

## **CHAPTER 13**

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**PART 1**  
**AMUSEMENT DEVICES**

**§101. DEFINITIONS.**

The following words, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

**ESTABLISHMENT** - any place where any pool table, bowling alley or pinball machines shall be set up, installed or made available to the general public or patrons of such place, upon payment of a fee or charge.

**PERSON** - any natural person, partnership, association, firm or corporation.

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.

(Ord. 203, 3/18/1974, §1)

**§102. LICENSE FEE.**

It shall be unlawful for the owner of any pool table, bowling alley or pinball machines to set up the same, in any establishment, or to allow the same to remain there, without having paid to the Borough Treasurer, for the use of the Borough, the license fee hereby prescribed for the current calendar year, in an amount as established from time to time by resolution of Borough Council.

(Ord. 203, 3/18/1974, §2; as amended by A.O.)

**§103. PAYMENT OF LICENSE FEE.**

The said license fee shall be due and payable at the time when any pool table, bowling alley or pinball machine, as the case may be, shall be set up or installed in an establishment, and prior to its being made available for use by the public. There shall be no reduction of fee or refund of any amount paid for any pool table, bowling alley or pinball machine not installed, set up or available for use for a full calendar year. Every such license shall be renewed, for the following calendar year, on or before December 31 of each year, by payment of the fee prescribed in §102 of this Part.

(Ord. 203, 3/18/1974, §3)

**§104. PENALTY FOR VIOLATION.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be

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sentenced to pay a fine of not 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. 203, 3/18/1974, §4; as amended by A.O.

**PART 2**

**TRANSIENT RETAIL BUSINESS**

**§201. DEFINITIONS.**

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

**LEGAL HOLIDAY** - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

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

**TRANSIENT RETAIL BUSINESS** -

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Borough; or,
- 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 yearly holidays.

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

(Ord. 204, 3/18/1974; as revised by A.O.)

**§202. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.**

No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Secretary a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount established, from time to time by resolution of the Borough Council.

(Ord. 204, 3/18/1974; as revised by A.O.)

**§203. EXCEPTIONS.**

1. No license fee shall be charged:

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- A. To farmers selling their own produce.
  - B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
  - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
  - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
  - E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
  - F. To a 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.
  - G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
2. But all persons 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. 204, 3/18/1974; as revised by A.O.)

### §204. LICENSE APPLICATION.

Every person desiring a license under this Part shall first make application to the Borough Secretary for such license. He shall, when making such application, exhibit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.

- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 204, 3/18/1974; as revised by A.O.)

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

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

(Ord. 204, 3/18/1974; as revised by A.O.)

**§206. PROHIBITED ACT.**

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
- 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. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8 a.m. or after 10 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 204, 3/18/1974; as revised by A.O.)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§207. SUPERVISION; RECORDS AND REPORTS.**

The Borough Secretary 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. 204, 3/18/1974; as revised by A.O.

### **§208. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.**

The Borough Secretary is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provision of this Part, or for giving false information upon any a application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 204, 3/18/1974; as revised by A.O.

### **§209. 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 \$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. 204, 3/18/1974; as revised by A.O.



**PART 3**

**TRANSPORTATION OF PERSONAL PROPERTY OR HOUSEHOLD GOODS**

**§301. DEFINITIONS.**

The following words when used in this Part shall have the meaning ascribed to them in this Section, except where the context clearly indicates or requires a different meaning:

**LESSOR or LANDLORD** - one who grants a lease or rents real estate to another either for business or dwelling purposes.

**PERSONAL PROPERTY or HOUSEHOLD GOODS** - any tangible property that is the subject of ownership and is possible of being moved, and which is generally used in the operation of a business or for the maintenance of the household.

**PERSON** - any natural person, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

**TRANSPORTATION** - the moving of personal property or household goods by way of public streets or highways.

(Ord. 105-94, 7/12/1994, §I)

**§302. PERMIT REQUIRED FOR RESIDENTS MOVING IN OR OUT OF THE BOROUGH.**

On and after the effective date of this Part, no person, firm or corporation shall move into or remove from, or cause his personal property to be so moved or removed from any house, dwelling or other building within the Borough of East Conemaugh, Cambria County, Pennsylvania, without first having obtained a permit therefore from the Secretary of the Borough of East Conemaugh.

(Ord. 105-94, 7/12/1994, §II)

**§303. APPLICATION FOR PERMIT.**

A person requiring such a permit for the removal or transportation of personal property or household goods in the manner herein described shall make application to the Secretary of the Borough of East Conemaugh setting forth his name and address, and also setting forth the name of the owners or reputed owners of the personal property or household goods to be moved or transported, the address and location from which the personal property or household goods are to be moved or transported. All occupants over the age of 18 shall be listed on the application, as well as their occupation status.

