

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

Part 1

Junkyards

- §101. Definitions
- §102. License Required
- §103. Issuance of License
- §104. Licensee Not to Maintain More Than One Place of Business
- §105. Transfer of License
- §106. Inventory Record
- §107. Forty-Eight-Hour Retention Period
- §108. Property Maintenance
- §109. Inspection
- §110. Conformance
- §111. Accumulation Without License Prohibited
- §112. Notice of Violation
- §113. Penalties
- §114. Declared a Public Nuisance

Part 2

Cable Television

- §201. Short Title
- §202. Grant of Authority
- §203. Compliance with Applicable Laws and Ordinances
- §204. Conditions on Street Occupancy
- §205. Assignability
- §206. Rights of the Borough
- §207. Franchise Fee
- §208. Records and Reports
- §209. Term of Franchise
- §210. Qualifications and Procedures for Obtaining Franchise Permit
- §211. Penalties
- §212. Indemnification

Part 3

Transient Retail Business

- §301. Definition

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- §302. License Required**
- §303. Exceptions**
- §304. Registration for License**
- §305. Application for License**
- §306. License to Contain Certain Information**
- §307. Littering Prohibited**
- §308. Penalties**

Part 4

Alarm Devices

- §401. Definitions**
- §402. Permits**
- §403. Operational Standards**
- §404. Intentional False Alarms**
- §405. False Alarm Charges**
- §406. Liability of Borough**
- §407. Right to Appeal**
- §408. Penalties**

Part 1

Junkyards

§101. Definitions.

The following words and terms, as used in this Part 1 shall have the meanings respectively ascribed to them in this §101, unless the context clearly indicates a different meaning:

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

JUNK — any discarded material or article such as is not ordinarily disposed of as rubbish or refuse, and shall include, but not be limited to, scrap metal and scrapped motor vehicles, or parts thereof, and any articles stored with the intention of dismantling and salvaging the materials contained therein, and shall not include any garbage or other organic waste, or any paper, rubbish, rags or other flammable article or material.

JUNK DEALER — any person as hereinbefore defined who shall engage in the business of selling, buying and dealing in junk.

In this Part 1, the singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 347, 6/11/1975, §1)

§102. License Required.

No person shall engage in business as a junk dealer in the Borough of Mohnton without first having obtained a license from the Borough Secretary, for which license the fee shall be established from time to time by resolution for each and every calendar year, such fee to be for the use of the Borough. Such license shall be renewed annually on or before the first day of January of each year. Provided, in any case where a junk dealer's business shall be established in the Borough on or after the first day of July in any year, the license fee payable by such junk dealer for the remainder of such year shall be at 1/2 the yearly rate. (Ord. 347, 6/11/1975, §3; as amended by Ord. 478, 8/10/1988)

§103. Issuance of License.

The license provided for in §102 of this Part 1 shall be issued by the Borough Secretary after application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises from which such business is to be conducted. Such license shall be posted conspicuously upon the premises licensed thereunder. The name of the licensed junk dealer

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer. (Ord. 347, 6/11/1975, §4)

§104. Licensee Not to Maintain More Than One Place of Business.

No person licensed under this Part 1 shall, by virtue of one license, keep more than one place of business within the Borough of Mohnton for the purpose of buying, selling and dealing in junk. Nor shall any such person engage in business as junk dealer in any place other than the place designated upon his license. Nor shall any such person, or any other person, operate upon any of the streets of the Borough, whether from a vehicle or upon foot, as a scavenger or itinerant buyer or seller of junk. (Ord. 347, 6/11/1975, §4)

§105. Transfer of License.

No license issued under this Part 1 shall be transferable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee as established from time to time by resolution. (Ord. 347, 6/11/1975, §5; as amended by Ord. 478, 8/10/1988)

§106. Inventory Record.

Every junk dealer shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase or receipt, and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any junk dealer shall at all times be subject to the inspection of the Chief of Police and any other official of the Borough of Mohnton. (Ord. 347, 6/11/1975, §6)

§107. Forty-Eight-Hour Retention Period.

