

Chapter 13

Licenses, Permits, and General Business Regulations

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Part 1**Circuses or Carnivals****§13-101. Permit Required to Conduct Circus or Carnival or Other Traveling Amusement.**

It shall be unlawful for any person or persons, firm, or corporation to hold or conduct any circus, carnival or haunted house, at any place within the limits of the Borough without first obtaining from the Borough Manager a permit and paying to the Borough Manager for the use of the Borough a permit fee in an amount as established from time to time by resolution of Borough Council for each day and evening on which such circus or carnival is to be held. An application for a permit shall be filed with the Borough Manager at least 10 days prior to the day on which such circus or carnival is to be held. Accompanying the application shall be a certificate of general liability insurance naming the Borough as a named insured in a minimum amount of \$1,000,000 per occurrence. Haunted houses must be inspected by the State Amusement Inspector and the Borough Fire Chief.

(*Ord. 456*, 1/6/1975, §6-2001; as amended by *Ord. 598*, 3/1/2004, §9; and by *Ord. 624*, 1/19/2010)

§13-102. Penalty for Violation.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 456*, 1/6/1975, §6-2002; as amended by *Ord. 624*, 1/19/2010)

§13-103. Remission of Permit Fee under Certain Circumstances.

At the discretion of the Borough Council, the permit fee may be remitted in the case of a circus or carnival the proceeds of which are applied to purely charitable uses and in case the application for such person shall be made by and on behalf of any organization connected with the Borough government or with any public school district.

(*Ord. 456*, 1/6/1975, §6-2003)

Part 2**Transient Retail Merchants****§13-201. Definitions.**

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

Borough special event - any event conducted by or sponsored by the Borough of Mount Pleasant, on the Borough's streets, park properties, or other public properties including, but not limited to, cultural events (e.g., the Annual Glass and Ethnic Festival), memorial-type services, the annual Fire Department fair, any other festivals or fairs conducted by or sponsored by the Borough, parades, farmers' markets, concerts in the park, events conducted by the Mount Pleasant Borough Business District Authority, car cruises, tractor shows, garden club sales, or other events conducted by or sponsored by the Borough.

Charitable organization - an organization which has been granted an exemption by the United States Internal Revenue Service under §501(c) or §509(a) of the Internal Revenue Code.

Legal holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Local business traffic - delivery vehicles going to or coming from a residence, commercial establishment, or farm for purposes of making deliveries of goods and/or taking orders for same by an established, permanent local business.

Person - any natural person, partnership, association, corporation, or other legal entity.

Solicitor - shall include any person:

(1) Who goes from private house to house, conveying or transporting goods, wares, or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares, or merchandise to purchasers.

(2) Who goes from private house to house, soliciting or attempting to take orders from individuals for sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

(3) Who goes from private house to house soliciting donations or money for themselves or for any organization for any purpose, whether or not anything of value is given in return.

Transient merchant - shall include any person, who temporarily and for a short time hires, rents, or obtains a definite place of business, whether a storeroom or a market stand, or a private residence, for the sale of goods, wares, merchandise, or to offer or expose the same for sale or for future delivery and sale. (Temporarily and short time shall be construed as 1 month or less.)

Transient retail business - the business of conducting activities as a “solicitor” or as a “transient merchant” as defined herein.

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

(*Ord. 613, 9/4/2007, §101*)

§13-202. License Required; Conditions of Issuance; Fee.

No person shall engage in any act as a solicitor or transient merchant within the Borough of Mount Pleasant without first having obtained from the Borough Manager a license, for which a separate license fee and security fee shall be charged, in the amounts as established by resolution of the Borough Council.

(*Ord. 613, 9/4/2007, §102*)

§13-203. Exceptions.

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 from which 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 (excluding trucks or vehicles out of which ice cream products or ice cream novelties are sold).

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

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

But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee. It shall be unlawful for any solicitor or transient merchant, as defined in §13-201 of this Part, to engage in any such business within the Borough of Mount Pleasant without first obtaining a license therefore in compliance with the provisions of this Part.

