

CHAPTER 13

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PART 1

LICENSING OF PUBLIC EVENTS

§101. DEFINITIONS.

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

PUBLIC EVENTS or ENTERTAINMENT - any theatrical or dramatic performance, concert, motion picture show, circus, carnival, parade, exhibition or any other exhibition, show, performance or amusement whatsoever of any nature or kind.

(Ord. 77-4, 10/24/1977, §1)

§102. LICENSE REQUIRED.

No person, either as a principal or agent, shall conduct or hold any public event or entertainment in the Borough of Wrightsville without first obtaining a license therefor and without liability insurance from a good and reliable insurance company insuring against personal injury or death in the amount of \$1,000,000 and against property damage in the amount of \$1,000,000. Such license shall state the type of public event or entertainment for which it is granted, and the term for which it is to continue in effect. No person, under any such license, shall conduct any type or public entertainment other than the type designated thereof without displaying to the Borough proof of the above insurance coverage, nor shall any person, under any such license, continue to conduct any public entertainment after the expiration of such license. In addition to the person conducting or holding any public event or entertainment, a license shall also be required for each person who participates in the public event or entertainment under a separate ownership not including, however, individual actors in a dramatic performance, individual musicians in a concert or individuals or groups performing in a parade.

(Ord. 77-4, 10/24/1977, §2; as amended by Ord. 98-4, 9/14/1998)

§103. APPLICATION FOR LICENSE.

Application for a license for public event or entertainment shall be made to the Borough Secretary at least 30 days in advance of such public entertainment; and, upon issuance of such license, the fee in the amount as established from time to time by resolution of Borough Council, which shall be for the use of the Borough, shall be paid to the Borough Secretary by the person to whom such license is issued or by his agent.

(Ord. 77-4, 10/24/1977, §3; as amended by Ord. 98-4, 9/14/1998)

§104. PENALTIES.

PART 2

TRANSIENT RETAIL BUSINESS

§201. DEFINITIONS AND INTERPRETATIONS.

TRANSIENT RETAIL BUSINESS - shall mean and include the following:

- A. Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street, alley, sidewalk or public ground or from house to house, within the Borough of Wrightsville.
- B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

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

YARD SALE - the sale or offering for sale of new, not purchased for resale, used or secondhand items of personal property at any one residential premises at any one time. The term shall include all sales entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," flea market sale," or any similar casual sale of tangible personal property. [Ord. 98-4]

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

(Ord. 254, 12/6/1971, §1; as amended by Ord. 98-4, 9/14/1998)

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

1. No person shall engage in any transient retail business within the Borough of Wrightsville without first having obtained from the Borough Secretary a license, and paying therefor a fee in an amount as established from time to time by resolution of Borough Council per calendar month or any portion thereof remaining after issuance of such license, for as many months as shall be desired, but for no more than 1 year at any one time. Provided, no license fee shall be charged under this Section:
 - 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.

number of the vehicle to be used, if any. Provided, any person who shall hold a valid license from the Borough under this Part, and shall only wish to have the same extended for another month, or reextended thereafter, need not fill out a new application, but shall only be required to give any information that shall have changed since the making of his most recent application.

(Ord. 254, 12/6/1971, §3; as amended by Ord. 77-5, 10/24/1977, §2)

§204. ISSUANCE OF LICENSE; CUSTODY AND DISPLAY THEREOF.

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

(Ord. 254, 12/6/1971, §4; as amended by Ord. 77-5, 10/24/1977, §3)

§205. PROHIBITED ACTS.

No person engaged in any transient retail business shall:

- A. Sell any product or type of product not mentioned upon his license.
- B. Hawk or cry his wares upon any street, alley, sidewalk or public ground in the Borough or make any loud or unusual noise or make use of any sound amplification system.
- C. When selling from a vehicle, stop or park such vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.
- D. Park such vehicle upon any street or alley 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 of any stock or wares or foodstuffs which have become unsalable through age, handling or otherwise.
- E. Engage in such transient retail business at any time on Sunday or on any weekday before the hour of 9:00 a.m. or after the hour of 7:00 p.m., except in case of house to house business only and then only with specific advance appointment for a different hour.
- F. Hold a yard sale exceeding 2 calendar days in duration. [Ord. 98-4]

PART 3

MASSAGE ESTABLISHMENTS

§301. DEFINITIONS.

For the purpose of this Part, the following definitions shall apply:

EMPLOYEE - any person over 18 years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

MASSAGE - the manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand, mechanical device or other means.

MASSAGE ESTABLISHMENT - an establishment which provides the service of massage, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth.

MASSAGIST, MASSEUR or MASSEUSE - any person who, for any consideration whatsoever, engages in the practice of massage as defined in "massage."

PATRON - any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

PERSON - any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

PROSTITUTION - engaging in sexual activity as a business including:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Homosexual or other deviate sexual relations.

SEXUAL or GENITAL AREA - genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

(Ord. 90-1, 11/5/1990, §2)

§302. PERMIT REQUIRED.

No person shall engage in or carry out the business of massage unless he or she has a valid massage business license issued by the Borough pursuant to the provisions of this Part for

more than 10% of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage establishment.

