

## **Chapter 13**

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**Part 1****Amusement Devices****§13-101. Definitions.**

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

*Amusement device*—includes all mechanical amusement devices and electronic amusement devices, other than a jukebox, which upon insertion of a coin, slug, token, plate, or disc may be operated for the use as a game, entertainment or amusement, whether or not registering a score and whether or not a prize is offered, provided that it shall not include any gambling device or any mechanism that has been judiciously determined to be a gambling device. [Ord. 8212-15]

(Ord. 2/13/1953, 2/13/1953; as amended by Ord. 8212-15, 12/28/1982)

**§13-102. Registration; Display of License.**

No person shall operate for use in the Borough of Red Lion any amusement device unless that device has been registered with the Borough of Red Lion Secretary and unless the current registration license issued by the Borough is attached to the device.

(Ord. 2/13/1953, 2/13/1953; as amended by Ord. 868-22, 8/13/1986; and by Ord. 2002-06-05, 6/13/2002)

**§13-103. Annual Registration Fee.**

The annual registration fee for a mechanical amusement device and the annual registration fee for an electronic amusement device shall be as set forth from time to time by resolution of the Borough Council.

(Ord. 2/13/1953, 2/13/1953; as amended by Ord. 6/11/1958, 6/11/1958; by Ord. 8212-15, 12/28/1982; and by Ord. 9711-6, 11/12/1997, §77-3)

**§13-104. Violations and Penalties.**

Any person violating 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. 2/13/1953, 2/13/1953; as amended by Ord. 868-22, 8/13/1986; by Ord. 9711-6, 11/12/1997, §77-4; and by Ord. 2009-09-02, 9/14/2009)



**Part 2****Mass Public Assemblies****§13-201. Definitions.**

As used in this Part, the following words, terms, and phrases shall have ascribed to them and mean the following:

*Assemblage*—a gathering of two or more individuals without vehicles on a public highway which interferes with the normal movement of vehicular traffic on such highway.

*Borough*—the Borough of Red Lion, York County, Pennsylvania.

*Parade*—a procession in an ordered and close file as a collective body of participants on a public highway.

*Person*—any natural person, association, partnership, firm, organization, or corporation.

*Procession*—a group of two or more individuals, vehicles, animals, and/or objects moving along a public highway in a way that interferes with the normal movement of vehicular traffic. A procession does not include a funeral procession or military convoy.

*Public highway* - the entire width between the curbs or curblines of any road, street, or way open to the public for purposes of vehicular traffic and publicly maintained.

*Racing*—a competition by one or more individuals on foot, or individuals in vehicles or upon animals, on a public highway, in an attempt to outgain, outdistance, or produce a faster time finish than another individual on foot, in a vehicle, or upon an animal.

(*Ord. 925-6, 5/13/1992*)

**§13-202. License Required.**

1. No person shall engage in an assemblage, parade, procession, or racing on a public highway within the Borough without first having obtained a license for the same from the Borough.

2. Any person desiring to engage in or conduct an event described in subsection .1 of this Section shall make application to the organization or entity providing police services to Red Lion Borough for a license at least 30 days in advance of the event. The application shall be upon such form as the organization or entity providing police services to Red Lion Borough shall prescribe and furnish and require the information specified in subsection .3 hereof. Each application shall be for a single event to be conducted on a single date. [*Ord. 2004-03-02*]

3. The applicant for a license shall provide the following information to the organization or entity providing police services to Red Lion Borough for each assemblage, parade, procession, or racing proposed for any public highway: [*Ord. 2004-03-02*]