(*Ord. 613, 9/4/2007, §103; as amended by Ord. 624, 1/19/2010*)

§13-204. License Application.

1. Every person desiring a license under this Part shall first make application to the Borough Manager, or his designated agent, for such license. The applicant shall, when making such application, exhibit a valid license from any State or county officer, if such license is also required. The application must be submitted at least 7 days in advance of the date upon which the applicant requests to begin conducting activity as a solicitor or transient merchant. The applicant shall state:

- A. Name and physical description of applicant.
- B. Complete permanent home and local address of the applicant.
- C. Name and address of the person by whom he is employed.
- D. A brief description of the nature of the business and the goods to be sold or the organization on behalf of which funds are solicited.
- E. Length of time for which the license is requested.
- F. A list of the street or streets, by name, upon which the applicant is requesting to conduct “door to door” transient retail business activities as defined herein at private residences along such streets.
- G. Type and license number of the vehicle to be used, if any.
- H. A statement as to whether or not the applicant has been convicted of any felony, or other crime involving an offense against persons or property, theft, breach of peace, or any crime involving a minor.

2. This application completed as to all matters required shall be turned over to the Borough Manager, together with the initial fee to cover the expenses of investigation, payable to the Borough of Mount Pleasant; said fee to be established by resolution of the Borough Council.

(*Ord. 613, 9/4/2007, §104*)

§13-205. Annual Local Business Licenses Available to Local Businesses for Local Business Traffic.

Permanent, established local businesses which regularly make local deliveries shall be eligible to apply, for an annual local business license hereunder, for purposes of making local deliveries or taking orders pursuant to the “local business traffic” definition contained herein. The fee for such annual license shall be established by resolution of the Borough Council. Only permanent, established local businesses engaging in local business traffic shall be eligible for an annual local business license, for purposes of engaging in local business traffic. All other applicants must apply for the regular license under this Part and shall pay the regular license fee and security fee established by resolution of Borough Council as set forth in §13-202, above, unless exempted from such fees by §13-203.

(*Ord. 613, 9/4/2007, §105*)

§13-206. Issuance of License; Custody, Display, or Exhibit.

1. Upon receipt of such application and the prescribed fee, the Borough Manager, 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 therefore. 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 of Mount Pleasant.

2. Upon receipt of an application under this Part, the application will be referred to the Police Department which shall cause an investigation to be made as to all

matters contained in the application to ensure the protection of the public health, safety, and welfare. Grounds for denying an application under this Part include, but are not limited to, the following:

- A. The application is incomplete.
- B. There has been a misrepresentation of any material fact in the application.
- C. The applicant has been convicted within the last 10 years of any felony, or any other criminal offense against persons or property, theft, breach of peace, or any crime involving a minor.
- D. The applicant has a record of a Better Business Bureau violation or negative report.
- E. Failure to submit the license application at least 7 days in advance.
- F. The request is for a license to be effective during the time of a Borough special event as regulated in the Borough's Special Events Ordinance [Part 3]. (See subsection .3, below.)

3. No licenses will be issued for periods of time when a Borough special event is scheduled to occur.

(Ord. 613, 9/4/2007, §106)

§13-207. Prohibited Acts.

No person in the act as a solicitor or transient merchant 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 operating 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 persons residing or working in the immediate vicinity.
- D. Solicit at any private residence exhibiting a sign reading "No Solicitors" or words of the same meaning, which are conspicuously displayed near their entrance walk or doorway.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 10 a.m. or after 6 p.m. on any day of the week other than a Sunday or legal holiday.
- F. Sell or attempt to sell any product at a residence or business along any street not specifically requested in the application for a license under this Part.
- G. Sell or attempt to sell any product during a Borough special event, as defined herein.

(Ord. 613, 9/4/2007, §107)

§13-208. Supervision; Records and Reports.

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

(Ord. 613, 9/4/2007, §108)

§13-209. Suspension and Revocation of License; Appeal.

The Borough Manager is hereby authorized to suspend or revoke any license or application issued under this Part 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, or for giving false information upon any application for a license hereunder.

(*Ord. 613, 9/4/2007, §109*)

§13-210. Appeals.

