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PART 1

CABLE TELEVISION

§13-101. Franchise.

In consideration of the faithful performance and observance of the terms, conditions and reservations hereinafter specified, the Borough Council of the Borough of Collingdale, hereinafter referred to as Borough, grants the nonexclusive franchise to the Delaware County Cable Television Company, hereinafter referred to as Company, to install, construct, own, operate and maintain a community antenna cable television system and to erect, maintain and operate television transmission and distribution facilities, and additions thereto, in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges and other public places in the Borough of Collingdale, Delaware County, Pennsylvania for the purpose of transmission and distribution of audio and visual signals and television energy in accordance with the laws and regulations of the United States of America and the Commonwealth of Pennsylvania, appropriate agencies, and the Federal Communications Commission's rules and regulations, and the ordinances and regulations of the Borough of Collingdale now in effect or hereafter enacted. The Company shall observe the following conditions and terms.

- A. No poles or wires shall be erected, constructed or maintained by the Company along public highways which contain neither aerial telephone nor aerial electric facilities or from which both aerial telephone and aerial electric facilities are hereafter removed. Where all other utilities are underground and/or placed underground, Company's cable facilities shall be placed underground.
- B. Where the wires and other aerial facilities of the Company are erected, constructed, maintained or operated along or over public highways which contain an aerial electric or telephone pole line or a joint use electric and telephone pole line, the wires and other facilities of the Company shall be supported by attachment to such pole line, but nothing in this paragraph shall relieve the Company of the duty of securing the consent of such attachment of the owner of such pole line.
- C. Poles, ducts and other facilities of the Company shall be so erected, constructed and maintained as not to interfere with the traffic over the public highways. No new poles shall be erected without prior approval of Borough Council which approval shall not be unreasonably withheld.
- D. Poles, lines, cables, ducts and other facilities of the Company shall be removed by the Company when no longer used or useful for their intended purpose or whenever required by the Borough in connection with any public improvement or other reasonable cause at Company's expense.
- E. Any public highways, sidewalks and abutting property disturbed or damaged in the erection, construction, maintenance or operation of the

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facilities of the Company shall be promptly repaired by the Company to the reasonable satisfaction of the Borough Engineer.

(*Ord. 494, 1/16/1978, §1*)

§13-102. Commencement of Work.

The Company shall substantially complete physical installation of its equipment and facilities within the Borough within 5 years after receipt of the Certificate of Compliance from the Federal Communications Commission.

(*Ord. 494, 1/16/1978, §2*)

§13-103. Term.

1. The duration of the rights, privileges and authorities hereby granted shall be 15 years from the date of acceptance of this Part by the Company; provided, that the Company shall have the option of extending this franchise for an additional period of 10 years upon application by the Company not later than 1 year prior to the expiration date of the initial 15 year franchise, and the option of extending this franchise for an additional period of 5 years upon application by the Company in writing 1 year prior to expiration date of the additional 10 year franchise, provided further, that such a renewal of this franchise is specifically conditioned upon review and approval by the Borough of Collingdale at a public proceeding affording due process of the Company's qualifications and performance, the adequacy of the franchise provisions, and its consistency with the Rules and Regulations of the Federal Communications Commission.
2. The nonexclusive franchise granted to Company pursuant to *Ord. 494* shall be extended for an additional period of 10 years, said 10 year period to commence and run retroactively from January 18, 1993, provided the Company submits the written acknowledgement provided for in §13-104 hereof. [*Ord. 590A*]

(*Ord. 494, 1/16/1978, §3; as amended by Ord. 590A, 5/3/1993, §1*)

§13-104. Acceptance of Franchise.

1. This franchise is conditioned and contingent upon the Company filing with the Council its unconditional acceptance of this franchise as set forth in this Part and the Company's promise to comply with and abide by all the provisions, terms and conditions of this Part. Such acceptance and promise shall be in writing duly executed and sworn to by and on behalf of the Company before a notary public or other officer authorized by law to administer oaths and delivered to the Secretary of the Borough within 30 days after passage of this Part.

2. The continuation of the nonexclusive franchise granted by *Ord. 494* for the additional term of 10 years is conditioned and contingent upon Company filing with the Borough of Collingdale before the final adoption of this Part, its unconditional acceptance of the continuation of the franchise as set forth in *Ord. 494* and as modified and Company's promise to comply with and abide by all the provisions, terms and conditions in *Ord. 494* and as modified. Such acceptance and promise shall be in writing and duly executed and sworn to by and on behalf of Company before a Notary Public or other officer authorized by law to administer oaths and delivered to the Secretary of the Borough prior to the final adoption of this Part by the Borough of Collingdale. [*Ord. 590A*]

(*Ord. 494*, 1/16/1978, §4; as amended by *Ord. 590A*, 5/3/1990, §1)

§13-105. Liability and Indemnification.

1. The Company shall indemnify, hold harmless and defend the Borough, its agents, officers, servants and employees from and against any and all costs, expenses (including reasonable counsel fees), liabilities, losses, damages, suits, actions, fines, penalties, claims or demands of any kind asserted by or on behalf of any person or governmental agency or authority arising out of or in any way connected with any of the following, and the Borough, its agents, servants, officers and employees shall not be liable to the Company on account of any of the following:
 - A. Any failure by the Company to abide by, keep or perform any of the terms, conditions or provisions of this franchise.
 - B. Any failure by the Company to comply with any statutes, ordinances, regulations or orders of any governmental authority.
 - C. Any bodily injury (including death) or property damage arising with respect to this franchise.
 - D. Any act or activity relating to the granting of this franchise to the Company or to the operations conducted thereunder.
2. In connection with any suit or other proceeding in which the Borough, its agents, servants, officers and employees shall be made a part, involving this franchise or any act or activity conducted thereunder or relating thereto and which may have any direct effect upon the Borough, its agents, servants and employees, the Company upon the written request of the Borough, shall come in and defend such suit on behalf of the Borough, its agents, servants and employees and shall bear all of the costs and expenses relating thereto.
3. The Company shall maintain throughout the term of this franchise general liability insurance insuring the Borough and the Company with regard to all liabilities and contingencies mentioned in §13-105(1) herein in the minimum amounts of:

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- A. One hundred thousand dollars for bodily injury or death to any one person.
 - B. Three hundred thousand dollars for personal injury in any one single accident.
 - C. Ten thousand dollars property damage for any one single accident.
 - D. One million “umbrella” policy.
4. The Company shall maintain throughout the term of this franchise a performance bond in favor of the Borough, with a good and sufficient surety approved by the Borough, in the sum of \$20,000 conditioned upon the Company’s well and truly performing its several obligations as set forth in this franchise, and providing that in the event of any failure by the Company to so perform, the Borough may proceed against the surety either to obtain proper performance of such obligations of the Company or to be recompensed for the failure of the Company to render such proper performance.
 5. The insurance policy and bond obtained by the Company in compliance with this Section must be approved by Council which approval shall not unreasonably be withheld, and such insurance policy and bond shall be filed and maintained with Council during the term of this franchise.
 6. Neither the provisions of this Section, nor any bond accepted by the Borough pursuant thereto, shall be construed, as excusing faithful performance by the Company or as otherwise limiting the liability of the Company under this franchise.

(Ord. 494, 1/16/1978, §5)

§13-106. Operation and Maintenance of System.