- A. The date of the event.
  - B. The time on such date at which the event first intends to occupy the public highway.
  - C. The actual number, if known, otherwise the estimated number of individuals, vehicles, animals, and/or objects which are intended to occupy the public highway.
  - D. The point or place within the Borough where participants in the event first intend to enter upon and occupy the public highway.
  - E. The point or place within the Borough where the participants intend to terminate the event.
  - F. The precise route of the event from the point or place of beginning to the point or place of ending.
  - G. The estimated period of time participants in the event will be occupying a public highway.
4. An applicant shall pay a license fee, as set from time to time by resolution of the Borough Council, with each application submitted, which fee shall not be refundable. [*Ord. 2004-03-02*]
  5. In addition to such license fee, where, after analyzing the information provided by the applicant, the organization or entity providing police services to Red Lion Borough deems it necessary that additional police personnel or services be provided to assure the safety of the general public and/or the participants in the event, then the applicant shall enter into an agreement with the Borough to reimburse the Borough for the actual cost of such personnel or services. The organization or entity providing police services to Red Lion Borough shall provide the applicant with an estimate of such cost which shall be deposited with the Borough by the applicant prior to the issuance of a license. Any balance due the Borough or refundable to the applicant shall be computed and paid within 10 days following the event. [*Ord. 2004-03-02*]
  6. No license shall be issued unless and until the applicant shall, in writing, agree to indemnify and save harmless the Borough and all Borough employees and assume all liability for damages or injury occurring to persons or property through or in consequence of any act or omission of anyone associated with the event.
  7. A license issued pursuant to this Section shall be valid only on the date or dates indicated thereon, and the same shall not be renewed or reissued except upon a renewal application therefor and the payment of a new license fee.
  8. A license issued pursuant to this Section may be suspended or revoked by the organization or entity providing police services to Red Lion Borough at any time upon satisfactory proof that information supplied by the applicant is incorrect, false, or misleading or in the event or emergency or other unforeseen circumstances involving the public highway or highways scheduled for use whereby the health or safety of the general public or the participants cannot be assured with available police personnel or services. [*Ord. 2004-03-02*]  
(*Ord. 925-6, 5/13/1992; as amended by Ord. 2004-03-02, 3/16/2004*)

### **§13-203. Application Considerations.**

1. Where an event described in §13-202 shall required the closing or partial

closing of a public highway, no license therefor shall be issued until an engineering and traffic study containing the following elements shall have been performed by the organization or entity providing police services to Red Lion Borough and/or the York County Traffic Engineer: [Ord. 2004-03-02]

- A. Accident history analysis.
- B. Past experience for parades, processions, assemblages, special events, or racing.
- C. Traffic volume (average daily traffic, kinds, and classes).
- D. The highway is only partially closed and traffic can be safely maintained by police control on the remainder of the highway.
- E. Delays in excess of 3 minutes will not be experienced along intersecting highways unless the intersection will be opened periodically to cross traffic or an adequate alternate route or routes exist for cross highway.
- F. No property abutting the public highway shall be denied ingress or egress for a period of time exceeding five minutes.

3. Where an event described in §13-202.1 shall require the closing or partial closing of a State highway, no license therefor shall be issued unless and until a permit therefor shall have been approved by the Pennsylvania Department of Transportation. (Ord. 925-6, 5/13/1992; as amended by Ord. 2004-03-02, 3/16/2004)

#### **§13-204. Action on Application.**

1. The organization or entity providing police services to Red Lion Borough shall act upon an application for a license within 72 hours after the filing of the same.

2. If the organization or entity providing police services to Red Lion Borough rejects an application for a license or revokes a license after having granted the same, it shall specify the reasons for such rejection or revocation in writing and deliver the same to the applicant by personal service or by certified mail within 24 hours of such rejection or revocation. Mailing of such notice within said period of time shall be deemed compliance with this subsection.

3. Any applicant for a license denied or revoked by the organization or entity providing police services to Red Lion Borough shall have the right to appeal each denial or revocation to the Borough Council within 5 days following receipt of notice. The Borough Council shall hold a hearing on the appeal within 10 days pursuant to 2 Pa.C.S.A. §551 *et seq.*, and announce its decision within 72 hours.

(Ord. 925-6, 5/13/1992; as amended by Ord. 2004-03-02, 3/16/2004)

#### **§13-205. Contents of License.**

1. A license issued by the organization or entity providing police services to Red Lion Borough pursuant to this Part shall specify the following: [Ord. 2004-03-02]

- A. The date of the event.
- B. The route authorized for the event, naming the public highway or highways to be occupied.
- C. The starting and ending times for the event.