Every junk dealer, licensed under this Part 1, shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk purchased or received by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed. (Ord. 347, 6/11/1975, §7)

§108. Property Maintenance.

Every junk dealer licensed under this Part 1 shall constantly maintain the licensed premises in the manner prescribed by this §108, as follows:

1. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
2. No garbage or other organic waste, and no paper, rubbish, rags, cloth, upholstered material, material used as packing or stuffing, or any other flammable articles of any nature whatsoever shall be stored in such premises.
3. Whenever any motor vehicle shall be received in such premises as junk, all gasoline shall be drained and removed therefrom and any other flammable articles of any nature whatsoever shall be removed therefrom, and none shall be permitted to remain upon the premises.
4. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.
5. Such premises shall be protected by a screen or fence at least six feet in height, to be constructed of such materials and in such a location to be approved by the Mayor as may reasonably serve to prevent children and other unauthorized persons from entering the premises.
6. No burning of any waste materials shall be allowed on the premises.
7. At least two hand fire extinguishers shall be located on the inside of such premises, one inside the main entrance and the other at the point farthest removed from said main entrance.
8. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called Sunday, or on any other day of the week before 7:00 o'clock a.m. or after 6:00 o'clock p.m.

(Ord. 347, 6/11/1975, §8)

§109. Inspection.

The licensed premises shall at all times be subject to the inspection of the Mayor, Chief of Police, the Health Officer and any other Borough Officer or employee for the purpose of determining whether the requirements of this Part 1 have been met. The license shall be subject to suspension by the Mayor for failure to comply with this Part 1. A suspended license may be reinstated by the Mayor for the balance of the year for which it

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

was issued, upon compliance with the provisions of this Part 1. No person shall engage in business as a junk dealer in the Borough during the time when the license therefore shall have been suspended.

(Ord. 347, 6/11/1975, §9)

§110. Conformance.

Any person maintaining or operating a junkyard as defined hereinbefore within the Borough of Mohnton at the time of the adoption of this Part 1 shall cause the same to conform to the requirements of this Part 1 and shall make application for, and secure, a permit to operate such a junkyard within three months from the effective date of this Part 1. (Ord. 347, 6/11/1975, §10)

§111. Accumulation Without License Prohibited.

It shall be unlawful for any person, partnership, firm, association or corporation to accumulate junk as heretofore defined on any property within the Borough of Mohnton without first obtaining a license as a junk dealer and otherwise complying with the ordinances of the Borough of Mohnton and the laws of the Commonwealth of Pennsylvania. (Ord. 347, 6/11/1975, §11)

§112. Notice of Violation.

If any person, partnership, firm, association or corporation shall allow any junk to accumulate or remain on any property within the Borough of Mohnton after receiving 10 days written notice of any violation of this Part 1, said person shall be subject to the provisions and penalties hereof. (Ord. 347, 6/11/1975, §12)

§113. Penalties.

Any person who shall violate any of the provisions of this Part 1 shall, upon summary conviction thereof before the District Justice, be sentenced to pay a fine or penalty of not more than \$300 and costs of prosecution, and in default of payment thereof shall be committed to the Berks County Prison for a period of not more than 90 days. Provided, each day's violation of any of the provisions of this Part 1 shall constitute a separate offense. (Ord. 347, 6/11/1975, §13; as amended by Ord. 478, 8/10/1988)

§114. Declared a Public Nuisance.

Any junkyard or property located, used or occupied in violation of this Part 1 is declared to be a public nuisance and abatable as such by the Borough, and if abated the Borough may collect the cost of such abatement together with a penalty of 10% of such cost in the

manner provided by law for the collection of Borough claims, or the Borough may seek relief by complaint in equity. (Ord. 347, 6/11/1975, §14)

Part 2

Cable Television

§201. Short Title.

This Part 2 shall be known and may be cited as “The Cable Television Ordinance of 1966.” (Ord. 286, 6/20/1966, §1)

§202. Grant of Authority.