The Company shall render efficient service, make repairs promptly and interruptions, insofar as possible, shall be preceded by notice and shall occur during minimum use of the system. Upon receipt of a complaint of the quality of service, equipment malfunctions and similar matters, the Company shall promptly investigate such complaints. Where possible, the Company shall investigate such complaints within 24 hours of their receipt. Resolution of such service complaints shall be made promptly. For the purpose of investigation and resolution of regular service complaints, the Company shall maintain an agent or a local business office convenient to the Borough. In addition, the Company shall maintain a toll-free business telephone for the receipt of complaints and requests for repairs or adjustments.

(Ord. 494, 1/16/1978, §6)

§13-107. Special Service.

The Company agrees and shall upon request of the Borough or the institution involved, extend without charge one primary or standard line available to each fire station, police station, public school, private school, parochial school, public library, municipal building and such public auditorium and institutions as are requested by the Borough in the Borough. Such service shall consist of one television outlet within the building (except in the Borough of Collingdale Junior High School and Senior High School where two such outlets shall be placed) or in the case of a group of buildings, within the main building of the group, providing service to one television receiver. The Company shall not be required to install additional outlets at its expense but shall at the request of the Borough install such additional outlets or other facilities as may be requested, and the Borough or the institution involved shall pay the Company on a time and material basis for such additional installation and shall pay the Company in accordance with its schedule of rates as set forth in this Part for such additional service.

(Ord. 494, 1/16/1978, §7)

§13-108. Safety Requirements.

1. In the use and occupation of the surfaces, subsurfaces, space above, below and adjoining the streets, public ways and places of the Borough, the Company's equipment and plant and their construction, operation and maintenance shall be in accordance with the provisions of the following:
 - A. The National Electrical Code of the National Board of Fire Underwriters.
 - B. "The Standards and Practices Code" of the National Community Television Association.
 - C. Such applicable ordinances, codes, laws and regulations of the Borough of Collingdale, County of Delaware, State of Pennsylvania, and the United States of America, which are now in effect or hereafter enacted.
2. Company's equipment and plant shall be kept and maintained in a safe, suitable and substantial condition and in good order and repair so as not to endanger the lives or interfere unreasonably with the rights of persons, or to cause physical damage to property, or to interfere with improvements the Borough may deem proper, or to hinder or obstruct unnecessarily pedestrian or vehicular traffic on streets, public ways and places.
3. Where the Borough or a public utility serving the Borough desires to make use of the poles or other wire holding structures of the Company but agreement therefor with the Company cannot be reached, the Council may require the Company to permit such use for such consideration and upon such terms as the Council shall determine to be just and reasonable if it is determined by Council that the use would enhance the public convenience and would not unduly interfere with the Company's operations.

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4. Company shall, upon not less than 72 hours advance notice, temporarily raise, lower or relocate its wires and cables to permit the moving of buildings, or any other item of bulk, and the expenses incurred by Company in such raising, lowering or relocation shall be paid, in advance, by the person or concern requesting the same.
5. The Company shall at its own cost and expense, replace, restore or repair any private property, street, sidewalk, alley, public way or paved area destroyed or damaged by the Company or its agents, employees or servants.
6. If at any time during the term of this franchise the Borough shall elect to alter or change the grade of any street, sidewalk, alley or other public way, or when required by reason of traffic conditions, public safety, street vibration, freeway and street construction, installation of sewers, drains, water pipes, power lines, signal lines and tracks or any other type of structure or improvements when acting in a governmental or proprietary capacity, the Company upon reasonable notice by the Borough shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own cost and expense.

(Ord. 494, 1/16/1978, §8)

§13-109. New Developments.

It shall be the policy of the Borough to liberally amend this franchise, upon application of the Company, when necessary to enable the Company to take advantage of any developments in the field of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to service its customers; provided, however, that this §13-109 shall not be construed to require the Borough to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

(Ord. 494, 1/16/1978, §9)

§13-110. Removal or Abandonment of Property of Company.

1. In the event:
 - A. That the use of any part or all of the CATV system is discontinued for any reason for a continuous period of 12 months, or
 - B. That such system or property has been installed in any street or public places without complying with the requirements of this franchise, or
 - C. That the franchise shall have been terminated, canceled or expired for any reason, the Company upon notice shall promptly remove from the streets or public places all such property and poles of such system other than any which the Borough may permit to be abandoned in such place and shall also remove house distribution cables and connections. In the event of such removal, the Company shall promptly restore the street or other areas from

which such property has been removed to a condition satisfactory to the Borough.

2. Upon termination of service to any subscriber, the Company shall promptly remove all of its facilities and equipment from the premises of such subscriber upon his request.

(Ord. 494, 1/16/1978, §10)

§13-111. Failure to perform Street Work.

The Company shall abide by all applicable ordinances of the Borough relating to street and sidewalk work and shall make application accompanied by the required fees for permits to perform any and all such work before commencing same. Upon failure of the Company to complete any work required by law or by the provisions of this Part to be done in any street within the time prescribed, and to the satisfaction of the Borough, the Borough may cause such work to be done and the Company shall pay to the Borough the cost thereof in the itemized amounts reported by the Borough to the Company within 30 days after receipt of such itemized report, plus 10% of the costs thereof.

(Ord. 494, 1/16/1978, §11)

§13-112. Preferential or Discriminatory Practices Prohibited.

The Company shall not, as to rates, charges, service, facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage.

(Ord. 494, 1/16/1978, §12)

§13-113. Assignment/Transfer of Franchise.

1. The right given the Company shall not be assignable without the prior written approval of the Borough, which approval shall not be unreasonably withheld.
2. Any assignment attempted by the Company in the absence of such consent shall be ineffective and the right given hereby shall thereby be rendered null and void, provided, however that the Company may assign this franchise and contract and its rights hereunder without such consent to a subsidiary or affiliated corporation owned, controlled or managed by the Company, but the Company shall remain liable for the performance of its obligations hereunder notwithstanding any such assignment.

(Ord. 494, 1/16/1978, §13)

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§13-114. Filing and Communications With Regulatory Agencies.

Copies of all petitions, applications and communications submitted by the Company to the Federal Communications Commission, Securities and Exchange Commission, or any other Federal or State regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to this franchise, shall be made available to the Borough.

(Ord. 494, 1/16/1978, §14)

§13-115. Borough Rights in Franchise.

1. The right is hereby reserved to Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power.
2. The Borough shall have the right to inspect the books, records, maps, plans and other like materials of the Company at any time during normal business hours.
3. The Borough shall have the right, during the term of this franchise, to install and maintain free of charge upon the poles of the Company any wire and pole fixtures necessary for a police alarm system or lighting fixtures on the condition that such wire and pole fixtures do not interfere with the CATV operations of the Company.

(Ord. 494, 1/16/1978, §15)

§13-116. Charges.

The Company's charge for installation of a single residential television cable connection shall not exceed \$25, and the charge for cable service for a single residential television cable shall not exceed \$7.75 per month. The charge for additional installations in the same residence shall not exceed \$10 per additional installation. The charge for cable service for such additional connection in the same residence shall not exceed \$2 and \$2.50 per month per additional connection. There shall be no increase in these rates without the express consent of the Borough. The Company shall have the option to require a deposit for each set commander provided to subscriber. Each apartment unit within the apartment building shall be considered a separate residential dwelling and charged accordingly. The Borough, hereinafter, may in its sole discretion, put into effect any changes in the foregoing charges by way of resolution fully adopted by the Borough Council and spread upon the minutes of the Borough of Collingdale records.

