

## CHAPTER 13

### LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

#### Part 1

##### Transient Retail

- §101. Definitions
- §102. License Required; Conditions of Issuance; Fee
- §103. Exceptions
- §104. License Application
- §105. Issuance of License; Custody, Display and Exhibit
- §106. Prohibited Acts
- §107. Supervision; Records and Reports
- §108. Denial, Suspension and Revocation of License; Appeal
- §109. Penalties

#### Part 2

##### Mechanical Amusements

- §201. License Required for Certain Electronic or Mechanical Devices
- §202. License Application
- §203. Investigation of Application; Transfer Prohibited
- §204. Gambling Devices not Licensed
- §205. License Fee
- §206. Issuance of License
- §207. Penalties

#### Part 3

##### Junkyards

- §301. Short Title
- §302. Definitions
- §303. Licenses
- §304. Application for License, Extension, Renewals and Transfers
- §305. Issuance of License
- §306. Fees
- §307. Requirements of Licensee and Licensed Premises
- §308. Penalties

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

**Part 4**

[Reserved]

**Part 5**

**Circus/Carnival Licenses**

- §501. "Person" Defined**
- §502. License Required to Operate**
- §503. Application Requirements**
- §504. License Fees**
- §505. Bond Requirements**
- §506. Date of Application**
- §507. Issuance of License**
- §508. Reasons for Refusal of License**
- §509. Prohibited Behavior/Conditions**
- §510. Compliance with State Regulations**
- §511. Licensee to Clean-Up Premises**
- §512. Revocation of License**

**Part 6**

**Alarm System Permits**

- §601. Definitions**
- §602. Permits Required**
- §603. Operational Standards**
- §604. False Alarms**
- §605. Installation and Maintenance Fees for Direct Alarm Systems**
- §606. Change in Location of the Police Department**
- §607. Testing**
- §608. Liability of Municipality**
- §609. Administration and Enforcement**
- §610. Right to Appeal**
- §611. Penalties**

**Part 7**

**Telecommunications**

- §701. Title**
- §702. Definitions**
- §703. License Requirement**
- §704. Franchise Requirement**

- §705. Franchise Procedure**
- §706. Rights Granted**
- §707. Franchise Agreement**
- §708. Franchise Fee**
- §709. Term of License or Franchise**
- §710. Transfer of License or Franchise**
- §711. Revocation of License or Franchise**

## **Part 8**

### **Fireworks**

- §801. Definition of Fireworks**
- §802. Prohibition**
- §803. Permits**
- §804. Extension of Permit**
- §805. Penalties**



**Part 1**

**Transient Retail**

**§101. 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 City of St. Marys; or,
- B. Selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the City of St. Marys, 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. 4, 1/31/1994)

**§102. License Required; Conditions of Issuance; Fee.**

No person shall engage in any transient retail business within the City of St. Marys without first having obtained from the City Manager a license, for which a fee, which shall be for the use of the City, shall be charged in an amount as established by resolution of the City Council. (Ord. 4, 1/31/1994)

**§103. Exceptions.**

No license fee shall be charged:

- A. To farmers selling their own produce.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- 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 eighteen (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 any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61, hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;
- F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- G. To any person who has complied with the provisions of the Charitable Organization Reform Act, 63 P.S. §160.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- H. 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.

But all persons exempted hereby from the payment of the license fee shall be required to register with the City Manager and obtain a license without fee; provided, any person dealing in one (1) 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 City Manager 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 any non-profit 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. 4, 1/31/1994)

**§104. License Application.**

Every person desiring a license under this Part shall first make application to the City Manager 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. 4, 1/31/1994)

**§105. Issuance of License; Custody, Display and Exhibit.**

Upon receipt of such application and the prescribed fee, the City Manager, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application 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 City of St. Marys. (Ord. 4, 1/31/1994)

**§106. Prohibited Acts.**

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 City of St. Marys.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the City of St. Marys for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- D. park any vehicle upon any of the streets or alleys in the City of St. Marys 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 8:00 a.m. or after 9:00 p.m. on any day of the week other than a Sunday or legal holiday.
- F. Conduct any such business while his license is suspended, revoked or expired.

(Ord. 4, 1/31/1994)

### **§107. Supervision; Records and Reports.**

The City Manager shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the City Council. (Ord. 4, 1/31/1994)

### **§108. Denial, Suspension and Revocation of License; Appeal.**

The City Manager 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 application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the City Council at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (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. 4, 1/31/1994)

### **§109. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to imprisonment for not more than thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 4, 1/31/1994)

**Part 2**

**Mechanical Amusements**

**§201. License Required for Certain Electronic or Mechanical Devices.**

1. Mechanical or Electronic Amusement Machine or Apparatus. From and after the passage and enactment of this Part, no person or persons, firm or corporation, shall at any time have in his, her, its, or their possession within the City of St. Marys, any mechanical or electronic device, machine, or apparatus whatsoever for the playing of games, amusement or entertainment, which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured a license therefor as hereinafter provided.
2. Juke Boxes or Other Similar Musical Devices. No person or persons, firm or corporation, shall at any time have in his, her, its or their possession within the City of St. Marys any juke box, music box, phonographs or other similar musical device, machine or apparatus, which are played through the insertion therein of a coin or any metal disk, slug or token whatsoever, without first having procured a license therefor as hereinafter provided in this Part.