The Borough Council of the Borough of Mohnton is hereby authorized to grant the right and privilege to any person, persons, firms, corporations or other business entities qualifying hereunder to construct, erect, operate and maintain, in, upon, along, across, above, over or under the streets, alleys, public ways, public places, now laid out or dedicated and all extensions thereof or additions thereto in said Borough or such portion thereof as the Borough Council shall determine, poles, wires, cable, underground conduits, manholes, or other television conductors and fixtures necessary for the maintenance and operation in the Borough of a cable television system. Said grant of the aforesaid right and privilege shall be subject, nevertheless, to the following regulations and conditions hereinafter imposed in this Part 2 and such other regulations and conditions hereinafter imposed in this Part 2 and such other regulations and conditions as may be imposed from time to time by the Borough of Mohnton by appropriate action:

1. Non-Exclusive Grant. The right to use and occupy said streets, alleys, public ways and public places for the purpose herein set forth shall not be exclusive, and the Borough Council shall have the right to grant such non-exclusive franchises to any other person, persons, firms, corporations or other business entities qualifying hereunder at any time.
2. Grant Subject to Borough Code. Any grant by the Borough hereunder is subject to all provisions of the Borough Code of the Commonwealth of Pennsylvania presently in force and as the same may hereafter be amended, supplemented or modified.
3. State Highway Department Permits. Before any conduits, pipes or other structures be erected upon, under, or in any portion of any street or road within the Borough under the control of, or subject to the provisions of, the Rules and Regulations of the Pennsylvania Department of Transportation, the franchises, at his, her, its, or their expense shall obtain all requisite permits from the Pennsylvania Department of Transportation and shall comply with all of the applicable rules and regulations of the Pennsylvania Department of Transportation.
4. Easements and Rights-of-Way. Any permit issued hereunder by the Borough shall be subject to the franchise obtaining any and all necessary easements, rights-of-way and other grants from any and all property owners whose property may be af-

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

ected or encroached upon by the construction, operation and maintenance of the aforesaid Cable Television System of the Franchisee.

(Ord. 286, 6/20/1966, §2)

§203. Compliance with Applicable Laws and Ordinances.

Any franchisee shall at all times during the term of any franchise granted hereunder be subject to all the laws of the United States of America, the Commonwealth of Pennsylvania, and any and all of the ordinances and regulations of the Borough of Mohnton, now in effect, and such as may be adopted or enacted from time to time hereafter, and particularly be subject to the following conditions and regulations:

1. **Interference.** Any system erected, operated and maintained by any franchisee hereunder shall be so constructed of such materials that it will absolutely prevent any interference on any television set, radio, electrical appliance, and any other electronic device of any resident or occupier of premises within the franchised area, and, in the event that there is any such interference, the franchisee shall immediately at its sole cost and expense eliminate such interference. If such interference cannot be eliminated within 48 hours, the Borough shall have the power to suspend the operation of any Cable Television System franchisee within the Borough until such interference is eliminated.
2. **Intentional Interference.** Any franchisee hereunder shall not intentionally cause the emanation of any electrical interference which has the property or ability of interfering with any television set, radio, electrical appliance, or other electronic device, and in the event that any franchisee hereunder shall intentionally cause said emanations, the franchise granted to said franchisee shall be immediately revoked and terminated.

(Ord. 286, 6/20/1966, §3)

§204. Conditions on Street Occupancy.

1. **Use.** All transmission and distribution structures, lines and equipment erected by the company within the Borough shall be so located as to cause minimum interference with the reasonable use of the streets, alleys and other public ways and places, and cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places.
2. **Restoration.** In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the franchisee shall at its sole cost and expense and in manner approved by the Borough Engineer, replace and restore all paving, sidewalk, driveways, or surface of any street or alley disturbed in the same condition as before said work was commenced.