(Ord. 494, 1/16/1978, §16; as amended by Ord. 531, 10/4/1982, §1)

§13-117. Fee to Borough.

1. For the use of the streets and other facilities of the Borough for the operation of the CATV system and for the municipal supervision thereof, the Company shall pay to the Borough annually during the additional 10 year term hereof that amount of money which is equal to 5% of the gross cable revenue received by Company from its operation under this franchise. "Gross cable revenue" includes all revenue received by Company with the exception of revenues derived from advertising or any taxes on services furnished by the Company imposed directly on any subscriber by any State, city or other governmental unit and collected by the Company for such governmental unit.
2. The Company shall file with the Borough within 90 days after the expiration of any fiscal year of the Company during the term of this franchise, a gross cable revenue report, as that term is defined hereinabove, certified by a Company officer showing in appropriate detail the total gross cable revenue as defined herein, of Company, its successors or assigns, during the preceding fiscal year. It shall be the duty of the Company to pay to the Borough of Collingdale within 15 days after the time for filing such statements the specified sum due for the fiscal year covered by such statement. The Tax Collector of the Borough of Collingdale or his authorized agent or other authorized representative of the Borough of Collingdale shall have the authority to examine the books and records of the Company to verify the accuracy of the payments made hereunder.
3. Company is in the process of renewing its franchises in the various municipalities in the County of Delaware. Should any other municipality in the County of Delaware during the franchise renewal process receive a better fee package in any franchising agreement than that set forth in subsection (1), above, the Borough of Collingdale shall automatically be entitled to receive and Company shall be obligated to pay the higher fee upon adoption by the Borough of Collingdale of an ordinance with the higher fee set forth therein.

(Ord. 494, 1/16/1978, §17; as amended by Ord. 590A, 5/3/1990, §1)

§13-118. Borough's Rights of Intervention.

The Company agrees not to oppose intervention by the Borough in any suit or proceeding to which the Company is a party and which may have a substantial adverse affect on the Company's operations within the Borough.

(Ord. 494, 1/16/1978, §18)

§13-119. Channels and Programs.

The Company shall comply with the present and future rules and regulations of the Federal Communications Commission in connection with and relating to the operation of its system and shall provide a minimum service offering as follows:

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1. **Channel Capacity** - Company shall construct a system with a minimum channel capacity of 20 television channels and shall maintain a plant having technical capacity for non-voice return communications.
2. **Signals to be Carried** - Company shall carry on its system the signals of all stations significantly viewed in the Borough of Collingdale, Delaware County, and the signals of no less than two distant independent commercial stations as well as the signals of such distant educational stations as may be feasible and permitted under the rules and regulations of the Federal Communications Commission.
3. **Access Channels** - Company shall maintain all access channels as required by the Federal Communications Commission. As a minimum, however, unless prohibited by law, the Company shall provide public, governmental and educational channels to the Borough to be shared by others.
4. The Company shall not engage in the sale or rental of television or radio receivers, the furnishing of television or radio receiver repair service, or the solicitation or referral to particular persons or classes of persons for such sale, rental or service. The facilities of the Company shall not be constructed or operated so as to necessitate the use of a receiver of a unique type for optimum reception to signals. However, nothing contained herein shall be interpreted to prohibit the use of converters or descramblers on the CATV system.
5. **Program Origination.** Grantee shall conduct program origination cable casting as required by the Federal Communications Commission.

(Ord. 494, 1/16/1978, §19)

§13-120. Regulatory Action.

1. The performance by the Company hereunder is subject to the limitations, restrictions or requirements now existing or which may henceforth be imposed by law, rules or orders of the Federal Communications Commission or any other government, board, commission or authority of any kind.
2. Should the Federal Communications Commission modify or amend the provisions of Section 76.31 of its rules and regulations entitled, "Franchise Standards," such modifications or amendments shall be incorporated into this franchise within 1 year of the adoption of the modification or amendment, or at any time of the renewal at the expiration of the franchise pursuant to the terms and provisions thereof.

(Ord. 494, 1/16/1978, §20)

§13-121. Right of Revocation.

The Borough shall have the right to rescind or revoke the rights herein granted upon any substantial violation by the Company of any of the obligations and requirements

contained herein after written notice by the Borough to the Company in continuation of such violation, failure or default.

1. Such written notice to the Company shall specify the manner in which the Company is in violation, failure or default with respect to the franchises.
2. The notice given by the Borough shall give the Company a specified, reasonable amount of time within which to correct violation, failure or default, but, in no event, shall the time period be less than 30 days from the date of receipt of the notice to the Company.

(Ord. 494, 1/16/1978, §21)

§13-122. Service Interruptions.

The Borough reserves the right to set, with the agreement of the Company, rebates for service interruptions. Said rebate schedule shall be agreed upon by the parties.

(Ord. 494, 1/16/1978, §21.1)

§13-123. Implementation of Ordinance.

The Borough and the executive officers of said Borough, and the department and bureaus of the Borough, shall issue to the Company in the name of the Borough all permits necessary or convenient to evidence the grant of the franchise herein and to implement the provisions of this Part.

(Ord. 494, 1/16/1978, §23)

§13-124. Permits.

Company shall make application to the Borough and pay all fees for any and all street work or other permits as required by Borough ordinances.

(Ord. 494, 1/16/1978, §24)

§13-125. Certification.

Company shall supply Borough annually with a letter signed by the president of the Company certifying compliance with Federal Communication Commission regulations and with this Part.

(Ord. 494, 1/16/1978, §25)

PART 2

GENERAL FOOD REGULATIONS

§13-201. Definitions.

EMPLOYEE - any person who handles food or drink during the preparation or serving, or comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served. This shall include the proprietor or any member of the proprietor's family who handles food and drink. The masculine shall be interpreted to include the feminine and neuter pronoun.

FOOD ESTABLISHMENT - any place where food or beverage intended for human consumption is kept, stored, manufactured, prepared, dressed, handled, sold or offered for sale with or without charge either at wholesale or retail, and not consumed on the premises, provided, however, that the term "food establishment" shall not include a "public eating and drinking place."

FOOD VENDOR - any person who transports, distributes or sells to the public prepared foods or perishable food of a kind deemed by the Board to be capable of causing human foodborne illness, from any truck, trailer, cart, bicycle or other vehicle, or from any vending machine, container to other type of equipment, except that door-to-door salesmen of milk and bread products are specifically excluded from this definition.

ITINERANT PUBLIC EATING AND DRINKING PLACE - one operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

LICENSE - the permission granted to a licensee to conduct a public eating and drinking place, food establishment, or to operate as food vendor.

LICENSOR OR BOARD - the Board of Health of the Borough of Collingdale.

LICENSEE - a holder of a license.

PERISHABLE FOODS - any food or beverage or ingredients, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products that are processed and ice cream and ice cream products are excluded from the terms of this definition.

PROPRIETOR - any person, partnership, association or corporation conducting or operating within the limits of the Borough of a public eating or drinking place, food establishment, or operating as a food vendor.