Any person aggrieved by the action of the Borough Manger or his designee in the denial of an application approval as provided in §13-206 of this Part, or in the action of the revocation provided in §13-209 of this Part, shall have the right of appeal to the Borough Council. Such appeal shall be taken by filing with the Borough Council, within 10 days after revocation or suspension, a written statement setting forth fully the grounds for the appeal. Hearings shall be governed by the Local Agency Law, 2 Pa.C.S.A. §551 *et seq.* No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(*Ord. 613, 9/4/2007, §110*)

§13-211. Expiration of License.

All licenses expire on the date specified on the license.

(*Ord. 613, 9/4/2007, §111*)

§13-212. Hoagie Sales and Other Fundraising Sales Regulated.

Hoagie sales, ticket sales, and other similar fundraising activities by charitable and civic organizations, school clubs, and similar not-for-profit groups, clubs, or other organizations, occurring on Borough property, are regulated by the Borough. Groups, clubs, or other organizations wishing to conduct such sales activities must make an application for a permit to hold such sales at least 7 days in advance of such sales activities, and no such sales shall be allowed without first obtaining such a permit a fee will be charged for such permit, in an amount established by resolution of Borough Council. The Borough may reject such applications in the Borough's sole discretion, considering such factors as whether another organization has already applied to hold a sale on the same date, whether the applicant has already conducted such a sale in the current year, or any other relevant factor. No such sales are permitted to occur during Borough special events as defined herein.

(*Ord. 613, 9/4/2007, §112*)

§13-213. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 613, 9/4/2007, §113; as amended by Ord. 624, 1/19/2010*)

TRANSIENT RETAIL BUSINESS LICENSE
Borough of Mount Pleasant

License # _____ Date _____ (7 days in advance of start date)

License requested from _____ to _____ (One month or Less)
License invalid at any time on a Sunday or legal holiday or at any time before 10:00am or after 6:00pm.

Applicant Name _____

Applicant Address: _____

Applicant Physical description _____

Type and License of Vehicle to be used _____

Employer Name: _____

Employer Address _____

Business or Goods to be sold _____

Organization funds are being solicited for _____

License Fee : **Per Day \$10.00 Per Week \$30.00 Per Month \$60.00** Check # _____

Streets, by name upon which the applicant is requesting to conduct "door to door" transient retail business activities at private residents along such streets:

Have you ever been convicted of any felony or other crime involving an offense against persons or property, theft, breach of peace or any crime involving a minor?

If yes, please explain _____

I certify that answers given herein are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this application for a Transient Retail Business License as may be necessary to approve this license.

Applicant's Signature

The application will be referred to the Police Department, which shall cause an investigation to be made as to all matters contained in the application to ensure the protection of the public health, safety and welfare.

Stephen Ober, Chief of Police

___Approved ___Not Approved

License approved from _____ to _____

With the following exceptions:

Jeffrey Landy, Borough Manager

Any person, firm or corporation who shall violate any provision of Transient Retail Business Ordinance # 613 shall, upon conviction thereof, be sentenced to pay a fine not more than Six Hundred and 00/100 (\$600.00) Dollars; and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Part 3

Special Events

§13-301. Definitions.

Borough - the Borough of Mount Pleasant.

Borough special event - any event conducted by or sponsored by the Borough of Mount Pleasant, on the Borough's streets, park properties, other public properties including, but not limited to, cultural events (e.g., the Annual Glass and Ethnic Festival), memorial-type services, the annual Fire Department fair, any other festivals or fairs conducted by or sponsored by the Borough, parades, farmers' markets, concerts in the park, events conducted by the Mount Pleasant Borough Business District Authority, car cruises, tractor shows, garden club sales, or other events conducted by or sponsored by the Borough.

Fair zone - the public streets, alleys, sidewalks, parks, and parking lots that abut, connect with, or join with the area of property of the Borough described as follows:

Smithfield Street, from North Diamond Street to North Church Street.

Festival zone - the public streets, alleys, sidewalks, parks, and parking lots that abut, connect with, or join with the area of property of the Borough described as follows:

Washington Street, from Church Street to Hitchman Street; and Diamond Street, from Spruce Street to the North side of Main Street (Memorial Square/the Doughboy area).