3. Relocation. In the event that at any time during the period of any franchise granted hereunder the Borough shall lawfully elect to alter or change the grade of any street, alley, or other public way, the company, upon reasonable notice by the Borough, shall at its sole cost and expense remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other television fixtures.
4. Placement of Fixtures. Any franchisee hereunder shall insofar as it is reasonably possible locate its wires, cable, conduits and other conductors and fixtures on existing utility poles. Any franchisee shall not place any poles or other fixtures where same will interfere with any utility, and all such poles or other fixtures placed in said street shall be placed in such location as shall have been previously determined by the Borough Engineer.

(Ord. 286, 6/20/1966, §4)

§205. Assignability.

Any franchise granted hereunder shall not be assignable except upon the express authority of the Borough, duly noted upon the minutes of the Borough Council by a resolution permitting said assignment and finding that the assignee is qualified under the terms of this Part 2. (Ord. 286, 6/20/1966, §5)

§206. Rights of the Borough.

1. Borough Rules. The right is hereby reserved to the Borough to adopt from time to time, in addition to the provisions herein contained any such existing applicable ordinances, such additional rules and regulations as the Borough shall deem necessary.
2. Use of System by Borough. The Borough shall have the right during the term of any franchise to use, free of charge, where construction exists within the Borough limits, the facilities of any franchisee for police and fire alarm systems.
3. Use of System by School District or Districts Whose Areas are Included Within the Borough Boundaries. The School District or Districts whose areas are included within the Borough boundaries shall have the right during the terms of any franchise to use free of charge, where construction exists within the Borough limits, the facilities of any franchisee for educational purposes. (Ord. 286, 6/20/1966, §6)

§207. Franchise Fee.

1. The franchisee shall pay to the Borough for the privilege of obtaining a franchise permit and operating a franchise hereunder a fee of 3% of the annual gross receipts collected by franchisee from franchisee's subscribers located in the Borough

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

of Mohnton for services rendered to such subscribers, excluding installation charges.

2. Any franchisee shall make payments to the Borough of such fees on or before the 31st day of January of each year, beginning with January 31, 1967, except as otherwise provided herein, and at time of payment, the franchisee shall accompany said payment with an audited statement of its business operation for the year by a Certified Public Accountant certifying to the Borough that the gross receipts are as stated therein.

(Ord. 286, 6/20/1966, §7)

§208. Records and Reports.

Franchisee shall at all times maintain proper and adequate records of its gross receipts together with the records pertaining to its financial structure and a list of all of its subscribers at an office within the County of Berks which shall be available at all reasonable times to inspection by the Borough or its duly designated agent. (Ord. 286, 6/20/1966, §8)

§209. Term of Franchise.

Any franchise granted hereunder shall be for the term of one year conditioned, however, that said franchise permit is automatically renewable each year upon payment of the fees provided hereunder and compliance with the terms and conditions herein imposed and that the financial condition of the franchisee shall remain satisfactory to the Borough. The term "financial condition" shall be interpreted to mean that the franchisee's condition is such that it will permit the franchisee to perform all of its services to its subscribers. (Ord. 286, 6/20/1966, §9)

§210. Qualifications and Procedures for Obtaining Franchise Permit.

Franchise permits may be obtained hereunder by any person or persons or corporation of good repute and of good and sufficient financial condition upon presentation to the Borough of the following:

1. Name of the applicant;
2. Address of the applicant;
3. Evidence of the financial condition of the applicant and in the event of a corporation, names of principal stockholders and a financial statement of the corporation duly certified by a Certified Public Accountant;
4. Description of the area to be covered by the franchise;

5. Schedule of proposed rates to be charged by the applicant for all services to be rendered to subscriber, including but not limited to installation charge, monthly fees, etc.;
6. Application shall be made upon forms supplied by the Borough and all information requested shall be submitted as requested.

(Ord. 286, 6/20/1966, §10)

§211. Penalties.

Any franchisee violating any of the terms or provisions of this Part 2 or any rules or regulations duly adopted by the Borough shall be cause for the forfeiture of any franchise permit. The distribution system of any franchisee to be hereafter installed shall not be abandoned either in whole or in part without the consent of the Borough. In the event of the failure of the franchisee to commence installation of the system within six months after the issuance of a franchise permit, and the securing of a pole franchise from the utility companies, or in the event of the failure of the franchisee to render community television service to the Borough and the inhabitants thereof, contemplated and provided for by this Part 2, within a period of one year from the date of issuance of the franchise permit, the Borough shall have the right, on reasonable notice to the franchisee, to declare the franchise granted hereunder as forfeited. (Ord. 286, 6/20/1966, §12)

§212. Indemnification.