PUBLIC EATING AND DRINKING PLACE - restaurant; coffee shop; cafeteria; short order cafe; luncheonette; tavern; sandwich stand; soda fountain; private club; hospital kitchen; dining room or snack bar; industrial kitchen, dining room,

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cafeteria or snack bar; school lunch room or cafeteria; or any other place where food, drinks or refreshments are served, sold or prepared and sold or given away, to be consumed on or off the premises; provided, however, that this definition shall not be interpreted to include boarding houses or private homes.

VENDING EQUIPMENT - any self-service device offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

(*Ord. 394, 7/1/1968, Arts. 1, 2, 4; as amended by Ord. 568, 10/5/1987*)

§13-202. Licenses.

1. **Public Eating and Drinking Places** - It shall be unlawful for any person to operate a public eating and drinking place in the Borough who does not possess a license from the Board of Health of the Borough of Collingdale. The fee for such a license shall be \$30. Licenses shall be granted for a period of 1 year (commencing February 1) or portion thereof. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 10 days before the expiration of the existing license. Licenses may be suspended or revoked for violations by the holder thereof the these rules and regulations. No license shall be suspended or revoked without the licensee being given a hearing before the Board of Health.
2. **Food Establishments** - It shall be unlawful for any person to operate a food establishment in the Borough of Collingdale who does not possess a license from the Board of Health of the Borough of Collingdale. The fee for such a license shall be \$30. Licenses shall be granted for a period of 1 year commencing July 1, or portion thereof. Such license shall be conspicuously displayed at all times iti the place thereby licensed and shall not be transferable. Application for renewal of a license shall be made at least 10 days before the expiration of the existing license.

Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.

3. **Bakeries** - The cost of a yearly license fee for bakeries shall be \$50.
4. **Food vendors** - Applications for licenses shall be on forms provided by this Board which shall set forth the name, residence and business address of the applicant, and the names of the persons operating the establishment or establishments from which the prepared or perishable food will be obtained.
 - A. Every food vendor shall upon demand furnish to this Board such additional information as this Board may require to enable it to determine whether the provisions of these rules and regulations are being complied with. Failure to

furnish such information promptly or failure to secure written permission to inspect or re-inspect sources of food supplies shall result in the refusal to issue, or the revocation of the food vendor's license.

- B. It shall be unlawful for any person to sell or distribute to the public prepared or perishable food from any food vending vehicle without obtaining a license from the Board of Health of the Borough of Collingdale. The fee for such a license shall be \$50 per year. Licenses shall be granted for a period of 1 year commencing February 1, or portion thereof. Such licenses shall be displayed at all times in a conspicuous place and shall not be transferable. Application for renewal of a license shall be made at least 10 days before the expiration of the existing license.
- C. A license will not be issued to any person until the Board of Health has inspected and approved the establishment and equipment from which the food is to be obtained. Written permission for the Board to inspect or re-inspect such establishment or equipment shall be secured by the applicant. Any such establishment shall be equipped and operated in compliance with the provisions of these rules and regulations or requirements of the Board now in effect or hereafter adopted. The license shall at all times be kept posted prominently in the food vending vehicle or on the equipment. Applications for renewal of licenses shall be made prior to January 1 of each year for a further period of 12 months.
- D. Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Board of Health.

5. **Vending machines** - A vending machine license shall be \$2.

- A. A license shall be required for all vending machines which dispense any food products or drink not canned or bottled.

6. **Late Charges** - A late charge shall be applicable to all licenses as outlined in §§13-202(1), 13-202(2), 13-202(3) and 13-202(4) according to the following schedule:

After 30 days	\$10
After 60 days	\$20
After 90 days	\$30

(Ord. 394, 7/1/1968, Arts. 1, 2, 4, 13; as amended by Ord. 523, 6/1/1981; by Ord. 524, 11/9/1981; by Ord. 568, 10/5/1987; and by Ord. 599, 7/11/1994)

§13-203. Foodhandler Certificates.

- 1. All employees are required to obtain a Foodhandlers Certificate from the Board of Health within 5 days of employment. All employees who work 5 days in any 1 calendar month shall have a certificate. The fee shall be \$4 for a Foodhandlers Certificate.

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2. A late charge shall be applicable to all Food Handler Certificates as outlined in §13-203, according to the following schedule:

After 30 days	\$2
After 60 days	\$4
After 90 days	\$10

(*Ord. 394*, 7/1/1968, Arts. 1, 2, 4, 13; as amended by *Ord. 523*, 6/1/1981; by *Ord. 524*, 11/9/1981; by *Ord. 568*, 10/5/1987; and by *Ord. 599*, 7/11/1994)

§13-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(*Ord. 394*, 7/1/1968, Art. 14; as revised by *Ord. 568*, 10/5/1987)

PART 3

GARAGE/YARDS SALES

§13-301. Title.

This Part shall be known as the “Ordinance Regulating and Restricting Garage Sales”.

(Ord. 568, 10/5/1987)

§13-302. Purpose.

Such rules and regulations as set up in this Part designed to control and restrict garage sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only in keeping with the character of the neighborhood where this activity is carried on and with the zoning ordinance of the Borough of Collingdale. The intent of this Part is to eliminate perpetual, prolonged and extended garage sales in residential areas. Such sales if carried indefinitely tend to become retail businesses in residential areas and zones, create a nuisance and usually violate the zoning regulations of the Borough. The provisions of this Part arise from the need to limit, regulate, restrict and control garage sales. It is not the intent of this Part to change or amend the zoning laws, transient business laws and/or any other laws or ordinances of the Borough of Collingdale.

(Ord. 568, 10/5/1987)

§13-303. Definitions.

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

GARAGE SALES -

- (1) The sale or offering for sale of ten or more new, used or secondhand items of personal property at any one residential premises at any one time.
- (2) Includes all sales in residential areas entitled “garage sales,” “yard sales,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” “basement sale,” “rummage sale,” “flea market sale” or any similar casual sale of tangible personal property.

GOODS - any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSONS - individuals, partnerships, family groups, voluntary associations and corporations.

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BOROUGH - all residential dwellings located within any type of zone, zoned area, zoning district, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the Borough of Collingdale.

(Ord. 568, 10/5/1987)

§13-304. Permit Required; Fee; Conditions for Sales.

1. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of the Borough without first obtaining a garage sale license from Borough Manager after filing an application containing the information herein-after specified.
2. The first garage sale license issued to any one person or for any one premises within one 12 month period shall be issued without charge. For the second such license issued in any 12 month period, there shall be a nonrefundable fee, as established from time to time by Borough Council.

(Ord. 568, 10/5/1987)

§13-305. Exemptions.

This ordinance shall not be applicable to:

- A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement and which separate items do not exceed nine in number. Notwithstanding any provisions of this ordinance, any person may sell up to nine secondhand articles without being subject to the provisions of this Part.
- D. Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Part have not been met.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of the Borough with or without the protection of the non-conforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and ordinances of the Borough including this Part.

- F. Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
- G. Any public auction having a duration of no more than 2 days and conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania.

(Ord. 568, 10/5/1987)

§13-306. Sale of Dangerous Items at Garage/Yard Sales Prohibited.

No person, organization, group, charity and/or corporation of any kind shall permit the sale of dangerous instrumentalities at flea markets, garage sales, neighborhood and/or block sales. Dangerous instrumentalities shall include, but not be limited to:

- A. Items and/or products which have no legitimate purpose other than as a weapon, instrument of harm and/or injury, or otherwise constitute a threat to human beings.
- B. Items which, if sold to minors, may constitute a danger to said minors and the persons with whom they shall come in contact with. Any sale of an item identified in subsection (A) above to a minor shall constitute a violation of this Section of this Part.