(Ord. 105-94, 7/12/1994, §III)

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### **§304. PERMIT FEE.**

The Secretary of the Borough of East Conemaugh shall, upon application, issue a permit for which a charge will be made in an amount as established from time to time by resolution of the Borough Council, setting forth the name of the permittee as well as the name and address of the owners of the personal property or household goods to be moved or transported, the address from which the personal property or household goods are to be moved, the new address to which the personal property or household goods are to be delivered, and if there are no outstanding obligations to the Borough of East Conemaugh, a copy of said permit shall be delivered to the Police Department of East Conemaugh Borough.

(Ord. 105-94, 7/12/1994, §IV; as amended by A.O.)

### **§305. LANDLORDS REQUIRED TO NOTIFY BOROUGH SECRETARY.**

Any lessor or landlord leasing or renting any premises, or part thereof, within the Borough of East Conemaugh to another person for the purpose of either a business or as a dwelling shall give the Borough Secretary at least 5 days notice of the intention of the lessee or tenant to remove from the leased or rented premises. Any lessor or landlord leasing or renting any premises, or part thereof, within the Borough of East Conemaugh to another person for the purpose of either a business or as a dwelling shall also give the Borough Secretary the names of the new occupant leasing or renting the premises.

(Ord. 105-94, 7/12/1994, §V)

### **§306. MOVING COMPANIES REQUIRED TO MAKE SURE PROPER PERMIT HAS BEEN OBTAINED.**

Any person who is in the business of transportation, rental of equipment or moving personal property or household goods in bulk from one location to another, as hereinbefore described, shall be obligated to verify that the proper permit has been issued, prior to the moving or transporting of any personal property or household goods, either within the Borough of East Conemaugh or to a point outside the Borough of East Conemaugh.

(Ord. 105-94, 7/12/1994, §VI)

### **§307. ISSUANCE OF PERMIT.**

The Secretary of the Borough of East Conemaugh shall not issue any permit until all taxes and fees levied are satisfied. The Tax Collector and Earned Income Tax Collector shall be contacted and verify satisfaction that any other levied taxes and fees have been paid.

(Ord. 105-94, 7/12/1994, §VII)

**§308. PENALTIES.**

Any person, firm or corporation who shall fail to comply with any of the provisions of this Part, or furnishing false information, or refusing to furnish information to the Borough Secretary or using false names or addresses shall, upon conviction thereof, be sentenced to pay a fine of not 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.

(Ord. 105-94, 7/12/1994, §VIII; as amended by A.O.

**PART 4**

**ELECTRIC DEPARTMENT**

**§401. DEFINITION AND INTERPRETATION.**

The word "person," as used in this Part, shall mean and include any natural person, partnership, association, firm or corporation. 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.

(Ord. 200, 3/18/1974, §1)

**§402. ELECTRIC DEPARTMENT PERSONNEL.**

The personnel of the Electric Department of the Borough of East Conemaugh shall consist of a superintendent, one or more meter readers and such other employees as shall be authorized and appointed by motion of Council. All electric department personnel shall receive such compensation as fixed by Council from time to time.

(Ord. 200, 3/18/1974, §2)

**§403. DUTIES OF SUPERINTENDENT.**

The Superintendent of the Electric Department, under the supervision of Borough Council, shall be in charge of the Department. He shall have authority, in case of breakdown or other justifiable cause, to employ emergency help, but he shall report to Council setting forth the reason for the appointment thereof, the work done by such emergency employees, the time worked by each and the total compensation paid to each. The Superintendent, as well as the President of Council, shall have authority to suspend an employee for insubordination or for any other cause which would jeopardize the interest of the Borough.

(Ord. 200, 3/18/1974, §3)

**§404. APPLICATION FOR SERVICE; DEPOSIT.**

Any person being the occupant or prospective occupant of any premises for which electric service is desired shall make application to the Superintendent of the Electric Department therefor, and shall make a deposit of \$50 as security against failure to pay any future bill for electric service and against any damage done to the electric meter. Provided, in case of any application for electric service for premises for which it appears to the Superintendent that there will be usage of a large amount of electricity, the Superintendent, with approval of Borough Council, may require a deposit in a specific amount greater than \$50. Provided, further, the occupant of a premises, in making such application and deposit, shall render himself responsible for paying all bills for electric service and for electricity consumed, and



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the deposit shall apply to the person making such application and not to the building or other premises served. Whenever any occupant shall vacate any premises, the Borough shall return to him his deposit, or his deposit less any amount owed by him for electric service and electricity for such premises, and any new applicant shall make a new application and a new deposit. But when an occupant moves from one location to another in the Borough and the deposit shall merely be transferred to the new location occupied by such person, following payment by such person of all amounts due for electric service and electricity.