(Ord. 4, 1/31/1994)

**§202. License Application.**

1. Any person or persons, firm or corporation desiring to procure a license, as provided in §201, shall apply therefor in writing to the City Manager. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation so applying, together with the present and previous occupation of the applicant or applicants and the length of residence at the present address of the applicant and at the previous place of residence; the name of the owner of the premises upon which the aforesaid machines are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The applicant shall also set forth the manufacturer and nature of the machines to be installed and used.
2. The information hereby required shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

(Ord. 4, 1/31/1994)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§203. Investigation of Application; Transfer Prohibited.**

No license shall be granted until a period of seven (7) days shall have elapsed from the date of application, during which time the officials or employees of the City of St. Marys may, at their discretion, investigate the facts set forth in the application. No license shall be transferable. (Ord. 4, 1/31/1994)

### **§204. Gambling Devices not Licensed.**

Nothing in this Part shall in any way be construed to authorize, license or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or that may be contrary to any present or future laws of the Commonwealth of Pennsylvania. (Ord. 4, 1/31/1994)

### **§205. License Fee.**

1. No license shall be issued until an annual fee shall have been paid to the City Manager. The amount of the fee shall be set by the City Council by resolution. Each license shall expire on December 31 of each year.
2. License fees shall not be prorated but shall remain the same for the whole or portion of any one (1) year.
3. The Chief of Police, or any other officer the City Council may designate, may in his discretion, put a lead (or any other type) seal upon any device for which no license fee has been paid; and when the proper license fee has been paid for such sealed device, said seal shall be removed by the Chief of Police, or other designated officer of the City.
4. While said unlicensed device is under seal as aforesaid, the owner, proprietor, manager, or person in charge of the place where said device is located shall be responsible for the device, and for any unlawful use thereof while such mechanical device is unlicensed.

(Ord. 4, 1/31/1994)

### **§206. Issuance of License.**

Upon payment of the license fee, the Secretary shall issue a metal disc or plate setting forth the number of the license for each machine. Such disc or plate shall be attached and fastened to the respective machine or device so that the same shall be clearly observable and readable. (Ord. 4, 1/31/1994)

**§207. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 4, 1/31/1994)



**Part 3**

**Junkyards**

**§301. Short Title.**

This Part shall be known and cited as the "City of St. Marys Junkyard Ordinance."  
(Ord. 4, 1/31/1994)

**§302. Definitions.**

As used in this Part:

CITY – the City of St. Marys.

CITY MANAGER – the duly appointed Manager of the City of St. Marys.

JUNK – any discarded material or article, including but not limited to, scrap metal, abandoned or junked motor vehicles; excluding garbage or rubbish subject to regulation by the City Property Maintenance Ordinance [Chapter 10].

JUNK DEALER – any person operating a junkyard within the City.

JUNKYARD – any place where any "junk" is stored, accumulated or disposed of.

LICENSE – a permit granted to a junk dealer.

LICENSED PREMISES – the area used for junkyard purposes, including set back area.

LICENSE YEAR – the period from August 1 to July 31 of the following year.

PERSON – any individual, partnership, association, firm and corporation.

(Ord. 4, 1/31/1994)

**§303. Licenses.**

1. No person shall operate a junkyard within the City without having a license therefor.
2. The license shall be valid only for the premises described in the original application or in the application for extension of the licensed premises.
3. The license shall be valid only for the premises described in the original application or in the application for extension of the licensed premises.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

4. A license may be renewed only upon approval of an application for renewal filed with the City Council at least thirty (30) days prior to the expiration date.
5. A license may not be transferred from place to place.

(Ord. 4, 1/31/1994)

### **§304. Application for License, Extension, Renewals and Transfers.**

1. All applications shall be on the form prescribed by the City Council.
2. The original application shall set forth;
  - A. Name and address of the applicant.
  - B. Name and address of the owner of the premises.
  - C. Term of lease, if any.
  - D. Exact description of buildings and location thereof.
  - E. Description of buildings and location thereof.
  - F. Name of nearest road and abutting property owners.
  - G. General description of type of junk to be hauled.
  - H. Any other matters required by regulations of the City Manager.
3. Application for extension or enlargement of the licensed premises shall set forth:
  - A. Exact description of the additional land by measured distances.
  - B. All other matters required in the original application.
4. Applications for renewals shall set forth the information required under subsection (2)(A), (B), and (C) hereof; but the licensed premises need not be described if there is no change therein.
5. Application for transfer of a license shall set forth:
  - A. The name and address of transferor.
  - B. The name and address of transferee.