(Ord. 568, 10/5/1987)

§13-307. Enforcement.

1. This local law shall be enforced by the Police Department. It shall be the duty of the Police Department to investigate any violation of this Part.
2. If after an investigation, a violation is found to exist, the Police Department shall prosecute a complaint before a District Justice pursuant to the provisions of this ordinance.
3. The person to whom the garage sale license was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
 - A. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.

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- B. In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.

(Ord. 568, 10/5/1987)

§13-308. 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 \$300, and/or to imprisonment for a term not to exceed 90 days.
2. Any person violating §13-306 hereof may, in addition to the penalties of subsection (1) hereof, have such dangerous items seized by the Borough police upon notification of the presence thereof.

(Ord. 568, 10/5/1987)

PART 4

TRANSIENT RETAIL MERCHANTS

§13-401. Definitions.

1. 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 -

- (1) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough; or
 - (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-402. License Required; Conditions of Issuance; Fee.

1. No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Manager a license, for which a fee, which shall be for the use of the Borough, shall be charged:
 - A. Ten dollars for 1 day
 - B. Twenty-five dollars for 1 week
 - C. One hundred dollars for 1 month
 - D. Three hundred dollars for 1 year.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

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§13-403. Exceptions.

1. No license fee shall be charged:
 - A. To farmers selling their own produce.
 - B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
 - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
 - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
 - E. To any honorable discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61 (1982), 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 Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. §§160-1 et seq. (1982), 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.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided further, the Borough 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 nonprofit corporation. Provided further; 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 therein.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-404. License Application.

Every person desiring a license under this Part shall first make application to the Borough 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. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-405. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Borough 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 Borough.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-406. 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 Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or

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merchandise, or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsaleable 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 9 a.m. or after 10 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-407. Supervision; Records and Reports.

The Borough Manager shall supervise the activities of all persons holding licenses under this Part. Re shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-408. Suspension and Revocation of License; Appeal.

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

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

§13-409. 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 \$300, and/or to imprisonment for not more than 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 275, 5/1/1950; as revised by Ord. 568, 10/5/1987)

PART 5

JUNKYARDS

§13-501. Definitions.

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

FARM MACHINERY - all types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material including, but not limited to, scrap metal, paper, rags, glass, containers, scrap wood, motor vehicles, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailers which are occupied or are properly placed and planned for occupancy.

JUNK DEALER - any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard within the municipality.

JUNKYARD - any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more unlicensed motor vehicles and/or unlicensed trailers thereon shall be deemed to be a junkyard, except that the foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles being stored primarily for salvage purposes.

MOTOR VEHICLE - all types of automobiles, trucks and tractors, including self-propelled machinery of all kinds with the exception of farm machinery.

PERSON - any natural person, partnership, firm, company, corporation or other legal entity.

PREMISES - any parcel of land situated in the Borough, having a separate tax map parcel number for county assessment purposes.

SOLID WASTE - any waste including, but not limited to, municipal, residual or hazardous wastes including solid, liquid, semisolid or contained gaseous material.

TRAILER - any wheeled vehicles not self-propelled, drawn by a motor vehicle.

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

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

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§13-502. License Required; Fees.

No person may be a junk dealer as herein defined within the Borough without first obtaining a license to operate as herein described.

- A. Any person desiring to be a licensed junk dealer in the Borough shall first make written application to the Borough. Such application shall be in the form established by the Borough Council and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located including the Delaware County tax map parcel number(s), and a statement that the applicant will comply with this Part and any regulations adopted pursuant to this Part, and such other information as the Borough Council may require.
- B. An application for license under this Part shall be examined by the Borough Council or duly authorized agent thereof and license issued or refused within 60 days of submission to the Borough Council. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon the Borough. When the application is found in compliance with the provisions herein given, the Borough Council or its agent shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.
- C. The license fee shall consist of two parts: the application fee which is not returnable in case of refusal of license; and the annual license fee both of which shall be as established from time to time by resolution of Borough Council. All fees are due, payable to and for the use of the Borough, at time of application. The Borough Council or its agent may waive the application fee when issuing renewed licenses. The period of any license issued under this Part shall be for one calendar year or portion thereof, and shall terminate on December 31 of the year in which issued.
- D. Licenses issued under this Part are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the Borough Council and accompanied by the license fee. Renewal applications are subject to complete reexamination and consideration by the Borough Council or its agents for continued compliance with the terms of this Part.
- E. No person licensed under this Part shall, by virtue of one license, operate more than one business or junkyard within the Borough. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junk yard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties and shall not be in excess of 1 acre, excluding setback areas.

(*Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987*)

§13-503. Posting of Junkyard Licenses; Operating Procedures.

The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

- A. Permanent records of all junk received in or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and a description of the junk. Such records shall be open to inspection at all reasonable times by the Borough Council or its agent, and by any law enforcement officer.
- B. Junkyards and businesses licensed under this Part may not operate on Sunday, nor between the hours of 5 p.m. and 8 a.m., except to remove any wrecked automobile from any public highway.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-504. Manner of Storage of Junk in Junkyards.

All junk in junkyards licensed under this Part shall be stored as herein provided:

- A. All junk shall be set back at least 40 feet from any adjoining premises and at least 60 feet from the nearest right-of-way of any public street, road or highway.
- B. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least 20 feet between double rows; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than 20 feet.
- C. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than 6 feet from the ground.
- D. All gasoline and oil shall be drained from junked motor vehicles within 3 hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than 55 gallons in the aggregate, in proper containers, may be stored above ground.
- E. Paper, rags, plastics and similar materials for salvage shall be stored indoors.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

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§13-505. Time Limit for Allowing Certain Materials to Remain on Premises.

Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than 60 days. Materials separated as solid waste shall not be accumulated for more than 30 days.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-506. Burning Prohibited.

No burning of motor vehicles, gasoline, grease, oil, tires or similar materials is permitted at any time on the junkyard premises.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-507. Certain Materials Not to Be Received or Stored in Junkyard.

Garbage, organic waste or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-508. Fencing and Screening; Maintenance.

Every junk dealer licensed under this Part shall enclose and maintain his junkyard as herein provided:

- A. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of §13-504, subsection (1), of this Part, shall be 6 to 8 feet in height, and shall be of wood or wire with maximum lineal openings of 3 inches. Entrance gates shall be of similar material, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.
- B. Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within 500 feet of the fence shall have a landscaped screen of trees and/or shrubs, of varieties capable of attaining a continuous height of 6 feet within 2 years, planted along such fence or section of fence. All required open areas between fence and lot lines of the premises shall be maintained continuously in good order, free of weeds and scrub growth.
- C. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.

- D. All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-509. Right of Entry for Inspection; Additional Regulations Authorized.

Every junk dealer and junkyard licensed under this Part is subject to inspection and regulation as herein provided:

- A. Any member of the Borough Council or the agent of the Board may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.
- B. The Borough Council may from time to time pursuant to resolution adopt regulations to carry out the provisions of this Part, upon giving notice to licensees affected by such regulations.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-510. Exceptions for Existing Junkyards.

