

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Transient Retail Merchants****§13-101. Definitions.**

1. The following terms as used in this Part are defined as follows:

Established location - a fixed location permitted as a business pursuant to all ordinances of the Borough (including, but not limited to, Borough Zoning Ordinance [Chapter 27]) and County and all other government regulations.

Peddler or hawker - any person, subject to the further definitions contained in subsection .2 of this Section, selling or soliciting sales or purchases of personalty within Borough from house to house, store to store, on the streets or in any public place, which sales or purchases are not made from an established location.

Transient merchant - any person, subject to the further definitions contained in subsection .2 of this Section, conducting or proposing to conduct sales or purchases of tangible personalty from private premises located within the Borough where such sales are in compliance with other applicable ordinances, laws and regulations, but for temporary periods only, which, as applicable to this Part only, shall mean no more than 6 consecutive weeks.

2. The terms “peddler,” “hawker,” or “transient merchant” as used in this Part shall include persons conducting sales at auction; but this Part shall not be construed to apply to the following:

- A. Sales of food or food products for immediate delivery.
- B. Judicial or other sales conducted under legal proceedings.
- C. Real estate agents or auctioneers licensed by the Commonwealth of Pennsylvania.

3. The term “person” shall include individuals, principals, agents, partnerships, limited liability companies and corporations and all other forms of business or other organizations, The penal provisions hereof shall include and apply to officers, directors or managers (as the case may be) of forms of business or other organizations.

4. The term “Borough” as used in this Part shall mean the Borough of Akron in Lancaster County, Pennsylvania.

(*Ord. 00049, 3/8/2010, §I*)

§13-102. License Required.

It shall be unlawful for any person without first obtaining a permit as provided herein (and except as outlined in §13-107, “Exemptions”):

- A. To enter into or continue activities as a peddler, hawker or transient merchant.
- B. To exhibit for immediate sale any goods, wares or merchandise whatsoever subject to the exceptions set forth herein.
- C. To peddle, hawk, or take orders, either by sample or otherwise for any goods, wares or merchandise upon any street, alley, sidewalk or public place or

from house-to-house in Akron Borough, without a secured valid permit.
(Ord. 00049, 3/8/2010, §I)

§13-103. Applications.

1. Applications for permits shall be made to the Mayor or the Mayor's designated agent and shall set forth:

A. The full name and permanent home and business addresses of such person and of any local agent in charge. Each individual intending to peddle, hawk, take orders, etc., shall also submit the same information, and each one shall submit for copying an official identification, such as a driver's license or any other form of identification commonly recognized as acceptable for identification purposes.

B. In what capacity an individual is acting and for whom.

C. If a business organization or other organization, the state of incorporation or organization and address and location of the principal office thereof.

D. Nature of the activity; type of personalty proposed to be sold or purchased; date of the proposed commencement and the length of time during which same is proposed to be conducted with Borough.

E. The description and license numbers of all vehicles intended to be operated in the conduct of the activity.

F. (1) All applications must include the license fee with the application and subject to a criminal background check from the state (for each person to be so engaged) in which they reside dated within 30 days of the date of the application for the permit.

(2) (a) A criminal background check as used herein shall be produced through the Pennsylvania Access to Criminal History website of the Pennsylvania State Police or an equivalent written proof of such status.

(b) The Mayor or the Mayor's designated agent may refuse to issue a license where the criminal background check discloses violations of subsection .2 hereof or where there is a falsely reported statement on the application, or false information is supplied therewith.

2. A satisfactory criminal background check shall be a background check that discloses that neither of the applicant or those conducting door-to-door sales is under probation or parole supervision from any jurisdiction or out on bail on a misdemeanor or felony, or has ever been determined to be an offender or sexually violent predator required to register under 42 Pa.C.S. §9799.1 (popularly known as "Megan's Law").

3. A. If approved, the Mayor or Mayor's designated agent will be authorized to sign the license.

B. The Mayor or Mayor's designated agent reserve the right to suspend or revoke a license when there are any public health, safety or possible moral issues discovered or where the application was false or there is a violation of this Part.

(Ord. 00049, 3/8/2010, §I)

§13-104. Restrictions.

1. No peddler, hawker, or transient merchant shall conduct such activity in the

Borough in any manner contrary to that as indicated in the application for such license without first having filed an amended application stating specifically in what manner future operations in Borough will be different from that as stated in the original application, and without first having secured the approval of such amended application by the Mayor or the Mayor's designated agent.