Any franchisee hereunder shall immediately upon being granted a franchise permit submit to the Borough evidence that the franchise is insured against liability to the public for injuries to person and property with any reputable and financially sound insurance company in an amount not less than \$500,000 for any one person, \$100,000 for any one accident and \$50,000 for property damage. The Borough shall also be designated as insured under said policy, insuring the Borough against any liability which may arise by reasons of the issuance of any franchise permit to any franchisee. Such policy of insurance shall be in full force and effect during the entire term of the franchise permit. (Ord. 286, 6/20/1966, §13)

Part 3

Transient Retail Business

§301. Definition.

The word “person” as used in this Part 3, shall mean any natural person, association, partnership, firm, company or corporation. (Ord. 253, 4/17/1961, §1)

§302. License Required.

It shall be unlawful for any person to engage in or conduct any activity, endeavor or undertaking hereinafter mentioned within the limits of the Borough of Mohnton, without first obtaining a license as hereinafter provided:

1. Hawking, Peddling, Canvassing. It shall be unlawful to engage in or conduct any commercial hawking, peddling, canvassing, soliciting or taking orders for future delivery, or selling, by sample or otherwise, of any goods, wares, merchandise, publications or any other kind of article for sale, upon any of the streets or sidewalks or public places, or from house to house, except upon obtaining a license by applying therefore as hereinafter provided and by payment of a license fee, as established from time to time by resolution, for a period of one year or fraction thereof in excess of 30 days, or an amount, as established from time to time by resolution, for a period of 30 days or fraction thereof.
2. Transient Merchants. It shall be unlawful to engage in or conduct any transient retail business for the sale of or for the taking of orders for the sale of any goods, wares, merchandise, publications or any other kind of article for sale, except upon obtaining a license by applying therefore as hereinafter provided and by payment of a license fee, as established from time to time by resolution, for a period of one year or fraction thereof in excess of 30 days, or an amount, as established from time to time by resolution, for a period of 30 days or fraction thereof.
3. Handbills and Advertising Matter. It shall be unlawful to distribute or deliver any handbills, pamphlets, circulars, placards, advertising or printed matter from house to house, except upon obtaining a license by applying therefore as hereinafter provided and for which license no fee shall be charged. Such license shall be issued for a period of one year or fraction thereof.
4. Dissemination of Information or Solicitation for Political, Cultural, Charitable, Civic or Religious Purposes. It shall be unlawful to sell, distribute or deliver any pamphlets, circulars, placards, publications or printed matter containing non-commercial information of a political, cultural, charitable, civic or religious nature from house to house, or to solicit funds, contributions or donations for political, cultural, charitable, civic or religious purposes from house to house, except upon

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

obtaining a license by applying therefore as hereinafter provided and for which license no fee shall be charged. Said license shall be issued for a period of one year or fraction thereof.

(Ord. 253, 4/17/1961, §2; as amended by Ord. 478, 8/10/1988)

§303. Exceptions.

Nothing contained in §302 of this Part 3 shall be construed to apply

1. To farmers selling their own produce, or
2. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products, or
3. To any person otherwise exempt under the Acts of the Assembly of the Commonwealth of Pennsylvania.

(Ord. 253, 4/17/1961, §3)

§304. Registration for License.

All persons desiring to apply for a license as required in §302 of this Part 3 shall be required to register with the Borough Secretary or the Chief of Police of the Borough of Mohnton by setting forth in writing his or her name, occupation, residence, name of employer or person or organization represented, if any, purpose of license, length of time license desired, type and registration tag number of vehicle used, if any, and number of helpers, if any. An individual license and application therefore and the fee, if any is required of each helper. (Ord. 253, 4/17/1961, §4)

§305. Application for License.