D. The maximum number of participants by class authorized to occupy the public highway during the event.

2. The applicant, chairperson, or other person leading the event shall carry the license on his or her person during the event and exhibit the same to any law enforcement officer upon request.

(*Ord. 925-6, 5/13/1992; as amended by Ord. 2004-03-02, 3/16/2004*)

**§13-206. Conduct of Participants and Public During Event.**

1. No person participating in a licensed event shall intentionally engage in any conduct which unreasonably hampers, obstructs, impedes, or otherwise interferes with the continuous movement of the assemblage, parade, procession, or racing.

2. No person not a participant in a licensed event shall intentionally engage in any conduct which unreasonably hampers, obstructs, impedes, or otherwise interferes with the continuous movement of the assemblage, parade, procession, or racing.

3. No operator of a motor vehicle shall operate such motor vehicle between any individuals, vehicles, animals, or objects participating in the event while such individuals, vehicles, animals, or objects are in motion.

(*Ord. 925-6, 5/13/1992*)

**§13-207. Violations and Penalties.**

Any person violating 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. 925-6, 5/13/1992; as amended by Ord. 9711-6, 11/12/1997, §87-7; and by Ord. 2009-09-02, 9/14/2009*)

**Part 3****Transient Retail Merchants****§13-301. Definitions and Word Usage.**

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

*Person*—any natural person, association, partnership, firm, or corporation, except that the definition shall not include any person working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit, charitable, civic, or service organization.

*Transient retail merchant*—includes the following:

- (1) Engaging in peddling, selling, canvassing, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any of the streets, alleys, sidewalks, or public grounds or from house to house within the Borough of Red Lion.

- (2) Selling, soliciting, or taking orders for any goods, wares, or merchandise from a fixed location within the Borough on a temporary basis, which may include but not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of particular yearly holidays.

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

(Ord. 7511-22, 11/12/1975)

**§13-302. License Required; Fee; Exemption.**

1. No person shall act as a transient retail merchant in the Borough of Red Lion without first obtaining from the Borough office a license for which a fee, as set from time to time by resolution of the Borough Council, which shall be for the use of the Borough, shall be charged. [Ord. 12/14/1977]

2. No license fee shall be charged under this Section to farmers selling their own produce; for the sales of foods, wares, and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or to any manufacturer or producer in the sale of bread and bakery products, meat, and meat products or milk and milk products; but all persons exempted hereby from payment of the license fee shall be required to register with the Borough office and to obtain a license without fee. Any person dealing in one or more of the herein above-mentioned exempted categories and selling 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. Every license issued under the provisions of this Part shall be issued on an individual basis to persons engaged in such business; every such 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.

(Ord. 7511-22, 11/12/1975; as amended by Ord. 12/14/1977, 12/14/1977; and by Ord.

9711-6, 11/12/1997, §193-2)

**§13-303. Application for License.**

Every person desiring a license under this Part shall first make application to the Borough office. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall give his name and address; his previous criminal record, if any; the name of the person by whom he is employed; the type of goods, wares, and merchandise he wishes to deal with in such transient retail business; the length of time for which such license is to be issued; and the type and license number of the vehicle to be used, if any.

(*Ord. 7511-22, 11/12/1975; as amended by Ord. 9711-6, 11/12/1997, §193-3*)

**§13-304. Issuance and Display of License.**

Upon receipt of such application and the prescribed fee, the Borough office, if it 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 from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials, and citizens and residents of the Borough.

(*Ord. 7511-22, 11/12/1975; as amended by Ord. 9711-6, 11/12/1997, §193-4*)

**§13-305. Prohibited Acts.**

No transient retail merchant shall:

- A. Sell any product or type or product not mentioned in his license.
- B. Engage in such transient retail business before 9 a.m. or after 7 p.m. nor anytime on Sunday.
- C. Use any loudspeaker or horn or any other device for announcing his presence by which the public may be annoyed.