2. Merchants, whether licensed or exempted, with the exception of mobile ice cream vendors, shall only engage in solicitations between the hours of 9 a.m. and 6 p.m. (prevailing time), except when peddlers, hawkers or transient merchants shall have a prior appointment with a particular property owner or renter. Mobile ice cream vendors may solicit until dusk, but may not solicit or sell on Main Street, Rothsville Road, or on 7th Street.

(Ord. 00049, 3/8/2010, §I)

§13-105. License.

License fee for any person acting in Borough as a peddler, hawker or transient merchant shall be in an amount as established from time to time by resolution of Borough Council for a license valid for 90 days from the date of issuance, unless suspended or revoked prior thereto. Said fee shall be paid to the Mayor to for the benefit of Borough. The license shall be exhibited to any Borough police officer, Borough Manager or any other person delegated by the Mayor or Council upon request.

A. The Mayor shall have such authority to deny issuance of a license to any peddler, hawker or transient merchant where the application or amended application sets forth matters indicating the conduct of business or solicitation pursuant thereto to be detrimental to the health, safety, welfare and morals of the Borough.

B. In event of such refusal, the application fee as herein before set forth shall be returned.

(Ord. 00049, 3/8/2010, §I)

§13-106. Association with Local Merchants or Dealers.

No person who would otherwise be a peddler, hawker or transient merchant subject to this Part shall be exempted from the provisions hereof by reason of being temporarily associated with any local merchant, dealer, trader or auctioneer.

(Ord. 00049, 3/8/2010, §I)

§13-107. Exemptions.

1. Any person who is engaged by an organization which has been registered with the Pennsylvania Department of State, as required by the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*, shall not have to register with Borough; but such organizations shall cause notice to be given to the Mayor or Mayor's designated agent that such person will be conducting business as a peddler, hawker or transient merchant in the Borough. Any such person shall carry an appropriate identification card issued by the organization for which such person is conducting business.

2. Persons selling personalty, where the proceeds of the sale are to be applied

exclusively for a charitable purpose and the entity sponsoring the sale is registered with the Internal Revenue Service as an entity enjoying tax deductible status under §501(C)(3) of the Internal Revenue Code or is a tax-exempt organization under the provisions of the Internal Revenue Code eligible to receive deductible charitable contributions, shall be exempt from registering, but shall nevertheless comply with the requirements of §13-104.2 hereof.

3. Manufacturers or producers of bread or bakery products, meat or meat products or milk or milk products, who sell exclusively their own products and farmers growing produce, eggs or fruit who sell exclusively their own crops or eggs shall be exempt from licensing.

4. Insurance and real estate agents and brokers licensed by the Commonwealth of Pennsylvania shall be exempt from licensing.

5. Persons selling personalty pursuant to a permit issued by the Borough relating to Chapter 13, Part 2, hereof for a garage sale or yard sale.

6. Nothing contained in this Part shall be construed to exempt any person from securing any other license or from paying any other license tax which may be authorized and imposed by statute or other Borough ordinance.

(Ord. 00049, 3/8/2010, §I)

§13-108. Violation and Penalty.

Any person who violates any of the provisions of this Part by entering hereinafter into business as a peddler, hawker or transient merchant or continuing to act as same without having complied with the requirements of this Part for licensing, or who engages in a different manner from that represented in the application or amended application required by this Part shall, upon conviction before any magisterial district judge, be sentenced to pay a fine to Borough in sum of no less than \$100 and no more than \$300 for each and every day of such violation, together with costs of prosecution.

(Ord. 00049, 3/8/2010, §I)

Part 2**Garage and Yard Sales****§13-201. Definitions.**

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the contents, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

Garage sale - includes all general sales, open to the public, conducted for the purpose of disposing of personal property including, but not limited to, all sales entitled or commonly known as "garage sales," "lawn sales," "home sales," "yard sales," "attic sales," porch sales," "room sales," "back yard sales," "patio sales," "flea market sales," or "rummage sales." This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of sales specifically names those items to be sold.

Person - any person, association, partnership, firm, corporation, estates, fiduciaries, co-partnership or other entity except a governmental entity.

Personal property - tangible property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence.

(Ord. 341, 6/10/1985, §1)

§13-202. Sale of Personal Property.

It shall be unlawful for any individual to offer for sale or sell personal property other than in strict compliance with the terms and conditions of this Part.

(Ord. 341, 6/10/1985, §2)

§13-203. Permits.

1. It shall be unlawful for any person to hold a garage sale without first obtaining a permit in compliance with the provisions of this Part.