- C. Any proposed change or variation in the business as described in the original license.

(Ord. 4, 1/31/1994)

**§305. Issuance of License.**

1. Within twenty (20) days from receipt of an application for license, renewal, extension, or transfer, accompanied by payment of the required license fees, the City Manager shall either grant or refuse the application.
2. If the application is granted, the Manager shall forthwith issue a license; provided, that in the case of a transfer, the transferor's license shall be surrendered to the City Manager.
3. If the application is refused, the Manager shall immediately return the license fee and send written notice to the applicant stating the reasons for refusal.
4. The City Council may require any applicant to appear before it after at least five (5) days written notice; and the failure of any applicant to appear shall constitute sufficient reason for refusing the application.

(Ord. 4, 1/31/1994)

**§306. Fees.**

1. All filing fees and license fees shall be paid at the time any application is submitted to the City Manager.
2. The fee for filing any application shall be established from time to time by resolution of City Council, which shall be retained by the City Manager whether the application is approved, refused or withdrawn.
3. The fee for any original or renewal license shall be established by resolution of City Council.
4. The fee for extension of a license shall be at the same rate as in subsection (3) hereof; provided, however, that the total license fees for one (1) junkyard shall not exceed the minimum established by resolution.

(Ord. 4, 1/31/1994)

**§307. Requirements of Licensee and Licensed Premises.**

1. The license shall be conspicuously posted upon the licensed premises.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

2. The name of the licensee and the license number shall be displayed on the outside of every vehicle used in the licensed business.
3. The licensee shall keep on the premises and available for inspection by any authorized City official a legible record of all purchase and sales of junk.
4. The size or area of any junkyard shall be not less than ten thousand (10,000) square feet or more than twenty (20) acres.
5. The premises actually used as a junkyard shall be set back a minimum distance of forty (40) feet from the right-of-way line of any public road, and a minimum distance of twenty-five (25) feet from all other property lines. The area between the set back line and the right-of-way and property lines shall be kept clear and vacant at all times.
6. When deemed necessary and desirable by the City Council, all or part of the licensed premises shall be enclosed by a fence of the type and style to be determined by the City Manager, or by evergreen screen plantings, or both.
7. The licensed premises shall be maintained in such manner as not to constitute a nuisance or menace to the health of the community or nearby residents; a breeding place for rodents and vermin; or the accumulation of stagnant water.
8. All junk shall be stored and arranged in such a manner as to provide access for fire fighting purposes.
9. Gasoline and oil from junked motor vehicles shall be immediately drained and placed in suitable containers.
10. No junk shall be altered, disposed of or sold until forty-eight (48) hours after receipt by the licensee.
11. No gasoline in a quantity exceeding ten (10) gallons shall be stored above ground.
12. No garbage or other organic waste shall be stored on the licensed premises.
13. In addition to requirements of this Part, the licensed premises shall be maintained and operated in strict accordance with any regulations hereafter adopted by resolution of City Council.

(Ord. 4, 1/31/1994)

### **§308. Penalties.**

1. 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 six hundred

dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

2. Upon any violation of a licensee, the City Council may within ninety (90) days thereafter cite the licensee to appear before the City Council to show why his license should not be suspended or revoked. Notice of the revocation or suspension of a license shall be given to the licensee by certified mail to the address shown upon the application; but not no such suspension or revocation shall become effective until after ten (10) days from the date of mailing such notice.
3. Any violation of this Part which shall constitute a nuisance may be adopted as provided by law.

(Ord. 4, 1/31/1994)



**Part 4**

**[Reserved]**



**Part 5**

**Circus/Carnival Licenses**

**§501. "Person" Defined.**

The word "person," as used in this Part, shall mean any natural person, partnership, association or corporation. (Ord. 4, 1/31/1994)

**§502. License Required to Operate.**

No person shall exhibit, show, conduct, or operate, within the City of St. Marys, any carnival, circus or other similar entertainment, without first having obtained a license as provided by this Part. (Ord. 4, 1/31/1994)

**§503. Application Requirements.**

Application for a license shall be presented to the City Manager on a form prescribed by the City Council, and in addition to such other information as may be required, shall state:

- A. The name of the owner of the show or entertainment.
- B. Name of the owner of the premises.
- C. The type of show or entertainment.
- D. Number days to be operated.
- E. Hours of operation.
- F. The amount of general admission charges, if any.
- G. Any necessary permit required under the Amusement Ride Inspection Act, 4 P.S. §401 et seq.