(*Ord. 7511-22, 11/12/1975*)

**§13-306. Suspension or Revocation of License; Appeals.**

The Mayor, Borough Manager, or Codes Enforcement Officer is authorized to suspend or revoke any license granted under this Part when he deems the suspension or revocation, as the case may be, 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 application made to the Borough under this Part. In the event that a person's license is suspended or revoked, all other licenses issued to persons soliciting or selling on behalf of that person or that person's employer or sponsoring person, firm, or corporation may also be revoked by the Mayor, Borough Manager, or Codes Enforcement officer if they believe such action is in the best interest of the public. Appeal from any suspension or revocation may be made to the Borough Council at any time within

10 days after the suspension or revocation. No part of a license fee shall be refunded to any person whose license is suspended or revoked.

(*Ord. 7511-22*, 11/12/1975; as amended by *Ord. 868-24*, 8/13/1986; by *Ord. 9111-13*, 11/13/1991; and by *Ord. 2004-03-02*, 3/16/2004)

**§13-307. Violations and Penalties.**

Any person 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. 7511-22*, 11/12/1975; as amended by *Ord. 9711-6*, 11/12/1997, §193-7; and by *Ord. 2009-09-02*, 9/14/2009)



**Part 4****Yard and Garage Sales****§13-401. Definitions.**

As used in this Part, the following words and terms shall have the meanings ascribed to them in this Section:

*Person*—a natural person, resident of the Borough of Red Lion. The members of a single household or of the households holding an individual sale shall be considered one person for the purposes of this Part.

*Yard or garage sale*—a sale, held upon residential property, either out of doors, in a garage or on a porch or patio, by the owner or an occupant of the premises, alone or with representatives of no more than three other families from the vicinity, of goods, wares, or merchandise belonging to the person or persons holding the sale or to members of their immediate families, with nothing offered for sale that is on consignment.

(*Ord. 868-23, 8/13/1986*)

**§13-402. Permit Required; Fee.**

No person shall conduct a yard or garage sale within the Borough of Red Lion without first obtaining from the police department or the Borough Secretary a permit, for which a fee, as set from time to time by resolution of the Borough Council, which shall be for the use of the Borough shall be charged, which shall entitle the person to conduct the sale for a period of not more than 2 days, which shall be consecutive, and neither of which may be a Sunday.

(*Ord. 868-23, 8/13/1986; as amended by Ord. 9711-6, 11/12/1997, §127-2*)

**§13-403. Sale Hours.**

No yard or garage sale shall commence before the hour of 7 a.m. or continue after the hour of 5 p.m., prevailing time. Articles for sale may be placed outside for display no more than one hour prior to commencement of the sale and shall be removed from outside display within 1 hour following the sale.

(*Ord. 868-23, 8/13/1986; as amended by Ord. 939-8, 9/8/1993*)

**§13-404. Limitation in Number of Permits; Restrictions on Signs.**

No more than two permits for a yard or garage sale shall be issued in any one calendar year to any person holding an individual yard or garage sale or for a yard or garage sale to be held on the same premises. A maximum of four signs may be posted to advertise a sale, none of which signs may be posted more than 5 days prior to the first date of the sale; all such signs must be removed within 48 hours after the last date of the sale stated on the permit. The signs shall bear the name of the licensee, the person to whom the permit was issued, the exact street address of the sale and the date or dates of the sale as stated on the permit. The form and composition of the signs shall be established by the Borough and no other signs shall be permitted or used. The licensee shall be provided with four sign blanks at the time of issuance of the permit.

Penalties for nonremoval of signs within 48 shall be set from time to time by resolution of the Borough Council. In addition, fees for the posting of signs shall be as set forth in Chapter 19, Signs and Billboards.

(*Ord. 868-23*, 8/13/1986; as amended by *Ord. 972-2*, 2/12/1997; and by *Ord. 9711-6*, 11/12/1997, §127-4)

**§13-405. Violations and Penalties.**

Any person who violates 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. 868-23*, 8/13/1986; as amended by *Ord. 9711-6*, 11/12/1997, §127-5; and by *Ord. 2009-09-02*, 9/14/2009)