Upon making application as prescribed in §304 of this Part 3, and paying the proper fee, if any is required, to the Borough Secretary or Chief of Police, the application shall be acted upon as follows:

1. With respect to an application for a license for an activity defined in §302(2) or (2) of this Part 3, a license shall be issued by the Borough Secretary or Chief of Police to the applicant, unless said Borough Secretary or Chief of Police deems it necessary, in order to protect the public health, safety or morals or to prevent possible fraud or imposition, to verify the information contained upon the application or to investigate the person apply for, or the purpose of, the license, whereupon the application shall be referred to the Mayor who shall either approve or refuse the issuance of the license within 48 hours after the application has been submitted to the Borough Secretary or Chief of Police. The Mayor is hereby authorized to re-

fuse the issuance of a license issued upon such application being referred to him, or to suspend a license issued upon such application, when he deems such refusal or suspension necessary to protect the public health, safety or morals or to prevent possible fraud or imposition, or for violation of any of the provisions of this Part 3, or for giving false information upon such application for a license.

2. With respect to an application for a license for an activity defined in §302(3) or (4) of this Part 3, a license shall be issued immediately by the Borough Secretary or Chief of Police to the applicant.

(Ord. 253, 4/17/1961, §5)

§306. License to Contain Certain Information.

The license issued hereunder shall contain the information required to be given upon the application therefore and shall be signed by the Borough Secretary or Chief of Police. Every person engaged in any activity requiring a license as provided in §302 of this Part 3 shall exhibit such license, upon request, to any Borough police officer making such request, to any person solicited making such request, and to the occupant of a house or building involved in a house-to-house activity making such request. (Ord. 253, 4/17/1961, §6)

§307. Littering Prohibited.

It shall be unlawful for any person to distribute or deliver any handbill, pamphlet, circular, placard, advertising or printed matter by casting or scattering the same upon any of the streets, sidewalks or public places within the Borough of Mohnton. (Ord. 253, 4/17/1961, §7)

§308. Penalties.

Any person who shall violate any of the provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than 90 days. (Ord. 253, 4/17/1961, §8; as amended by Ord. 478, 8/10/1988)

Part 4

Alarm Devices

§401. Definitions.

For purpose of this Part the following terms are defined as follows:

ALARM — a communication indicating or warning that a crime, fire or other emergency situation warranting immediate action by the Borough police or local fire companies has occurred or is occurring.

ALARM DEVICE — a privately owned and operated electronic, electrical, mechanical or similar device designed to transmit an alarm by wire, telephone, radio, audible signal (bell, siren or buzzer) or other means to the Borough police, any person or firm who or which is instructed to notify the Borough police or any person who is within the sound transmission distance limits of such an audible signal.

FALSE ALARM — an alarm (excluding those operated by internal alarm devices) to which the Borough Police or local fire companies respond, resulting from the activation of an alarm device when it appears that a crime, fire or other emergency warranting immediate action by the Borough police or local fire companies has not occurred at the premises where the alarm was transmitted.

INTENTIONALLY FALSE ALARM — a false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where the individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Borough police or local fire companies has occurred or was occurring.

PERMIT HOLDER — a person to whom the Borough of Mohnton has issued an alarm device permit.

PERSON — an individual, corporation, partnership, incorporated association or other legal entity.

(Ord. 584, 3/12/1997, §1)

§402. Permits.

1. It shall be unlawful for a property owner, lessee of property or a person otherwise occupying a premises in the Borough to put an alarm device into operation on his or its premises or to allow an alarm device to be put into operation on his or its premises without first obtaining an alarm device permit from the Borough Secretary.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