(Ord. 4, 1/31/1994)

**§504. License Fees.**

A fee for each license shall be paid to the City Manager at the time of making application, according to the schedule established by resolution of the City Council. (Ord. 4, 1/31/1994)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§505. Bond Requirements.**

The applicant for a license shall, at the time of filing application, deposit with the City Manager a cash bond in an amount set by resolution, conditioned for compliance with provisions of this Part. (Ord. 4, 1/31/1994)

### **§506. Date of Application.**

Application for a license shall be made not less than thirty (30) days prior to the issuance of a license. (Ord. 4, 1/31/1994)

### **§507. Issuance of License.**

Upon approval of the application by the City Council, the Manager shall issue a license in the form as prescribed by the City Council, setting forth:

- A. The type of show or entertainment.
- B. Location.
- C. Period of time effective.

(Ord. 4, 1/31/1994)

### **§508. Reason for Refusal of License.**

The City Council may refuse to grant a license because of unsanitary, hazardous or dangerous conditions; or because the location is unsatisfactory due to traffic conditions, or interference with nearby residents. (Ord. 4, 1/31/1994)

### **§509. Prohibited Behavior/Conditions.**

No licensee shall make, or permit to be made, any unnecessary or unreasonable noise by loudspeaker or amplifying device or other means, which disturbs nearby residents; or permit any disorderly or immoral conduct upon the premises; or permit any gambling, immoral or indecent acts or performance. (Ord. 4, 1/31/1994)

### **§510. Compliance with State Regulations.**

The licensee shall comply with regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania, and with any regulations which may

from time to time be prescribed by the City Council pertaining to toilet facilities, sewage disposal and sanitary conditions. (Ord. 4, 1/31/1994)

**§511. Licensee to Clean-Up Premises.**

Immediately upon expiration of the license, and subject to final inspection by the proper City officer, the licensee shall clean up the premises, remove all dirt, paper and other debris, fill all holes and eliminate any unsanitary conditions. (Ord. 4, 1/31/1994)

**§512. Revocation of License.**

The City Manager may revoke the license of any person who fails to comply with any provision of this Part and in such case, no portion of the license fee shall be refunded. (Ord. 4, 1/31/1994)



## Part 6

### Alarm System Permits

#### §601. Definitions.

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

**ACCIDENTAL FALSE ALARM** – any false alarm which is not an intentional false alarm as defined herein, or, not when intrusion, crime, fire or other emergency has actually occurred.

**ALARM** – a communication to the Police Department indicating that a crime, fire or other emergency situation warranting immediate action by the Police Department has occurred or is occurring.

**ALARM DEVICE** – a mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means (1) directly to the Police Department, (2) to a person who is instructed to notify the Police Department of the alarm, or (3) to activate a bell or sounding device to be heard outside a building which is intended to alert the police or others to the existence of a crime, fire or other emergency situation warranting police action.

**CENTRAL RECEIVING STATION** – the alarm or control panel installed in the Police Department for the purpose of giving visual or audio response to direct alarm devices.

**DIRECT ALARM DEVICE** – an alarm device, other than a telephone dialer alarm device, designed to transmit an alarm directly to the Police Department.

**FALSE ALARM** – an alarm to which the Police Department responds resulting from activation of an alarm when a crime, fire or other emergency warranting immediate action by the Police Department has not in fact occurred.

**INDIRECT ALARM DEVICE** – an alarm device designed to transmit an alarm to a person who is instructed to notify the Police Department of the alarm.

**INTENTIONAL FALSE ALARM** – a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Police Department has occurred or is occurring.

**PERMIT HOLDER** – a person to whom the Police Department has issued an alarm device permit.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PERSON – an individual, corporation, partnership, incorporated associated or other similar entity.

TELEPHONE DIALER ALARM DEVICE – an alarm device designed to automatically transmit a recorded message over regular telephone lines directly to the Police Department or to a person who is instructed to notify the Police Department of the alarm.

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

(Ord. 4, 1/31/1994)

### **§602. Permits Required.**

1. It shall unlawful for a property owner, lessee of property or a person otherwise occupying a premises within the City of St. Marys to put an alarm device into operation on his premises or to allow an alarm device put into operation on his premises without first obtaining an alarm device permit from the Police Department. It shall also be unlawful for a property owner, lessee of property or a person otherwise occupying a premises outside of the City to put into operation on his premises an alarm device which terminates at the City's Police Department or to allow such an alarm device to be put into operation on his premises without first obtaining an alarm device permit from the Police Department.
2. In order to apply for an alarm device permit, a person must submit an application to the Police Department stating:
  - A. His name.
  - B. His home and business addresses and the telephone number of each.
  - C. The location at which the alarm device will be installed and operated.
  - D. The names, addresses and telephone numbers of at least two (2) individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time, but who do not reside at the premises at which the alarm device is located.
  - E. A general written description of the device other than schematics.