The Borough Council may waive the setback requirements as established by subsection (A) of §13-504, and the planting requirements as established by subsection (B) of §13-508, for those junkyards in existence at the time of the enactment of this Part, if such junkyard is in compliance with the other requirements as provided by this Part, and if, in the Borough Council's discretion, compliance with said setback and planting requirements would cause undue hardship to such existing junkyard.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

§13-511. Time Limit for Existing Establishments to Comply and Obtain License.

1. Junk dealers and junkyards operating and existing in the Borough on the effective date of this Part shall be required to comply with the provisions of and obtain a license under this Part within 6 months from the effective date.
2. However, an extension of the time allotted in complying with the terms of this Part may be granted at the discretion of the Borough Council. Such extension shall be for good reason, and shall not exceed 6 months.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

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§13-512. 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 \$300, and/or to imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 463, 7/1/1974; as revised by Ord. 568, 10/5/1987)

PART 6

LAUNDROMATS

§13-601. Definitions

LAUNDROMAT - the premises where two or more coin operated laundry machines or dryers are installed and used by the general public.

(Ord. 394, 7/1/1968, Art. 10, §1)

§13-602. Application.

1. Any person desiring to operate a laundromat shall make application in writing to this Board. Such application shall include the following information:
 - A. The applicant's full name, residence, telephone number and post office address, and whether the applicant is an individual firm or corporation; if a partnership, the names and addresses of all the partners shall be included; if a corporation, the names and addresses of all officers shall be included.
 - B. The proposed location of the establishment, a floor plan showing the building outline and location of the equipment.
 - C. The manufacturer of the machine, the trade name and the manufacturer's agent.
 - D. The name or names of all maintenance personnel and their telephone numbers.
 - E. The signature of the applicant or its duly authorized officer.

Upon receipt of such application, this Board shall make such investigation as may be necessary of the maintenance and storage facilities, as well as the machines and their locations in the premises to determine compliance with the provisions of this Part.

(Ord. 394, 7/1/1968, Art. 10, §2)

§13-603. Permit.

1. It shall be unlawful for any person to engage in the operation of an establishment where one or more laundry machines or dryers are offered for public use which, upon insertion of a coin, coins or token or by other means provide self-service laundry facilities without first having applied to and procured a permit from the Board of Health.

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2. The fee for a permit as required hereunder shall be established by resolution of Borough Council. All permits shall expire on the 31st day of December each year.

(*Ord. 394*, 7/1/1968, Art. 10, §3; as amended by *Ord. 523*, 6/1/1981; and by *Ord. 524*, 11/9/1981, and by *Ord. 568*, 10/5/1987)

§13-604. Standards.

1. All rooms used in connection with the laundromat shall be kept in a clean and sanitary condition and shall be provided with adequate light and ventilation.
2. The floors shall be of such construction as to be easily cleaned, shall be smooth and kept clean and in good repair.
3. The walls and ceilings shall be smooth, in good repair and shall be painted in a light color.
4. All water supplied to laundromats shall meet the requirements of this Part.
5. All plumbing installed in laundromats shall meet the requirements of the Collingdale Plumbing Code.
6. Hours of operation shall be limited from 8 a.m. to 10 p.m. every day.

(*Ord. 394*, 7/1/1968, Art. 10, §4; as amended by *Ord. 568*, 10/5/1987)

§13-605. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 6 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

(*Ord. 394*, 7/1/1968, Art. 14; as amended by *Ord. 568*, 10/5/1987)

PART 7

MECHANICAL AMUSEMENT DEVICES

§13-701. Definitions.

As used in this Part, the following terms shall be defined as follows:

BUILDING INSPECTOR - in and for the Borough of Collingdale as appointed by the Borough Council.

JUKEBOX - any machine, contrivance and/or device which vends music upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of music and/or similar entertainment.

MECHANICAL AND/OR ELECTRONIC AMUSEMENT DEVICE - any machine, contrivance or device, which upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of a specific sum, may be operated or used as a game, entertainment and/or amusement and/or instructional device, whether or not registering a score and whether or not a prize is offered. It shall include, but not be limited to, such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, photo-electric shooting or target machines, electronic video games, air hockey tables, football games, and all games, operations or transactions similar thereto under whatever name they may be designated or described. It shall not include devices or machines which dispense merchandise such as candy, cigarettes, maps, or common household and/or business items and/or jukeboxes.

POOL TABLE - any table with cushions and/or pockets upon which games of pool and/or billiards in any form are played upon payment of a price, whether or not operated by the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening.

OPERATOR - any person, firm, partnership, corporation or association displaying or maintaining for use and/or operation, any mechanical amusement device or pool table or otherwise permitting the use or operation of such devices for a fee or charge.

PERSON - every natural person, co-partnership, association or corporation, and whenever used in any clause prescribing or imposing a penalty, the term, as applied to co-partnership or associations, shall mean the partners or members thereof, and as applied to a corporation, the officers thereof.

(Ord. 528, 3/3/1982, §1)

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§13-702. License Required.

Hereafter, it shall be unlawful for any operator to display or keep or maintain for use and/or operation or otherwise permit the use and/or operation of any mechanical amusement device, pool table or other similar machine without first having registered with and obtained a license from the Building Inspector as prescribed in the within Part 7.

(Ord. 528, 3/3/1982, §2)

§13-703. Application Requirements.

1. Every operator desiring to register with and obtain a license and/or licenses as required herein shall apply to the Building Inspector or such other person as shall be designated by Council at its sole discretion. Application forms may be secured from the Borough Hall, Collingdale, Pennsylvania, and shall set forth the following information:
 - A. The name and address of the operator.
 - B. A plan of the premises showing the location or locations where the mechanical amusement device or pool table or similar machine or device is to be displayed or maintained, as well as the location or locations of the supervision of the establishment which shall be provided. No device may be located within 10 feet of any doorway. Any such plan shall comply with any applicable Building Codes and Fire Codes and other applicable ordinances of the Borough of Collingdale.
 - C. Each device, excluding pool tables, and shuffleboard tables (not mechanical) shall be provided with a minimum of 10 feet clearance (open space) on both sides and 10 feet front clearance (open space) in front where the patrons are to be situated.
 - D. No machine and/or games and/or amusements or devices, either separately or in combination with other such devices in any such establishment shall exceed the established ANSI and/or United States Standard noise levels.
 - E. The type, manufacturer and serial number of each mechanical amusement device or pool table for which application is being sought.
 - F. Such other information as the Building Inspector may deem necessary for the administration and enforcement of this Part.
2. Upon approval of the application, the Building Inspector shall issue a license for operation where a mechanical or electronic amusement device or pool table is to be displayed or maintained. Said license shall specify the number of electronic or mechanical devices and/or pool tables which are to be maintained and/or displayed and/or operated at the building establishment and/or place of business for which application for the license is made. It shall be unlawful for any person

and/or operator to maintain and/or operate and/or display mechanical and/or electronic amusement devices in a number more than that specified in the license.

(*Ord. 528, 3/3/1982, §3*)

§13-704. Fees.

1. A registration and license fee shall be paid by the operator to the Building Inspector at the time that application is filed. Such fees shall be as established from time to time by resolution of Borough Council.
2. No deductions or refunds of any fee shall be granted in case of a fee payable for less than a full calendar year or in the case of any device destroyed, stolen, sold or otherwise disposed of or transferred after payment of the fee, except that a licensee who has a license for a specific number of machines, may interchange machines, provided that he does not, at any one time, exceed the total number of machines (including electronic and/or mechanical amusement devices and/or pool tables) specified in his license.
3. In the case of the loss, defacement or destruction of any original license, the person to whom such certificate was issued shall apply to the Building Inspector, who will then issue a license upon payment of a fee of \$5, provided proof of the loss, defacement or destruction of any original license is provided.