2. Applicants for a permit under this Part must file with the Borough Secretary an application in writing on a form to be furnished by the Borough Secretary, which shall give the following information:

- A. Name and street address of applicant(s).
- B. Type of sale.
- C. Date of sale.
- D. Place of sale, if different from street address of applicant(s).

3. The fee for such application shall be set, to time, as the case may be, by resolution of Borough Council.

4. Upon determination by the Secretary that the applicant meets all of the requirements for a permit, the Secretary shall issue a permit.

5. Permits shall be numbered, and a record of this number shall be kept by the Secretary in the Borough office.

6. In the event that inclement weather causes postponement of the sale, the permit will be valid for a new date, provided the Borough Secretary is notified in writing 48 hours prior to the new date.

7. The permit must be displayed at all times during the sale in a prominent location, visible from the street.

(*Ord. 341, 6/10/1985, §3*)

§13-204. Days of Garage Sales.

Garage sales shall be limited to two 1-day sales per calendar year or one 2-day sale per calendar year.

(*Ord. 341, 6/10/1985, §4*)

§13-205. Hours of Garage Sales.

Garage sales shall only be held between the hours of 7 a.m. and 8 p.m., prevailing time.

(*Ord. 341, 6/10/1985, §5*)

§13-206. No Encroachment on Street or Sidewalk.

No person conducting a garage sale shall encroach upon, or shall permit any encroachment upon, any right-of-way (sidewalk or street).

(*Ord. 341, 6/10/1985, §6*)

§13-207. Signs.

1. No more than five signs shall be displayed advertising any garage sale. [*Ord. 380A*]

2. Only Borough supplied signs shall be used.

3. Signs may be placed no earlier than 48 hours before the sale and shall be removed no later than 24 hours following the sale.

4. Only string or similar material may be used to attach signs to poles or posts. No nails, staples or wire may be used.

5. Signs shall not be attached to traffic regulatory sign posts.

6. Permit number must be shown on all garage sale signs.

7. Nothing herein shall be construed to grant to any person the right to trespass upon any private or public property for the purposes of erecting or maintaining a garage sale sign or to permit the use of Borough property for any garage sale sign.

(*Ord. 341, 6/10/1985, §7; as amended by Ord. 380A, 10/14/1991*)

§13-208. Multi-Resident Garage Sales

A permit shall be required and a fee paid for each separate residence participating in any garage sale. There shall be no joint permits acquired for multi-resident garage sales. Nevertheless, multi-resident garage sales are a permissible event under the

terms and conditions of this Part, as long as all provisions of this Part are otherwise followed.

(*Ord. 341, 6/10/1985, §8; as amended by Ord. 380A, 10/14/1991*)

§13-209. Secretary May Investigate.

Before issuing a permit, the Borough Secretary may conduct an investigation as may reasonably be necessary to determine if there is compliance with this Part.

(*Ord. 341, 6/10/1985, §9*)

§13-210. Parking.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The Borough Police Department may enforce such additional, temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

(*Ord. 341, 6/10/1985, §10*)

§13-211. Revocation of Permits.

1. Any permit issued under this Part may be revoked, or any application for issuance of a permit may be refused; if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

2. If any individual is convicted of an offense under this Part, no further permits shall be issued to that person for a period of 2 years from the time of conviction.

(*Ord. 341, 6/10/1985, §11*)

§13-212. Exceptions.

The provisions of this Part shall not to or affect the following:

A. Persons acting in accordance with their powers and duties as public officials.

B. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted under the zoning regulations of the Borough (including the nonconforming use Sections thereof) or under any other sale conducted by a manufacturer, dealer or vender and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

C. Any bona fide charitable, educational, cultural or governmental institution or organization when the proceeds from such sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

D. Auction sales conducted by licensed auctioneers.

(*Ord. 341, 6/10/1985, §12*)

§13-213. Separate Violations.

Each article sold and each day of sale that is conducted in violation of this Part shall constitute a separate offense hereunder.

(*Ord. 341, 6/10/1985, §13*)

§13-214. Penalty.

Any person violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$300.

(*Ord. 341, 6/10/1985, §14*)

Part 3**Alarm Systems****§13-301. Short Title.**

This Part shall be known and may be cited as the “Akron Alarm Ordinance.”
(*Ord. 387, 10/12/1992, §1*)

§13-302. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part:

Alarm and equipment supplier - any person, firm, corporation or other entity engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing it to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility.

Answering service - a service whereby trained employees, in attendance at all times, receive prerecorded messages from automatic protection devices reporting any emergency at a stated location and who have the duty to relay immediately by live voice any such emergency message by voice to a communications center.