If the device is to be leased or rented from, or is to be serviced pursuant to a service agreement by, a person other than the person making application for an alarm device permit, the name, address and telephone number of that person must be stated in the application. In addition, each person submitting an application for an alarm device permit shall submit a signed statement in the following form:

"I (We), the undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the City of St. Marys that neither I (we), nor anyone claiming by, through or under me (us), shall make any claim against the City, its officials or agents, for any damages caused to the premises at which the alarm device, which is the subject of this application, is or will be located, if such damage is caused by a forced entry to said premises by employees of the City in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of said employees the circumstances appear to warrant a forced entry."

The Police Department shall furnish forms which any person wishing to apply for an alarm device permit shall submit with his application.

3. A person applying for an alarm device permit for a telephone dialer alarm device, local sounding device, or an indirect alarm device shall submit the required fee along with his application. The fee shall be fixed from time to time by resolution of City Council.
4. The Police Department shall, within ten (10) weekdays from receipt of an application for an alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his application has been denied and the reason or reasons why it has been denied.
5. An application for an alarm device permit may only be denied for the following reasons:
  - A. The application submitted by the applicant does not comply with subsection (2) or (3) of this Section.
  - B. The applicant's alarm device does not conform to the operational standards set forth in §603 of this Part.
6. Notwithstanding the language contained in subsection (1) of this Section, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of ninety (90) days after the effective date of this Part; provided, said alarm device was in operation on the effective date of this Part.
7. The Police Department shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked notifying the permit holder writing that his alarm device permit has been revoked and the reason or reasons why it has been revoked. Said written notice shall be:
  - A. Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- B. Mailed to the permit holder at his last known address by certified mail, postage prepared, in which case the revocation shall be effective three (3) days after mailing.
8. An alarm device permit may only be revoked for the following reasons:
    - A. Failure of an alarm device to conform to the operational standards set forth in §603 of this Part.
    - B. Failure of a permit holder to pay a false alarm charge assessed to him by the Police Department under the provisions of §604 of this Part within thirty (30) days of the mailing to him of a notice of the assessment of a false alarm charge.
    - C. The occurrence of more than twelve (12) false alarms from an alarm device during any calendar year.
    - D. The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of fifteen (15) who resides on the premises where the alarm device is located.
    - E. Failure of a permit holder with a direct alarm device to pay to the Police Department installation or maintenance fees assessed to him under §605 of this Part within thirty (30) days of the due date thereof.
  9. A person who has had his alarm device permit revoked under subsections (7) and (8) of this Section may reapply for an alarm device permit forty-five (45) days after the effective date of such revocation; provided, that if a person's alarm device permit was revoked for nonpayment of a false alarm charge or for nonpayment of installation or maintenance fees or both, the Police Department shall deny said application unless such charge or fee or both have been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked on the basis of an occurrence of an intentional false alarm may not reapply for an alarm device permit for one (1) year from the effective date of the second revocation.

(Ord. 4, 1/31/1994)

### **§603. Operational Standards.**

1. If an alarm device is designed to transmit a recorded message directly to the Police Department, the duration of such recorded message shall not exceed sixty (60) seconds. The contents of the recorded message shall be intelligible and in a format approved by the Police Department.
2. An alarm device need not contain a delay service which causes a delay to occur between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.

3. A direct alarm device shall be designed to dial only specific telephone numbers designated by the Police Department; and to allow the permit holder to abort the alarm signals.
4. A direct alarm device shall be designed so that it interfaces with the central receiving station maintained by the Police Department.
5. If an alarm device is designated to cause a bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm device shall be designed to deactivate the bell, siren or other sound-making device after thirty (30) minutes of operation. Preexisting units must be modified for a thirty (30) minute device unless said unit cannot be modified without replacement.
6. All alarm devices shall meet the applicable standards of Underwriters Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards, and shall be permitted under this Part if in conformity thereto. An alarm device which does not meet any of the above standards or for which there is no recognized industry standard shall require the applicant for a permit to submit evidence of the reliability or suitability of the alarm device. Any permit issued for such an alarm device which does not conform to the recognized standard shall be conditionally subject to satisfactory performance of said alarm device after installation. The applicant for a permit may be required to submit subsequent evidence of the reliability and suitability of the alarm device.
7. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises, or other forces unrelated to genuine alarm situations.
8. The alarm device must be maintained by the permit holder in good repair to assure reliability of operation.

(Ord. 4, 1/31/1994)

#### **§604. False Alarms.**

1. Intentional False Alarms. No permit holder or person shall create an intentional false alarm.
2. Accidental False Alarms. Any person or permit holder causing accidental false alarms for any reason shall pay to the City a charge for each and every false alarm to which the police and/or fire departments responds, in each calendar year, as shall be established by resolution of City Council.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

3. When a false alarm occurs, the Police Department, within ten (10) days from the date of the false alarm, shall notify the permit holder of the alarm device from which the false alarm emanated or other person causing said false alarm that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed to the permit holder or person causing said false alarm at his last known address by regular mail, postage prepaid. Failure of the Police Department to mail notice of assessment of a false alarm charge within ten (10) days from the occurrence of a false alarm shall preclude the City from assessing a false alarm charge for said false alarm.
4. A false alarm charge shall be due and payable at the office of the Police Department thirty (30) days from the date of the mailing of the notice of assessment of the charge.
5. Failure of a permit holder to pay a false alarm charge on or before the date due shall subject such permit holder to revocation of his alarm device permit under §602(8) of this Part.
6. Failure of a person causing a false alarm, other than a permit holder, to pay a false alarm charge on or before the date due shall constitute a violation of the Part, and shall subject said person to the penalties set forth in §611 hereof.