Free speech zone - the area of property/streets of the Borough described as follows:

On the sidewalk southeast of the Doughboy.

On the North side of the Veterans' Park Wall area.

Local military service veterans organizations - military-related veterans organizations based in the Borough, being VFW Post #3368 and American Legion Post #446.

Person - an individual, group, organization, association, partnership, firm, and/or corporation.

(Ord. 612, 9/4/2007, §1)

§13-302. Special Events on Borough Streets to be Conducted by the Borough.

Only the Borough of Mount Pleasant, its duly authorized departments, such as the Borough's Fire Department, the Business District Authority, and Medic-10, and Borough-based local military service veterans organizations (VFW Post #3368 and American Legion Post #446), shall be permitted to use the Borough's streets for parades, fairs, etc. Also, the Mount Pleasant Elks Club is permitted to conduct events on Flag Day, if such events are approved in advance by the Borough. It shall be unlawful for any person to conduct a parade, fair, or the like in the Borough's streets. It shall further be unlawful for any person to erect or maintain any booth, shed, stand, or other obstruction upon the streets or sidewalks of the Borough for the sale of any food, drinks, books, magazines, newspapers, or other merchandise, or any article or

thing of value.

(*Ord. 612, 9/4/2007, §2*)

§13-303. Obstructing Public Way or Business.

It shall be unlawful for two or more persons to assemble together within the limits of the Borough upon any sidewalk or street thereof, or in front of or adjacent to any store, shop, or other place of business, so as to obstruct the public right-of-way along the street or sidewalk or entrance to said place of business.

(*Ord. 612, 9/4/2007, §3*)

§13-304. Gathering Crowd to Obstruct Street.

It shall be unlawful for any licensed peddler, hawker, auctioneer, or other person or persons within the corporate limits of the Borough to cause any street, sidewalk, or crosswalk within said Borough to become obstructed so as to prevent or obstruct the free use of the same by the public by enticing or gathering a crowd of persons thereon.

(*Ord. 612, 9/4/2007, §4*)

§13-305. Sound Advertising.

It shall be unlawful for any person to operate a motor vehicle upon the streets or public ways of the Borough having placed thereon or therein any mechanical device, machine, apparatus, or instrument for intensification or amplification or the human voice or any sound or noise for political, commercial, advertising, or other purposes, either by message produced by such mechanical device, machine, apparatus, or instrument, or by attracting attention to the motor vehicle itself upon which device is being operated.

(*Ord. 612, 9/4/2007, §5*)

§13-306. No Vending by Individuals During Borough Special Events.

During the time period in which the Borough is conducting special events including, but not limited to, the Glass and Ethnic Festival and the Fire Department fair, it shall be unlawful for any person to sell or vend food, drinks, crafts, books, magazines, newspapers, or other merchandise, or any article or thing of value, wherever conducted, either on Borough property or private property, except for the limited exceptions set forth in §§13-307 and 13-308 of this Part. Additionally, nothing in this Section shall prohibit an established commercial business from conducting its regular business activities on its own property if properly zoned, during such Borough special events.

(*Ord. 612, 9/4/2007, §6*)

§13-307. Residents Within the Festival Zone Allowed to Sell Their Own Items.

1. Those persons who live within the “festival zone” as defined above are allowed, during the Glass and Ethnic Festival, to sell their own food, crafts, etc., which they themselves make, or personal items which they themselves own. Furthermore, such festival zone resident selling his or her own food, crafts, or personal items they themselves own may only sell such items in their yards and/or on their porches, and

may not sell such items in the Borough's streets or sidewalks unless such festival zone residents do not have a yard or porch from which to sell such items. The sale of said items is subject to the condition that such sale activities shall not interfere with the normal flow of the festival.