Audible alarm - any device, bell, horn or siren which is attached to the interior or exterior of a building and emits a warning signal audible outside the building and which is designated to attract attention when activated.

Automatic protection device - any mechanical or electrically operated instrument composed of sensory apparatus and related hardware which is designed or used for the detection of an unauthorized entry or attempted entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or which is designed used for the detection of heat, smoke, gases or fire and which emits a sound or transmits a signal or message when activated.

Borough - the Borough of Akron, Lancaster County, Pennsylvania.

Central station protective system - a protective system, or group of such systems, operated privately for customers by a person, firm or corporation which maintains supervisors and accepts recorded messages from automatic protection devices at a central station having trained operators and guards in attendance at all times that have the duty to take appropriate action upon receipt of a signal or message including the relaying of messages to a communications center.

Chief of Police - the Chief of Police of Akron Borough Police Department, or designee fulfilling the functions as Chief of Police.

Designated trunking - a telephone line leading into the communications center of the Police or Fire Department that is for the primary purpose of handling emergency messages which originate from automatic protection devices and are transmitted directly or indirectly through an intermediary.

False alarm - any signal activated by an automatic protection device, any

audible alarm or any other kind of direct or indirect signal given the Police or Fire Company to which police or firemen respond, which is not the result of a fire, burglary, robbery or similar emergency.

Fire Chief - the Fire Chief of Akron Fire Company No. 1 of Akron Borough, or the designee fulfilling the functions of Fire Chief.

Fire communications center - the Lancaster County communications center servicing the Fire Department.

Fire Department - Akron Fire Company No. 1.

Intermediary - a “central station protective system” or an “answering service” as herein defined.

Key - to use a telephone line and equipment for transmitting a message either directly, or indirectly by an automatic protection device.

Manager - the Manager of Akron Borough, or designee fulfilling the functions of Manager.

Permit - written permission duly granted to a qualified applicant by the Borough upon payment of the required fee.

Police communication center - the Police communications room and/or the Lancaster countywide communications system.

Police Department - the Akron Borough Police Department and/or the Lancaster countywide communications system.

Primary trunkline - a telephone line leading into the police communications center that is for the purpose of handling emergency calls on a person-to-person basis, and which line is identified by a specific listing among the white pages in the telephone directory issued by the Denver and Ephrata Telephone Company.

(Ord. 387, 10/12/1992, §2)

§13-303. Automatic Protection Devices Direct Keying.

1. There shall be no automatic protection devices that transmit recorded messages directly to the Police Department or Fire Department.

2. Within 6 months from the effective date of this Part, such existing automatic protection devices (described in §13-303.1) in the Borough shall be disconnected.

(Ord. 387, 10/12/1992, §3)

§13-304. Automatic Protection Devices Indirect Keying.

1. Any person who has an automatic protection device in the Borough may arrange to have such device keyed to an intermediary authorized to relay emergency messages to the Police or Fire Company.

2. The relay of messages by authorized intermediaries shall be over a designated trunkline.

3. Automatic protection devices keyed to an authorized intermediary may also be keyed to another telephone which the owner or lessee of the automatic protection device has available to himself or his representative at some other location.

(Ord. 387, 10/12/1992, §4)

§13-305. Automatic Protection Devices; Current List of Installations Required.

1. Anytime hereafter that an automatic protection device or audible alarm is installed, every alarm equipment supplier and every property owner who intends to install an automatic protection device in the Borough or who intends to install an audible alarm shall furnish to the Chief of Police and to the Fire Chief a list of such installations which shall include:

A. The telephone number of the owner or lessor.

B. The address where the device is to be installed and the telephone number of that address.

C. The name, address and telephone number of a central station protective system/or two other persons off premises or a firm who is authorized to respond to an emergency and able to gain access to the address where the device is installed and be able to silence any local alarm.

D. The name and telephone number of any person, firm, or corporation, if any, who is responsible for maintenance and repair of the automatic protection device.

E. The property owner shall pay an initial registration fee in an amount as established from time to time by resolution of Borough Council. [*Ord. 00037*]

2. Within 6 months from the effective date of this Part every person who shall possess an active automatic protection device or audible alarm device in the Borough shall furnish the Chief of Police and the Fire Chief a list containing the following information:

A. The telephone number of the owner or lessor.

B. The address where the device is installed and the telephone number of that address.

C. The name, address, and telephone number of a central station protective system/or two other persons off premises or a firm who is authorized to respond to an emergency and able to gain access to the address where the device is installed and be able to silence any local alarm.

