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purpose, 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
  - (7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
- B. But all person exempted hereby from the payment of the license fee shall be required to register with the Borough Secretary and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Borough Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 258, 11/6/1969, §2; as amended by Ord. 384, 6/7/1999)

### §203. APPLICATION FOR LICENSE.

Every person desiring a license under this Part shall first make application to the Chief of Police 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 State or County license. In such application, such person shall give his name and address; his previous criminal record, if any, the name of the person by whom he is employed; 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. 258, 11/6/1969, §3)

**§204. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT THEREOF.**

Upon receipt of such application and the prescribed fee, the Chief of Police, 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, public squares, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

(Ord. 258, 11/6/1969, §4)

**§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, public squares, sidewalks or public grounds in the Borough.
- C. When selling from a vehicle, stop or park such vehicle upon any of the streets, alleys or public squares for longer than necessary to sell therefrom to persons residing in the immediate vicinity.
- D. Park any vehicle upon any of the streets, alleys or public squares 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. 258, 11/6/1969, §5)

**§206. SUPERVISION OF LICENSE HOLDERS; RECORDS AND REPORTS.**

The Chief of Police 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 each month to the Borough Council.

(Ord. 258, 11/6/1969, §6)

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### §207. REVOCATION OF LICENSES.

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

(Ord. 258, 11/6/1969, §7)

### §208. PENALTY FOR VIOLATION.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$100 nor more than \$600 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. 258, 11/6/1969, §8; as amended by Ord. 384, 6/7/1999)

**PART 3**

**FALSE BURGLAR ALARMS**

**§301. THREE FALSE ALARMS ALLOWED.**

Any owner and/or tenant of property located within the Borough of New Oxford having a security system or burglar alarm shall be permitted three false alarms within any 12 month period.

(Ord. 355, 11/1/1993, §1; as amended by Ord. 384, 6/7/1999)

**§302. CHARGE FOR FOURTH AND SUBSEQUENT FALSE ALARMS.**

Any false alarm caused by such burglar alarm or security system which causes the New Oxford Fire Department and/or the Borough of New Oxford Police Department to respond to the same in excess of the number set forth in §301, above, shall be charged a fine, in an amount to be established from time to time by resolution of Borough Council.

(Ord. 355, 11/1/1993, §2; as amended by Ord. 384, 6/7/1999)