2. However, it shall be unlawful for any person residing in the festival zone to sell food, crafts, or other goods that such festival zone resident did not make himself or herself, or to sell any items other than personal items which they themselves own. It shall be a violation of this Part for a festival zone resident to lease to, or otherwise allow, a third party to use the resident's property for the sale of goods made or otherwise procured by such third party, during a Borough special event including, but not limited to, the Glass and Ethnic Festival. Additionally, due to safety reasons, it shall further be unlawful for any person outside the festival zone to sell or allow to be sold any goods whatsoever from their private property, whether their own goods or a third party's except for the regular business operations of an established commercial business on its own property, in a proper zoning district as set forth in §13-306, above. (*Ord. 612, 9/4/2007, §7*)

§13-308. Residents Within the Fair Zone Allowed to Sell Their Own Items.

1. Those persons who live within the "fair zone" as defined above are allowed, during the Firemen's Fair or any other Borough fair, to sell their own food, crafts, etc. which they themselves make, or personal items which they themselves own. Furthermore, such fair zone resident selling his or her own food, crafts, or personal items they themselves own may only sell such items in their yards and/or on their porches, and may not sell such items in the Borough's streets or sidewalks unless such fair zone residents do not have a yard or porch from which to sell such items. The sale of said items is subject to the condition that such sale activities shall not interfere with the normal flow of the fair.

2. However, it shall be unlawful for any person residing in the fair zone to sell food, crafts, or other goods that such fair zone resident did not make himself or herself, or to sell any items other than personal items which they themselves own. It shall be a violation of this Part for a fair zone resident to lease to, or otherwise allow, a third party to use the resident's property for the sale of goods made or otherwise procured by such third party, during a Borough special event including, but not limited to, the Firemen's Fair. Additionally, due to safety reasons, it shall further be unlawful for any person outside the fair zone to sell or allow to be sold any goods whatsoever from their private property, whether their own goods or a third party's, except for the regular business operations of an established commercial business on its own property, in a proper zoning district as set forth in §13-306, above.

(*Ord. 612, 9/4/2007, §8*)

§13-309. Other Federal, State, and Local Regulations Still in Effect.

Any businesses and/or individuals selling food and drink items or other regulated items during Borough special events pursuant to the provisions contained in §§13-306, 13-307, or 13-308, above, must comply with all applicable local, State, and Federal laws and regulations pertaining to same including, but not limited to, laws and regulations relating to sanitation, food handling, outdoor food sales, and other similar laws and

regulations.

(*Ord. 612, 9/4/2007, §9*)

§13-310. Farmers Selling Their Own Locally Grown Produce in the Area Designated as the “Free Speech Zone.”

Notwithstanding the provisions of §13-302 of this Part, which in part prohibit persons from selling food or drinks on Borough sidewalks, the Borough recognizes that the Borough of Mount Pleasant and the local areas surrounding it have a long history of an agricultural-based economy, and that many local growers of produce, in order to survive economically, rely upon selling their seasonal produce in “town square” type areas in local communities, including the Borough’s Memorial Square or Doughboy Square. Based upon said historical and cultural traditions, the Borough hereby provides that in the area described herein as the “Free Speech Zone,” local persons may sell locally grown produce which they themselves have grown, subject to the following regulations. Such persons may sell their own locally grown produce only during the local produce growing season, only during the hours between dawn and dusk, only in the space allotted to each such person by the Borough, and only on a “space available” basis as determined by the Borough. No such selling activity is permitted during Borough special events as defined herein, nor during any time that free speech events are being held in said Free Speech Zone. Persons selling produce in the Free Speech Zone under this provision must remove all stands, all produce, and all other materials by dusk each day. No produce, equipment, produce selling stands, or apparatus are permitted to remain overnight in said Free Speech area. Persons wishing to sell locally grown produce under this provision must first register with the Borough, and the Borough, in its sole discretion, may deny permission if space is not available and/or other events are occurring.

(*Ord. 612, 9/4/2007, §10*)

§13-311. Free Speech Zone.

It is the Borough’s intention to allow for the free flow and dissemination of protected free speech, passing out of pamphlets, and other Constitutionally protected speech. For said purposes, the Borough hereby establishes the following area as the “Free Speech Zone” during Borough special events: On the sidewalk southeast of the Doughboy, on the North side of the Veterans’ Park Wall area. Other than in said Free Speech Zone, it shall be unlawful for any person during Borough special events to make public speeches or pass out pamphlets on Borough property or on or in the Borough’s streets.