D. The name and telephone number of any person, firm, or corporation, if any, who is responsible for maintenance and repair of the automatic protection device.

E. The property owner shall pay an initial registration fee in an amount as established from time to time by resolution of Borough Council. [*Ord. 00037*]

3. At least 5 days prior to the installation of an automatic protection device or audible alarm, all alarm equipment suppliers and property owners shall also furnish to the Chief of Police and the Fire Chief the date on which it is proposed that the device be installed.

4. All information furnished pursuant to these Sections shall be kept confidential and shall be used by the designated personnel of the Police Department and Fire Company.

(*Ord. 387, 10/12/1992, §5; as amended by Ord. 00037, 10/8/2007*)

§13-306. Permits.

1. Hereafter, all owners of automatic protection devices and/or audible alarms

shall pay an annual registration fee in an amount as established from time to time by resolution of Borough Council at which time they shall update all information described in §13-305.2 hereof.

(*Ord. 387, 10/12/1992, §6; as amended by Ord. 00037, 10/8/2007*)

§13-307. Automatic Protection Devices Repair Service and Device Requirements.

1. At the time of installation, an alarm equipment supplier shall furnish to any buyer or lessee using a repair service written information as to how service may be obtained, including the telephone number of the alarm equipment supplier or agent responsible for service. The buyer or lessee shall be responsible for having the device disconnected or repaired as quickly as possible after notice that the device is not functioning properly.

2. All new automatic protection devices and audible alarms shall be able to be turned off automatically after 15 minutes. Additionally, they shall contain at least a 2-hour battery back-up. All current installations shall comply within 6 months of the enactment of this Part.

(*Ord. 387, 10/12/1992, §7*)

§13-308. Automatic Protection Devices Authority to Inspect.

For the purpose of enforcing this Part and as a condition of installing and maintaining an automatic protection device or/and audible alarm, the owner or lessee shall execute a consent in such form as may be prescribed by the Mayor or Borough Manager which will authorize the Chief of Police or his designee to enter upon a lessee's or owner's premises within the Borough of Akron, at such reasonable times and upon reasonable notice, to inspect the installation and operation of any automatic protection device or audible alarm.

(*Ord. 387, 10/12/1992, §8*)

§13-309. Automatic Protection Devices; Testing.

No person shall conduct any test or demonstration of an automatic protection device without first obtaining written permission from the Police and Fire Departments at least 5 days in advance.

(*Ord. 387, 10/12/1992, §9*)

§13-310. False Alarms; Responsibility for Costs.

1. Every owner, lessee or user of an automatic protection device or audible alarm shall be absolutely liable for false alarms produced by their device regardless of cause or fault.

2. To defray the cost to the Borough of responding to a false alarm, the user of an automatic protection device, persons using the services of intermediaries, users of audible alarms, and/or users of any other kind of direct or indirect connection with the Police or Fire Departments, except persons using two-way live voice communication by telephone, shall, as a condition to installation and/or continued operation of such equipment or service, execute a consent in such form as may be prescribed by the Mayor

or Borough Manager that such owner, lessee, or user shall pay the Borough the sum of \$20 for each false alarm over two per calendar month, and additionally the sum of \$20 for each false alarm over four per calendar year, which sums or sum shall constitute a civil claim by the Borough, and does not affect the penalty provisions prescribed in §13-311 hereof. Such consent shall also provide that all costs of collection (including the Borough's attorney's fees) shall be paid by such person.

2. Any such owner, lessee or user who fails to execute the consent described in subsection .1, within 6 months from the effective date of this Part, shall, within that 6-month period, disconnect the alarm, automatic protection device or any kind of direct or indirect connection with the police or fire centers and shall discontinue using the services intermediaries.

(*Ord. 387, 10/12/1992, §10*)

§13-311. Penalties for Violation.

1. Failure of any person to comply with any of the requirements this Part following written notice of a violation of any provision hereof, within 3 days of receipt of such notice, exclusive of Saturdays, Sundays and State holidays, shall constitute an offense, punishable by a fine of not less than \$25 nor more than \$300, plus costs of prosecution. Such notice shall continue in force and effect until full compliance with the requirements stated therein, and each and every failure to comply with the such notice within 24 hours after the 3 days allowed for compliance shall constitute a separate offense.

2. Any person found guilty of misuse, false activation or continual accidental activation shall be liable for a fine of not less than \$25 nor more than \$300, plus costs of prosecution. This fine shall be in addition to the civil penalty contained in §13-310.1.

(*Ord. 387, 10/12/1992, §11*)