(*Ord. 528, 3/3/1982, §4; as amended by Ord. 568, 10/5/1987*)

§13-705. Regulations.

1. A copy of the license must be visibly posted upon the premises where any mechanical or electronic device, or pool table is displayed or maintained for use and operation in accordance with the directions of the Building Inspector.
2. Any premises upon which any mechanical or electronic amusement device or pool table is displayed or maintained shall be open to examination and inspection by duly authorized agents of the Building Inspector and/or the Borough of Collingdale Police during all hours that such premises are open to use by the public.
3. No mechanical or electronic amusement device or pool table shall be used for gambling or other illegal purposes.
4. Any premises or places of business primarily or substantially devoted to the display or maintenance of mechanical or electronic amusement devices or pool table shall be subject to the provision of the Borough of Collingdale Zoning Ordinance relating to places of amusement. For purposes of this Part, any premises upon which are displayed or maintained more than five mechanical or electronic amusement devices and/or pool tables, or any combination thereof,

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shall be considered as being substantially devoted to the display or maintenance of mechanical or electronic amusement devices or pool tables.

5. Any operator granted a license shall not permit the operation of any device by a person under the age of 18 years of age during the regular class hours of any day in which school is in session nor after the hour of 8 p.m. from Sunday through Thursday, or after the hour of 9 p.m. on Friday and Saturday.
6. After the Borough of Collingdale Police Department has responded to the sixth complaint pertaining to disturbances and/or unreasonable noise and/or gatherings, related to the operation of such devices at any licensed premises, the Borough Council will have the right to review the complaints, and if it is decided the complaints were legitimate, they will have the right to suspend the licenses issued to the operator and enforce the removal of all devices from the licensed premises for the remainder of that calendar year. There shall be no remission of any fees paid under these circumstances.
7. In no event shall any operator allow and/or operate and/or maintain and/or install more than six mechanical and/or electronic devices at any one business establishment.

(Ord. 528, 3/3/1982, §5)

§13-706. Expiration and Renewal.

Licenses issued under this Part expire on December 31 of each year. Applications for renewal, accompanied by the required annual fee, shall be submitted in the month of December and may consist of a signed verification of the original application contents so long as there have been no changes.

(Ord. 528, 3/3/1982, §6)

§13-707. Transfers.

Licenses shall apply only to the operator and location to which issued, and any transfer shall require amendment of the original application, approved by the Building Inspector, and payment of the fee specified in §13-704 above. A new seal may be issued for a replacement for a mechanical or electronic amusement device or pool table previously registered under this Part only upon amendment of the original application, approved by the Building Inspector, and payment of the fee specified in §13-704 above.

(Ord. 528, 3/3/1982, §7)

§13-708. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 7 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to

imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 7 continues shall constitute a separate offense.

(*Ord. 528, 3/3/1982, §8; as amended by Ord. 568, 10/5/1987*)

PART 8

WIRES, CABLES AND POLES

§13-801. Charge for Maintenance of Wire, Cable and Pole Installations.

There shall be assessed, levied and collected a charge against the owners of wires, cables and poles aboveground throughout the Borough of Collingdale as follows:

For wire and cables, per mile	\$2.50
For poles, each	.50

(*Ord. 266*, 11/30/1947, §1; as reenacted by *Ord. 419*, 3/2/1970)

§13-802. Report Required from Companies Maintaining Such Installations.

The Borough Manager shall from time to time obtain from all companies owning wires, cables and poles aboveground in the Borough of Collingdale, a statement of the amount of wire, cables and poles in Collingdale owned by them and shall annually bill the respective owners the charges as ordered in this Part.

(*Ord. 266*, 11/30/1947, §2)

PART 9
CONTRACTOR LICENSING

§13-901. Short Title.

This Part shall be known and may be cited as “The Borough of Collingdale Contractor Licensing Ordinance.”

(Ord. 611, 4/7/1997, §1)

§13-902. Definitions.

The following words and phrases as used in this Part shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning. The masculine includes the feminine, the singular includes the plural, and the plural includes the singular.

CONTRACT - an agreement, whether oral or written, and whether contained in one or more documents, between a contractor and an owner or another contractor for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

CONTRACTOR - any person, other than a bona fide employee of the contractor, who undertakes or offers to perform construction, repair, re-roofing, painting, remodeling, rehabilitation, demolition, paving, electrical, plumbing, and any other residential or non-residential construction or trade, or demolition work in the Borough, whether as a general contractor, subcontractor, specialty contractor, or home improvement contractor with respect to the property owner.

MANAGER - the Manager of the Borough of Collingdale.

LICENSE YEAR - the 12 month period beginning the first day of January of each year.

OWNER - any property owner, tenant or other person who order, contracts for, or purchases the services of a contractor, or any person entitled to the work of a contractor pursuant to a contract, gift or otherwise.

PERSON - any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity.

BOROUGH - the Borough of Collingdale.

(Ord. 611, 4/7/1997, §2)

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§13-903. Enforcement.

The Manager or his authorized representatives and Administrative or Code Enforcement Officers shall administer and enforce the provisions of this Part.

(Ord. 611, 4/7/1997, §3)

§13-904. Compliance Required.

No person shall act as a contractor in the Borough except in compliance with the provisions of this Part. Any person, including an owner, who willfully aids a contractor or participates with a contractor in violating any provisions of this Part is in violation of this Part. The provisions of this Part may not be waived by agreement.

(Ord. 611, 4/7/1997, §4)

§13-905. Craft Licenses.

A license issued pursuant to this Part shall not be construed to authorize the license to perform any particular type of work or type of business which is reserved to qualified licenses under other provisions of State or local law.

(Ord. 611, 4/7/1997, §5)

§13-306. License Required, Application and Renewals.

For the license year beginning January 1, 1997 and each license year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a contractor in the Borough shall, or before the first day of January of the license year, or prior to commencing business in such license year, make application for a license to act as a contractor in the Borough. Such application shall be made by the completion of an application furnished by the Borough and the payment of a license fee as hereinafter set forth in this Part. Each application must contain information as set forth hereafter in this Part, and each applicant must present satisfactory proof of insurance as set forth hereafter in this Part. Each application for a license shall be signed by the applicant, if a natural person, and in the case of an association or a partnership, by a member or partner thereof, and in case of a corporation, by an officer thereof. Each successful applicant shall be issued a license. All contractors' licenses shall expire at midnight on December 31 of each license year unless the license is revoked or suspended prior thereto under the terms of this Part. A person with an unexpired license, which has not been revoked or suspended during the current year, who makes application for a license for the following license year, need not complete an application form, but must only submit the required license fee and, if he qualifies for licensing and renewal under the terms of this Part, his license shall be renewed for the following license year. Any contractor carrying on the business of contractor in the

Borough must secure a license under the terms of this Part for each license year during which he carries on such business.

(Ord. 611, 4/7/1997, §6)

§13-907. Exceptions and Exemptions.