(Ord. 4, 1/31/1994)

### **§605. Installation and Maintenance Fees for Direct Alarm Systems.**

1. A permit holder who has a direct alarm device which is connected to a central receiving station at Police Department headquarters shall be required to pay to the City a fee for the connection of his direct alarm device to the central receiving station and a yearly fee for the maintenance of the central receiving station.
2. The fee for connection of a direct alarm device to a central receiving station at Police Department headquarters shall be the actual cost of the interface into the central receiving station, plus a fee established by resolution of the City Council, for each such connection.
3. In addition, a permit holder who has a direct alarm device shall pay a yearly fee for the maintenance of the central receiving station. This maintenance fee shall be determined by the City Council on an annual basis each July by prorating the maintenance costs among the number of permit holders at that time using the central receiving station, regardless of how long a permit holder has been connected to the central receiving station. The Police Department shall annually notify each permit holder who has a direct alarm device of the amount of the assessment for maintenance of the central receiving station. Such notice shall be in writing and mailed to the permit holder at his last known address by regular mail, postage prepaid. The maintenance fee shall be due and payable at the office

of the Police Department thirty (30) days from the date of the notice of assessment of the maintenance fee.

4. The fee for connection of a direct alarm device to the central receiving station shall be due and payable at Police Department headquarters at the time an alarm device permit is issued to an applicant for such a permit. The Police Department shall not issue an alarm device to an applicant until such a fee is paid.
5. The Police Department shall not in any way be obligated to provide or continue to provide a central receiving station facility or facilities for direct alarm devices; provided, that if the Police Department decides to discontinue operation of a central receiving station facility it shall notify all permit holders serviced by said facility.
6. Failure of a permit holder to pay a yearly fee for the maintenance at the central receiving station to which his direct alarm device is connected within thirty (30) days of the date said payment is due shall be subject to the disconnection of his direct alarm device from the central receiving station and to the revocation of his alarm device permit under §602(8) of this Part.

(Ord. 4, 1/31/1994)

**§606. Change in Location of the Police Department.**

If the location of the headquarters of the Police Department should change at any time, the City shall not be responsible for any cost incurred by permit holders or other persons because of said change in location. (Ord. 4, 1/31/1994)

**§607. Testing.**

No person shall conduct or test any alarm device without first obtaining permission from the Police Department. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the central receiving station. (Ord. 4, 1/31/1994)

**§608. Liability of Municipality.**

The issuance of any permit shall not constitute acceptance by the City of St. Marys of any liability to maintain any equipment, to answer alarms, nor otherwise render the City liable to any person for any loss or damage relating to the alarms systems or procedure. (Ord. 4, 1/31/1994)

**§609. Administration and Enforcement.**

Administration and enforcement of this Part shall be functions of the City of St. Marys and shall include the following:

- A. Authority to accept or reject a permit application or revoke a permit because of a misrepresentation or false statement contained in any application for a permit, failure to correct any deficiencies in equipment or operation of an false alarm device after receipt of due notice from the City, or not meeting other conditions and specifications of this Part.
- B. Authority to order the disconnection of an alarm device until such device is made to comply with operational standards set forth herein, but only when evidence of failure to comply with said standards imposes a burden upon the City as a result of false alarms.
- C. Authority, at reasonable times and upon written notice, to enter upon any premises within the City to inspect the installation and operation of an alarm device.

(Ord. 4, 1/31/1994)

**§610. Right to Appeal.**

Whenever, under the provisions of this Part the Police Department is empowered to make a decision with respect to the installation, operation or maintenance of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by such decision may, within ten (10) days following the decision, file a written appeal therefrom with the City Council, whereupon the City Council shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the City Council shall be final. (Ord. 4, 1/31/1994)

**§611. 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 six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day on which a violation of this Part shall continue shall be deemed a separate offense. (Ord. 4, 1/31/1994)

## Part 7

### Telecommunications

#### §701. Title.

This Part shall be known as the "St. Marys Telecommunications Ordinance." (Ord. 76, 2/16/1998, §1)

#### §702. Definitions.

Unless the context clearly indicates otherwise, when used in this Part, the following words shall have the meanings ascribed to them:

CITY – City of St. Marys.

PROVIDER – any person, firm or corporation currently providing or proposing to provide telecommunications services through the use of public rights-of-way within the City, whether or not such services are provided to residents of the City.

STREET – any public right-of-way owned by and located within the City.