(*Ord. 612, 9/4/2007, §11*)

§13-312. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 612, 9/4/2007, §12; as amended by Ord. 624, 1/19/2010*)

Part 4**Licensing of Coal Dealers****§13-401. Definitions.**

Coal yard operator - any person, as hereafter defined, who shall engage in the business of selling, buying, or dealing in coal, who has a storage location within this Borough.

Person - any natural person, partnership, firm, or corporation.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 371, 6/21/1965, §1*)

§13-402. License Required to Engage in Business.

No person shall engage in business as a coal yard operator in the Borough of Mount Pleasant, without first having obtained a license from the Borough. For such license, the fee shall be an amount as established from time to time by resolution of Borough Council for each and every calendar year, such fee to be for the use of the Borough. Such license shall be renewed annually, on or before the first day of January of each year. Provided, in any case where the coal yard operator's business is established on or after the first day of July in any year, the license fee for the remainder of such year shall be at one-half of the yearly rate.

(*Ord. 371, 6/21/1965, §2; as amended by Ord. 624, 1/19/2010*)

§13-403. Issuance of License.

The license provided for in §13-402 of this Part shall be issued by the Mayor after application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises for which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed coal yard operator 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 such coal yard operator.

(*Ord. 371, 6/21/1965, §3*)

§13-404. Licensee Limited to One Place of Business.

No person licensed under this Part, shall by virtue of one license, keep more than one place of business within the Borough of Mount Pleasant for the purpose of operating a coal yard. Nor shall any such person engage in business as a coal yard operator in any place other than the place designated upon his license.

(*Ord. 371, 6/21/1965, §4*)

§13-405. License Not Transferable.

No license issued under this Part, shall be transferable from one person to another

person, except when the ownership of the licensed premises shall be changed. In any such case, a new owner shall apply for a transfer of such license to him and shall pay a transfer fee in an amount as established from time to time by resolution of Borough Council.

(*Ord. 371, 6/21/1965, §5; as amended by Ord. 624, 1/19/2010*)

§13-406. Records of Coal Purchase.

Every coal yard operator shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any coal, a description of the amount of coal received by him, the date and hour of such purchase or receipt, and the person from whom such coal was purchased or received. Such book and all coal purchases received or handled by any coal yard operator shall at all times be subject to the inspection of the Chief of Police and any other official of the Borough of Mount Pleasant.

(*Ord. 371, 6/21/1965, §6*)

§13-407. Premises; Standards for Maintenance.

Every coal yard operator licensed under this Part, shall constantly maintain the licensed premises in a 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 and vermin.

B. No garbage or other organic waste, no paper, rubbish, rags, or other flammable articles or materials shall be stored on such premises.

C. The manner of storage and arrangement of coal, 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.

D. Such premises shall not be opened for business nor shall any work be done therein or thereon in connection with storage, processing and transportation or removal of coal at any time on the first day of the week, commonly called Sunday, or any other day of the week before 8 a.m. or after 6 p.m.

(*Ord. 371, 6/21/1965, §7*)

§13-408. Penalty for Violation.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 371, 6/21/1965, §8; as amended by Ord. 624, 1/19/2010*)

Part 5**Licensing of Junk Dealers****§13-501. Definitions.**

Junk - any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not 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.

Junk dealer - any person, as hereinafter defined, who shall engage in the business of selling, buying, and dealing in junk.

Person - any natural person, partnership, firm, or corporation.

In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 350, 6/4/1962, §1*)

§13-502. License to Engage in Business.

No person shall engage in business as a junk dealer in the Borough of Mount Pleasant without first having obtained a license from the Mayor, for which license the fee shall be an amount as established from time to time by resolution of Borough Council for each and every calendar year, such fee to be for the use of the Borough. Such license shall be renewed annually on or before the first day of January of each year. Provided, in any case where a junk dealer's business shall be established in the Borough on or after the first day of July in any year, the license fee payable by such junk dealer for the remainder of such year shall be at one-half the yearly rate.