1. The provisions of this Part shall not apply to the official transactions of any authorized representative of the government of the United States, any state or commonwealth of the United States, any political subdivision of any state or commonwealth, or any agency or instrumentality of the foregoing government; provided, however, that no person engaged by the representative of any of the foregoing, shall act as a contractor in the Borough unless such person shall first have complied with and have been licensed under the provisions of this Part.
2. No contractor's license shall be required of any person when acting in a particular capacity or particular type of transaction as follows:
 - A. A person who performs labor or services for a contractor for wages or salary.
3. The Borough of Collingdale's licensing does not preclude the requirement to obtain a building, electrical or plumbing permit, or any other permit(s) that may be required for construction, repair, remodeling, rehabilitation, demolition, roofing, paving, electrical, plumbing, installation or repair, or any other residential or nonresidential construction or trade.

(Ord. 611, 4/7/1997, §7)

§13-908. Insurance Required.

No contractor's license shall be issued unless the applicant files a certificate of insurance with the Borough at the time of license application. The certificate of insurance shall contain a provision that coverage afforded under the policy will not be canceled until at least 15 days after prior written notice of such cancellation has been given to the Borough. The certificate of insurance must evidence policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products liability, and completed operations, each of which must have a single occurrence limit of at least \$100,000; proof of Workmen's Compensation is further requested, if applicable. Blasting and demolition insurance shall also be required for blasting and demolition contractors, and the reasonable limits of such insurance shall be determined by the Manager at the time of application, based on the nature and extent of the applicant's proposed operations. All types of limits of insurance for which certificates are presented at the time of application, and based upon which a license is issued, shall be maintained throughout the license year, or the license will be suspended or revoked as hereinafter set forth; the Borough must be timely advised of any changes prior to a change in a carrier during a license year.

(Ord. 611, 4/7/1997, §8)

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§13-909. License Fees.

At the time of application for a new license or for the renewal of a current license, the applicant shall pay to the Borough a license application fee, all payable to the Borough of Collingdale as follows:

Builders, Developers and Contractors of Non-Residential Work	\$100
Builders and Developers of New Residential Projects	\$100
Swimming Pool and Sign Contractors	\$100
Contractors of Residential Alterations and Additions	\$ 50

No fee or portion thereof shall be returned to a successful or unsuccessful applicant.

(*Ord. 611, 4/7/1997, §9*)

§13-910. Issuance or Refusal to Issue License; Form of License Classification

1. When an application has been filed with the Borough in proper form, the Manager or his authorized representative must, within a period of 30 days from the date following the date the application is received, issue or refuse to issue the appropriate contractor's license to the applicant. If issuance of a license is denied, the Borough shall mail to the unsuccessful applicant a written statement setting forth the reason or reasons for the denial, within the aforesaid 30 day period.
2. The application for a license shall be a printed form, provided to the applicant by the Borough, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean that the applicant is not entitled to consideration of his application until he has answered all questions. The application form shall be signed by the applicant under oath. The questions and information requested on the application form shall include, but not be limited to, the following:
 - A. The name of owners, partners, directors and officers of the applicant, and the business address and tradenames of the applicant.
 - B. A statement as to whether or not any municipalities have refused to issue or have revoked any similar contractors' licenses to the applicant within 2 years previous to the date of the application. In the event there has been such a denial or revocation, the applicant must explain in writing the reasons for such denial or revocation.
 - C. A listing of all previous contractor's jobs completed or accepted by the applicant within 2 years prior to the application, along with a statement of the location of the jobs, and the names, addresses, and telephone numbers of the party or parties who contracted with the applicant for such jobs.

- D. A listing of all convictions within 2 years prior to the date of the application for any crimes or offenses under any Federal or State criminal statute or common law criminal offense, or for violation of any municipal ordinance, so long as such convictions were for crimes or offenses related to the applicant's work or contracts as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere. If any such convictions exist, the applicant shall give in writing the caption, court and term number of the proceeding leading to the conviction. The applicant shall also explain, in writing, the nature of the conviction.
- E. A listing of all unsatisfied civil judgments in any jurisdiction against the applicant, if such civil judgments were entered on a lawsuit in which it was alleged that the applicant failed to complete a contract as defined in this Part or improperly performed a contract as defined in this Part. The applicant shall give, in writing, the caption, court and term numbers of the civil action upon which any such judgments were entered, and shall explain in writing the nature of all such civil judgments.

(Ord. 611, 4/7/1997, §10)

§13-911. Changes in Ownership, Management, Address or Trade Name.

Every contractor/licensee shall, within 10 days after a change of ownership, directors, officers, management, address or trade name, notify the Borough of such change.

(Ord. 611, 4/7/1997, §11)

§13-912. Standards for Refusal of Issuance or Renewal of License.

No license shall be issued or renewed under the following circumstances:

- A. If the applicant falsely answered any question or questions contained on the application form.
- B. If the applicant has been refused a similar contractor's license or has had a similar contractor's license revoked or suspended by another municipality within 2 years prior to the date of application for issuance or renewal, and if the refusal, revocation or suspensions by the other municipality was due to failure to comply with that municipality's building code.
- C. If the applicant has been convicted within 2 years prior to the date of the application for any crimes or offenses under any Federal or State criminal statute or common law criminal offense, or for violation of any municipal ordinance, so long as such convictions were for crimes or offenses related to the applicant's work as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere.
- D. If any unsatisfied civil judgment against the applicant exists in any court in any jurisdiction, and if the record of such court shows that such judgment

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was entered because of the applicant's failure to complete a contract as defined in this Part, or if such judgment was entered because of applicant's failure to properly perform a contract as defined in this Part.

(Ord. 611, 4/7/1997, §12)

§13-913. Revocation of Licenses.

The Borough shall revoke any license issued under the provisions of this Part under the following circumstances:

- A. If the license falsely answered any question or questions contained on an application for licensing or renewal of licensing previously submitted to the Borough.
- B. Failure of the licensee to maintain during the license year the policies of insurance required under the provisions of this Part.
- C. If the licensee violates any of the terms or provisions of the Borough building codes as amended, or any terms or provisions of this Part.
- D. If the licensee violates any condition or requirement of a building permit, sewere construction permit or highway permit issued by the Borough of Collingdale.
- E. If the licensee willfully deviates from or disregards any plans or specifications for any contracting job in any material respect without first obtaining the consent of the owner in writing to any such change and without first notifying the Borough of any such change.
- F. If the licensee does any business through any person who is subject to the licensing requirements of this Part and who is not licensed as required by this Part.
- G. If the licensee conducts a contractor's business in the Borough of Collingdale under any name other than that under which he is licensed.
- H. If the licensee fails to comply with an order, demand or requirement lawfully made by the Borough under the authority of this Part or any other Borough ordinance.

(Ord. 611, 4/7/1997, §13)

§13-914. Prohibited Acts.

In addition to all other acts prohibited by the terms of this Part, those acts warranting revocation of a license under this Part shall also be prohibited acts under this Part.

(Ord. 611, 4/7/1997, §14)

§13-915. Fines and Penalties.

In addition to refusal or revocation of al icense as provided under this Part, any person, as defined in this Part or any officer, agent, servant or employee thereof, who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, shall upon conviction thereof before a district justice, be sentenced to pay a fine or penalty of \$1,000 and costs of prosecution for each offense, to be collected as like fines or penalties and costs are now by law collectible. The fine or penalty imposed by this Section shall be in addition to any other penalty imposed by this Part and each and every day in which any person, firm, or corporation shall be in violation of this Part shall constitute a separate offense.