SUBSCRIBER – any purchaser or other authorized recipient of telecommunication services within the City. In the case of multiple family dwellings, multiple dwelling properties such as mobile home parks, office buildings and other multiple occupant situations, each dwelling unit or office unit shall be treated as a separate subscriber regardless of how services are shared.

TELECOMMUNICATIONS SERVICE – providing or offering for rent, sale or lease, or exchange for other value received of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

(Ord. 76, 2/16/1998, §2)

#### §703. License Requirement.

1. Any person who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any street for the sole purpose of providing telecommunications service to persons or areas outside the City shall first obtain a license granting the use of such public streets from the City.
2. An application for license shall be filed with the City and shall include the following information:

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- A. The identity, mailing address and telephone number of the applicant.
  - B. A description of the telecommunications services that are or will be offered or provided by the licensee.
  - C. A description of the transmission medium to be used by the licensee.
  - D. Preliminary engineering plans, specifications and a network map of the facilities to be located with the City.
  - E. Such information as the City Manager deems reasonably necessary to demonstrate the applicant's financial and technical ability to construct, operate, maintain, relocate and remove the licensed facilities.
3. The application shall be accompanied by a license fee of two hundred fifty dollars (\$250.00). The applicant shall also be responsible for any actual costs incurred by the City in reviewing title application.
  4. In the event that an application must be reviewed by a consulting engineer for the City, the applicant shall also be responsible for the reasonable engineering fees incurred by the City to review the application.
  5. Applications for license approval shall be granted or denied by City Council within one hundred twenty (120) days after the application is filed with the City Manager. If the application is denied the written determination shall include the reasons for denial. City Council may impose such reasonable conditions on the grant of a license as it deems necessary to protect the public interest.
  6. The licensee shall pay an annual license fee in the amount of one hundred dollars (\$100.00).
  7. No license shall be issued until the applicant has entered into a written agreement with the City setting forth the terms and conditions of the grant of the license.

(Ord. 76, 2/16/1998, §3)

### **§704. Franchise Requirement.**

1. No person shall provide telecommunications services to any subscriber within the City by use of any street without first obtaining a franchise from the City.
2. No franchise shall be issued by the City under this Part unless the applicant demonstrates:

- A. The financial and technical ability to construct, operate, maintain and remove the facilities installed under the franchise.
- B. The financial and technical ability of the applicant to meet minimum standards of service required under any Federal or State laws or regulations.
- C. The service is or will be of benefit to and is desired by a substantial number of subscribers within the City.
- D. The applicant has the financial and technical ability to expand services within the City to accommodate growth within the City and technical progress within the telecommunications industry, to the extent that such expansion is technically and economically feasible.

(Ord. 76. 2/16/1998, §4)

**§705. Franchise Procedure.**

- 1. Any person desiring a franchise under this Part shall file with the City Manager a written application containing the following information, where applicable:
  - A. The identity, legal status, mailing address and telephone number of the applicant.
  - B. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the application information.
  - C. A description of the applicant's existing or proposed telecommunications facilities within the City.
  - D. A description of the transmission medium that will be used by the franchisee to provide telecommunications services within the City.
  - E. For new applicant, preliminary engineering plans, specifications and a network map of the proposed facilities to be located within the City.
  - F. If the applicant is proposing the installation of new utility poles or underground conduits, information in sufficient detail to identify the location of such new facilities.
  - G. A preliminary construction schedule and completion date.
  - H. Financial statements prepared in accordance with generally accepted accounting principals demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- I. Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application.
  - J. Information sufficient to establish that the applicant has obtained or will be able to obtain all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services.
  - K. A description of the services or facilities that the applicant will offer or make available to the City and other public, educational and governmental institutions.
  - L. A detailed description of the telecommunications service to be provided to subscribers. In the case of cable television service, this shall include a list of all channels proposed to be provided and a schedule stating when such channels will be on-line.
  - M. A schedule of rates proposed to be charged to subscribers for the services provided.
  - N. A description of the applicant's access and line extension policies.
  - O. Such other information as the City Manager may deem reasonably necessary for City Council to consider the application.
2. The application shall be accompanied by an application fee of two hundred fifty dollars (\$250.00). The applicant shall also be responsible for any actual costs incurred by the City in reviewing the application.
  3. Within one hundred twenty (120) days after receiving a complete application, City Council shall issue a written determination granting or denying the application. If the application is denied the written determination shall include the reasons for denial. City Council shall have the right to conduct one (1) or more public hearings on the application. At each public hearing the applicant shall have present a representative sufficiently qualified to answer any questions raised by City Council.

(Ord. 76, 2/16/1998, §5)

### **§706. Rights Granted.**

1. No license or franchise granted under this Part shall confer any exclusive right, privilege, license or franchise to occupy or use the streets of the City for delivery of telecommunications services or any other purpose.