- (2) If applicant is a partnership, the names, residence addresses of each of the partners including limited partners and the address of the partnership itself, if different from the address of the massage establishment.
- D. The two previous addresses immediately prior to the present address of the applicant.
 - E. Proof that the individual applicant is at least 18 years of age.
 - F. Individual or partnership applicant's height, weight, color of eyes and hair and sex.
 - G. Copy of identification such as driver's license and Social Security card.
 - H. One front-face portrait photograph of the applicant at least 2 inches by 2 inches. If the applicant is a corporation, one front-face portrait photograph at least 2 inches by 2 inches of all officers and managing agents of said corporation. If the applicant is a partnership, one front-face portrait photograph at least 2 inches by 2 inches in size of each partner, including limited partners in said partnership.
 - I. Business, occupation or employment of the applicant for the 3 years immediately preceding the date of application.
 - J. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another municipality or state has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
 - K. All criminal convictions and guilty pleas for sexual offenses including violations of §§3121-3127 and 5901-5904 of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §§3121-3127, 5901-5904, including the date of convictions, nature of crimes and place convicted.
 - L. The name and address of each massagist who is or will be employed in said establishment.
 - M. The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (C) wherein the business or profession of massage is carried on.
 - N. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

- D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Borough in conjunction therewith.
- E. The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended by the Borough or any other State or local agency within 5 years prior to the date of the application.
- F. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

(Ord. 90-1, 11/5/1990, §6)

§306. APPROVAL OR DENIAL OF APPLICATION.

The Borough Secretary shall act to approve or deny an application for a license under this Part within a reasonable period of time and in no event shall the Borough Secretary act to approve or deny said license later than 90 days from the date that said application was accepted by the Borough Secretary. Every license issued pursuant to this Part will terminate at the expiration of 1 year from the date of its issuance unless sooner suspended or revoked.

(Ord. 90-1, 11/5/1990, §7)

§307. MULTIPLE MASSAGE ESTABLISHMENTS.

Should any massage business have more than one location where the business of massage is pursued, then a permit, stating both the address of the principal place of business and of the other locations shall be issued by the Borough upon the tender of a license fee in an amount as established from time to time by resolution of Borough Council for each location. Licenses issued for other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance.

(Ord. 90-1, 11/5/1990, §8; as amended by Ord. 98-4, 9/14/1998)

§308. POSTING OF LICENSE.

Every person, corporation, partnership or association licensed under this Part shall display such license in a prominent place.

(Ord. 90-1, 11/5/1990, §9)

§309. REGISTER OF EMPLOYEES.

this Part are fully complied with. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

(Ord. 90-1, 11/5/1990, §15)

§315. UNLAWFUL ACTS.

1. It shall be a violation of the license conditions for any person in a massage establishment to engage in prostitution.
2. It shall be a violation of the license conditions for any person in a massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.
3. It shall be unlawful and a violation of the license conditions for any person in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, to any other person or for any person in a massage establishment to expose the sexual or genital parts, or any portions thereof, of any other person.
4. It shall be unlawful and a violation of the license conditions for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.
5. Any person owning, leasing, operating or managing a massage establishment who knowingly causes, allows or permits in or about such massage establishment any agent, employee or any other person under his or her control or supervision to perform such acts as are prohibited in subsections (1), (2), (3) or (4) of this Section shall also be in violation of such subsections.

(Ord. 90-1, 11/5/1990, §16)

§316. SALE OR TRANSFER OR CHANGE OF LOCATION.

Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided in §306; provided, however, that upon the death or incapacity of the license or any co-licensee of the massage establishment, any heir or devisee of a deceased licensee may continue the business of the massage establishment for a reasonable period of time not to exceed 60 days to allow for an orderly transfer of the license.

(Ord. 90-1, 11/5/1990, §17)

§317. NAME AND PLACE OF BUSINESS.

PART 4
ALARM PERMITS

§401. PURPOSE.

This Part is enacted for the purpose of providing rules and regulations concerning the implementation of the approval and regulation of alarm devices and automatic alarm dialing devices in accordance with 19 PA. C.S. 7511, Act 70 of 1998, as amended. The definitions contained therein shall apply to those terms set forth herein.

(Ord. 00-1, 11/13/2000, §1)

§402. PERMIT REQUIRED.

1. Persons seeking to use an automatic alarm dialing device, alarm device, alarm or outdoor audible alarm shall first file a permit with the Borough and obtain the prior written approval from the public safety agency which shall be notified of and/or respond to an alarm. The cost of the permit shall be established from time to time by resolution of the Borough Council. The Borough shall furnish forms which any person wishing to apply for a permit shall submit with his application. An alarm system which produces both a fire and burglar alarm shall be considered separate, thereby requiring two permit approvals.
2. All outdoor audible alarms that can be activated falsely shall be subject to the same conditions applicable to automatic dialing devices that result in false alarms.
3. For the purpose of this Part, the use of a common alarm for multiple tenant or user premises which do not provide common access and entry to a fireman, policeman or other public safety officer responding to an alarm is strictly prohibited.
4. The owner of an unoccupied property shall be considered the responsible part causing or permitting a false alarm.
5. A person purchasing a premises in the Borough on which an alarm device is located shall not continue to operate the alarm device on the premises without obtaining or amending the existing alarm device permit within 30 days after the person obtains title to the premises.

(Ord. 00-1, 11/13/2000, §1)

§403. MECHANICAL DEFECTS.

The owner of an alarm device, automatic alarm dialing device or audible alarm may file an affidavit with the Borough indicating under oath that the false alarms previously caused by