(Ord. 200, 3/18/1974, §4)

### §405. METERS.

All electricity furnished by the Electric Department within the Borough shall be metered. All meters shall be the property of the Borough and shall be installed upon the premises by the Electric Department, but the person to whom electric service is billed shall be responsible for maintaining the meter in good condition, and shall be responsible for reimbursing the Borough for any expense incurred by reason of damage to the meter. All meters hereafter installed shall be placed outside the building at the service entrance. Provided, whenever any change may be made in the inside wiring or the outside service line serving any premises, necessitating a heavier meter, the meter shall be placed outside the building in the case of a building now using an inside meter.

(Ord. 200, 3/18/1974, §5)

### §406. RATES FOR SERVICE.

The rates for electric service to premises within the Borough of East Conemaugh, except for those referred to in §407 of this Part, shall be as follows:

OVERALL RATE	
40 KW hours at .05	\$ 2.00
10 KW hours at .04	\$ .40
450 KW hours at .035	<u>\$15.75</u>
500 KWH	\$18.15
1500 KW hours at .03 All over 2000 KW hours at .025	

<b>RATES FOR WATER HEATING</b> (for approved 2-element water heaters)	
First 40 KW hours at .05	\$ 2.00
Next 10 KW hours at .04	\$ .40
Next 50 KW hours at .035	\$ 1.75
Next 300 KW hours at .02	\$ 6.00
Next 100 KW hours at .035	<u>\$ 3.50</u>
500 KWH	\$13.65
Next 1500 KW hours at .03	
All over 2000 KW hours at .025	

Meters shall be read once a month and occupants of premises shall be billed directly thereafter. There shall be a minimum bill of \$.50 in each month, regardless of the amount of electricity consumed. All bills for electric service shall be due and payable within 15 days after the reading, and any bill not paid by such due date shall be considered delinquent.

(Ord. 200, 3/18/1974, §6)

#### **§407. SERVICE FOR OUTDOOR EVENTS; DEPOSIT.**

Electric service shall be furnished for special outdoor events, affairs or usages, upon application to the Superintendent of the Electric Department, and payment of a minimum deposit of \$150. Provided, the Superintendent shall have the authority to require a higher deposit where it is evident that the consumption of electricity will result in a higher bill or a higher monthly bill. Provided, further, such deposit shall be waived in the case of affairs conducted by the East Conemaugh Volunteer Fire Department, and may be waived upon authorization by the President of Council and the Superintendent of the Electric Department in the case of affairs conducted by other nonprofit organizations or groups.

(Ord. 200, 3/18/1974, §7)

#### **§408. DISCONNECTION FOR VACANCY.**

If the occupant of any premises about to be vacant for a stated or indefinite period of time shall notify the Superintendent of the Electric Department in advance of the vacancy, such premises shall be billed for the minimum monthly rate during the time the same shall be vacant. If the owner or occupant of a vacant premises shall desire that the electric service be disconnected during the period of such vacancy, the same shall be disconnected and no billing for electric service shall be made for the period when such electric service shall be disconnected. In case of disconnection for vacancy, as herein provided, the Electric

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Department shall reconnect the premises, without charge for reconnection, upon request by the owner or occupant of the premises.

(Ord. 200, 3/18/1974, §8)

### §409. DISCONTINUANCE OF SERVICE.

1. Electric service may be disconnected and discontinued by action of the Borough for the following reasons:
  - A. Failure to pay any bill for electric service before the same shall become delinquent.
  - B. Bypassing any meter and thereby obtaining or attempting to obtain electric service not registered by the meter.
  - C. Tampering with or damaging any facilities of the electric system.
2. When service shall be disconnected and discontinued for any of the causes mentioned in this Section, it shall not be reconnected or restored except upon payment of a reconnection charge of \$5 and:
  - A. Payment of all amounts owed to the Borough for electric service where disconnection was for nonpayment of any bill.
  - B. Paying any amount estimated to be due for unmetered electric current used where a meter was bypassed.
  - C. Reimbursing the Borough for any damages caused by tampering with or damaging any facilities.

(Ord. 200, 3/18/1974, §9)

### §410. TESTING OF METERS; FEES.

If any person billed for electric service shall claim that the meter was not registering correctly, the meter shall be tested by the Electric Department on request of such complainant. If the meter is found to be correct, the consumer may be charged a reasonable fee for such test, as determined by the Superintendent of the Electric Department. If tests disclose that the meter was not accurate, the meter shall be repaired or replaced, at the cost of the Borough, and the consumer's bill shall be adjusted on the basis of his average billing for the same month or months of the prior year, or in case of a new consumer, of his billing for a month just prior to the contested billing or just after the repair or replacement of the meter.

(Ord. 200, 3/18/1974, §10)

**§411. PENALTY.**

Any person who shall violate any provision of this Part shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not 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. 200, 3/18/1974, §11; as amended by A.O.