2. No license or franchise granted under this Part shall convey any right, title or interest in the public ways, but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant. No license or franchise shall be construed to include any warranty of title.

(Ord. 76, 2/16/1998, §6)

**§707. Franchise Agreement.**

1. No franchise shall be issued under this Part until the applicant has entered into a franchise agreement with the City.
2. The City may impose conditions upon the grant of a franchise, which conditions shall be set forth in the franchise agreement. Without limitations, the City may impose any one (1) or more of the following conditions:
  - A. Installations of telecommunications facilities underground, wherever feasible to do so.
  - B. Maintenance of a customer service office within the City which is open to the public during regular business hours.
  - C. Minimum requirements for response to interruptions of service.
  - D. Prohibitions against interference with other telecommunications services.
  - E. Procedures for notice, public hearings and public comment prior to the institution of any rate increase.
  - F. Compliance with all State and Federal laws and regulations.
  - G. Continuing registration with the Pennsylvania One-Call System.
  - H. Warranties to provide minimum quantities and quality of service.
  - I. A clause under which the franchise indemnifies and saves harmless the City from all claims, demands, suits, actions or liabilities and all attorney fees, expert witness fees and litigation costs incurred by the City with respect to any personal injury or property damage arising out of the installation, operation, maintenance or use of the telecommunications facilities franchised under this Part.

(Ord. 76, 2/16/1998, §7)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§708. Franchise Fee.**

The franchise shall pay to the City, in the manner provided in the franchise agreement, an annual franchise fee in the amount of one dollar (\$1.00) for each subscriber as of the anniversary date of the franchise agreement, for the privilege of use of the streets of the City to provide telecommunication services. (Ord. 76, 2/16/1998, §8)

### **§709. Term of License or Franchise.**

Unless otherwise determined by City Council, every license or franchise issued under this Part shall be for a term of five (5) years and shall not be automatically renewable. (Ord. 76, 2/16/1998, §9)

### **§710. Transfer of License or Franchise.**

No license or franchise issued under this Part shall be transferred without the prior approval of City Council. (Ord. 76, 2/16/1998, §10)

### **§711. Revocation of License or Franchise.**

1. The City shall have the right to revoke any license or franchise issued under this Part for any one (1) or more of the following reasons:
  - A. The submission of false or fraudulent information with any application.
  - B. Persistent failure of the licensee or franchisee to comply with State and Federal laws and regulations regarding the telecommunications service.
  - C. Default in the performance of any obligations imposed on the franchisee or licensee under the license agreement or franchise agreement for a continuous period of thirty (30) days.
  - D. Transfer of a license or franchise without the prior consent of City Council.
2. Prior to the revocation of any license or franchise the City shall provide the licensee or franchisee with thirty (30) days written notice of the reasons for which a license or franchise is proposed to be revoked. During the notice period, the licensee or franchisee shall have the right to cure the violation and the right to request a hearing before City Council. If a hearing is requested, City Council shall not act on the revocation until a hearing is granted. Procedures for conducting a hearing shall be in accordance with the Local Agency Law.

(Ord. 76, 2/16/1998, §11)

**Part 8**

**Fireworks**

**§801. Definition of Fireworks.**

FIREWORKS – as used in this part shall have the meaning ascribed to it by the Pennsylvania Fireworks Law, 35 P.S. §1271, as from time to time amended.

PUBLIC DISPLAY – the use or explosion of fireworks open to viewing by the general public without charge.

(Ord. 119, 4/3/2000, §101)

**§802. Prohibition.**

It shall be unlawful for any person to use or explode any fireworks within the City without a permit issued under this Part.

(Ord. 119, 4/3/2000, §102)

**§803. Permits.**

1. The City Manager may issue a permit for the supervised public display of fireworks within the City by any organization or group of individuals.
2. The application for a permit shall be made upon a form provided by the City.
3. The applicant shall demonstrate to the City Manager that the display will be handled by a competent operator.
4. The display shall be of such a character and so located, discharged or fired as in the opinion of the City Manager shall not be hazardous to property or endanger any person or persons.
5. The application shall be filed with the City Manager at least fifteen (15) days in advance of the date of the display.
6. The applicant shall post with the City Manager a bond in favor of the City in a sum to be determined by the City Manager (but not less than five hundred dollars (\$500.00)) conditioned for the payment of all damages which may be caused to any person or property by reason of the display.

(Ord. 119, 4/3/2000, §103)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§804. Extension of Permit.**

In the event that the applicant is unable to set off the display due to inclement weather, the applicant shall within twenty-four (24) hours apply to the City Manager for an extension of time, not exceeding one (1) week after the day fixed originally in the permit.

(Ord. 119, 4/3/2000, §104)

### **§805. Penalties.**

Any person, firm or corporation who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one hundred (\$100.00) or undergo imprisonment for a period not exceeding ninety (90) days or both such fine and imprisonment.

(Ord. 119, 4/3/2000, §105)