(*Ord. 350, 6/4/1962, §2; as amended by Ord. 624, 1/19/2010*)

§13-503. Issuance of License.

The license provided for in §13-503 of this Part shall be issued by the Mayor after application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed junk 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 of such dealer.

(*Ord. 350, 6/4/1962, §3*)

§13-504. License Limited to One Place of Business.

No person licensed under this Part shall, by virtue of one license, keep more than one place of business within the Borough of Mount Pleasant for the purpose of buying, selling, and dealing in junk. Nor shall any such person engage in business as a junk dealer in any place other than the place designated upon his license. Nor shall any such person, or any other person, operate upon any of the streets of the Borough, whether

from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.
(*Ord. 350, 6/4/1962, §4*)

§13-505. License Not Transferable.

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

(*Ord. 350, 6/4/1962, §5; as amended by Ord. 624, 1/19/2010*)

§13-506. Records of Purchases.

Every junk dealer shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, 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 time be subject to the inspection of the Chief of Police and any other officials of the Borough of Mount Pleasant.

(*Ord. 350, 6/4/1962, §6*)

§13-507. Materials to Be Held 48 Hours Before Disposition.

Every junk dealer, licensed under this Part, shall keep and retain upon the licensed premises, 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.

(*Ord. 350, 6/4/1962, §7*)

§13-508. Premises; Standards for Maintenance.

Every junk dealer licensed under this Part shall constantly maintain the licensed premises 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 and 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. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called Sunday, or on any

other day of the week before 7 a.m. or after 6 p.m.
(*Ord. 350, 6/4/1962, §8*)

§13-509. Penalty for Violations.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 350, 6/4/1962, §9; as amended by Ord. 624, 1/19/2010*)

Part 6**Garage/Yard Sale Permits****§13-601. Definitions.**

The following terms shall have the meanings indicated:

Garage/yard sale - any public sale of goods on residential property including, but not limited to, the residential properties, garage, home, lawn, or yard.

Household - the individual who applies for a permit and anyone who resides in that individual's residence.

Permit - the form that must be obtained, completed, and submitted along with the respective fee to the Borough Secretary prior to conducting a yard sale.

(Ord. 624, 1/19/2010)

§13-602. Permit Required; Removal of Signs.

1. It shall be unlawful for any individual, group, or corporation to conduct within the Borough a garage/yard sale or permit a garage/yard sale to be held within the Borough on residential property under the individual, group, or corporation's control without first obtaining a garage/yard sale permit from the Borough.

2. Any individual, group, or corporation conducting a garage/yard sale within the Borough or outside the Borough limits or any individual, group, or corporation posting advertisements within the Borough limits for a garage/yard sale to be held inside or outside the Borough limits shall remove from within the Borough right-of-way all signs, flyers, posters, and bulletins no later than the date after the garage/yard sale. Should the garage/yard sale for any reason not be held all signs, flyers, posters, and bulletins advertising the garage/yard sale, must be removed no later than the scheduled last day for the garage/yard sale.

(Ord. 624, 1/19/2010)

§13-603. Frequency and Duration Limitations.

1. Two garage/yard sales are permissible per household in any 12-month period.

2. The maximum duration of any garage/yard sale shall be 2 consecutive calendar days.

3. The approved garage/yard sale must be held within 15 days of the issuance of the permit for that yard sale.

(Ord. 624, 1/19/2010)

§13-604. Fee for Permit.

1. The fee for the first permit issued to a household within any 12-month period shall be in an amount as established from time to time by resolution of Borough Council.

2. The fee for the second permit issued to a household within the same 12-month period as the first permit, shall be in an amount as established from time to time by

Borough Council.

3. All permit fees shall be paid to the Borough Secretary prior to issuance of the permit.

4. Non-profit service organizations and charitable organizations may obtain up to two yard sale permits in any 12-month period without payment of fee.

5. Neighborhood groups of five families or more may conduct one garage/yard sale per year without payment of fee but such neighborhood group must obtain a permit in accordance with this Part.

(Ord. 624, 1/19/2010)

§13-605. Violation.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 624, 1/19/2010)