

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Transient Retail Business****§13-101. License Required.**

Except as hereinafter provided, it shall be unlawful for a transient salesperson or vendor as hereinafter defined to sell products, merchandise or any tangible personal property in or along a public street or a public parking lot without first obtaining a license from the Township Secretary or his or her designate.

(*Ord. 123, 7/8/1986, §1*)

§13-102. Denial of License.

Licenses may be denied should it be determined that after consultation with the Old Lycoming Township Police, other public official, firemen or any other person that a public health or safety concern exists or if the licensee causes any risk whatsoever to the health, safety and welfare of the Township residents or other persons present in Old Lycoming Township.

(*Ord. 123, 7/8/1986, §2*)

§13-103. License Fee Exceptions.

1. No license fee shall be charged under this Section:

A. To farmers selling their own produce.

B. For the sale of goods, wares and merchandise donated by the owner thereof, the proceeds of which 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; but all persons exempt hereby from payment of the license fee shall be required to register with the Township Secretary and to obtain a license without fee. Provided, further, any person dealing in one or more of the hereinabove mentioned exempted categories, and selling other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activity in connection with the sale of goods, wares and merchandise not in such exempted categories.

D. For any vendor participating in an Old Lycoming Township governmental or Old Lycoming Township Volunteer Fire Company sponsored functions.

E. Flea markets must be set upon established business properties. The owner of the business property upon which the flea market(s) are operating must obtain a transient vendors permit, which will cover all transient vendors at the flea market on the business property.

2. The Zoning Officer has the authority to exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares and merchandise for the sole benefit of any nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in such business; every individual shall

obtain a separate license, issued to him in his name; and the license fee hereby imposed shall be applicable to every such individual license. [*Ord. 231*]

(*Ord. 123, 7/8/1986, §3; as amended by Ord. 231, 10/14/2008*)

§13-104. Exhibition of License.

In addition to paying the license fee hereunder, each transient salesperson shall further be required to exhibit his license upon request of any person. No transient salesman or vendor shall sell any product not mentioned in the license and the selling shall be between the hours of 9 a.m. and 8 p.m., prevailing time.

(*Ord. 123, 7/8/1986, §4*)

§13-105. Suspension of License.

Any licensee under this Part may be suspended at any time by the Zoning Officer for violating any of the provisions of this Part or for giving false information on application of license hereunder. Appeals from suspension may be made 10 days hereafter to the Board of Supervisors of Old Lycoming Township. No part of the license fee shall be refunded to persons whose license has been suspended and upheld before the Township Supervisors hearing.

(*Ord. 123, 7/8/1986, §5; as amended by Ord. 231, 10/14/2008*)

§13-106. Fee.

No license shall be issued under the Part until the proper fee in the amount as established from time to time by resolution of the Board of Supervisors shall have been paid to the Township of Old Lycoming which shall be for the use of the Township to defray administrative and enforcement costs.

(*Ord. 123, 7/8/1986, §6; as amended by Ord. 231, 10/14/2008*)

§13-107. Fixed Locations Prohibited.

No person licensed shall set up in a fixed position closer than a distance of 10 feet to any right of way of any public streets.

(*Ord. 123, 7/8/1986, §7*)

§13-108. Definitions.

The transient salesman or vendor is a person, male or female, natural or corporate, who sells or offers for sale any personal property of any kind, including goods, wares, services, merchandise for future delivery, in and upon any streets or sidewalks of the Township in or near any right-of-ways or any public parking areas, and who does not intend to become and does not become a permanent merchant of the Township.

(*Ord. 123, 7/8/1986, §8*)

§13-109. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs

and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 123*, 7/8/1986, §10; as amended by *Ord. 231*, 10/14/2008)

Part 2**Adult Entertainment Business****§13-201. Definitions.**

Adult bookstore - any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts nudity or sexual conduct.

Adult moviehouse - any movie theater which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so called "adult films," depicting sexual conduct.

Nudity - the showing of the human male or female genitals or pubic area with less than a full opaque covering or the depiction of covered male genitals in a discernibly turgid state.

Sexual conduct - acts of masturbation, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

(*Ord. 114, 6/14/1983, §1*)

§13-202. Procedure to Obtain Permit.

1. Anyone seeking to establish a business hereinabove defined as an "adult bookstore" or "adult moviehouse" prior to the establishment of such business must apply for a permit from the Code Enforcement Officer of Old Lycoming Township. In making application, the applicant shall pay an application fee in an amount as established from time to time by resolution of the Board of Supervisors, which fee shall be used for investigation of the applicant's qualifications and to investigate the facts set forth in the application. The application shall be in the form prescribed by the Code Enforcement Officer and shall include such information as the details of the proposed use, financing arrangements, types of material to be displayed, the manner in which the materials will be displayed, the outside signs intended for use in the community, information about the proposed managers and owners including their addresses and other information that could be pertinent to the enforcement of this Part, other laws of the Commonwealth of Pennsylvania, or ordinances of the Township. [*Ord. 231*]

2. The Code Enforcement Officer may grant a permit provided that the applicant has complied with criteria and restrictions established in this Part, the zoning regulations and other applicable ordinances, laws or regulations. [*Ord. 231*]

(*Ord. 114, 6/14/1983, §2; as amended by Ord. 231, 10/14/2008*)

§13-203. Location of Adult Bookstore and Adult Moviehouses.

The location or operation of an adult bookstore or adult moviehouse as hereinabove defined is prohibited within 500 feet of any church, school, playground, recreational area or private residence.

(*Ord. 114, 6/14/1983, §3; as amended by Ord. 231, 10/14/2008*)

§13-204. Penalty for Violation.

Any person violating any provision of this Part by operating or attempting to establish an adult bookstore or adult moviehouse, as hereinabove defined, in violation of this Part or without first obtaining a permit, shall be, upon conviction thereof before a magisterial district, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 114*, 6/14/1983, §4; as amended by *Ord. 182*, 7/9/1996, §2.Q; and by *Ord. 231*, 10/14/2008)