2. In order to apply for an alarm device permit a person shall submit an application to the Borough of Mohnton stating the following:
 - A. His or its name.
 - B. His or its home address and/or principal business address and the telephone number of each.
 - C. The location at which the alarm device will be installed and operated.
 - D. The names, addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time, but who do not reside at the location of the alarm device, or in lieu thereof, the name, address and telephone number of a security company which provides alarm services at the premises and which has on file with it the names of such authorized key holder.
 - E. A complete description of the alarm device, including a copy of operating instructions and whether same is coordinated with any other antipersonnel devices(s) or, in lieu thereof, the name, address and telephone number of a security service company which has in its possession knowledge or data describing the alarm device and its operation instructions.
 - F. If the alarm device is to be leased or rented from, or is to be serviced pursuant to a service agreement by, a person other than the person making application for an alarm device, the name, address and telephone number of that person. In addition, each person submitting an application for an alarm device permit shall submit a signed statement in the following form:

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

Further, I(We) hereby agree that periodically and upon five days written notice, representatives of the Borough Police or Fire Department shall be allowed to enter my(our) premises between the hours of 10:00 a.m. and 5:00 p.m. on weekdays for the purposes of inspecting my(our) alarm device installation in order to determine whether or not it is in accordance with the operational standards set forth in Ordinance 582 of the Borough of Mohnton.”

The Borough of Mohnton shall furnish forms upon which any person wishing to apply for an alarm device permit may submit his application.

3. A person applying for an alarm device permit shall submit a fee of \$10 along with his application to cover the cost of issuing the permit.
4. The Borough Police Department and/or Fire Department shall, within 10 week-days from receipt of an application for an alarm device permit, either grant an alarm device permit to the applicant or notify the applicant in writing that his or its application has been denied and the reason or reasons why it has been denied.
5. An application for an alarm device permit may only be denied for the following reasons:
 - A. The application submitted by the applicant does not conform with §402(2) or (3) of this Part.
 - B. The applicant's alarm device does not conform with §403 of this Part.
6. Notwithstanding the language contained in §402(1) of this Part, it shall not be unlawful for a person to continue to operate an alarm device on his premises without an alarm device permit for a period of 90 days after the effective date of this Part provided that said alarm device was in operation on the effective date of this Part. Thereafter, the provisions of §402 herein shall apply.
7. The Borough Police Department shall have the power to revoke an alarm device permit. An alarm device permit shall be revoked by notifying the permit holder in writing that his alarm device permit has been revoked and the reason or reasons why it has been revoked. Said written notice will be:
 - A. Delivered personally to the permit holder, in which case the revocation shall be effective immediately upon delivery; or,
 - B. Mailed to the permit holder at his last known address by regular mail, postage prepaid, in which case the revocation shall be effective three days after mailing.
8. An alarm device permit may only be revoked for the following reasons:
 - A. Failure of an alarm device to conform with the operational standards set forth in §403 of this Part.
 - B. Failure of a permit holder to pay a false alarm charge assessed to him by the Borough Police and/or Fire Company under the provisions of §405 of this Part within 30 days of the mailing to him of a notice of the assessment of a false alarm charge.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- C. The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of 15 who resides on the premises where the alarm device is located.
9. A person who has had his alarm device permit revoked under §402(8) or (9) of this Part may reapply for an alarm device permit 45 days after the effective date of such revocation; provided, however, that if a person's alarm device permit was revoked for non-payment of a false alarm charge, the Borough Police Department shall deny said application unless such charge or fee or both have been paid. Notwithstanding the foregoing, a person who has had his alarm device permit twice revoked on the basis of an occurrence of an intentional false alarm may not reapply for an alarm device permit for one year from the effective date of the second revocation.

(Ord. 584, 3/12/1997, §2)

§403. Operational Standards.

1. If an alarm device is designed to transmit a recorded message, the duration of such recorded message shall not exceed 15 seconds. The contents of said message shall be intelligible and in a form approved by the Borough Police and/or Borough Fire Company representative.
2. Except in the case of fire, smoke and personal safety alarm devices, an alarm device shall be designed so that a 30 second delay occurs between the time the alarm device receives a triggering stimulus and the time the alarm device transmits an alarm.
3. If an alarm device is designed to cause an exterior bell, siren or sound-making device to be activated on or near the premises on which the alarm device is installed at the time it gives an alarm, said alarm device shall be designed to deactivate the bell, siren or other sound-making device after 20 minutes of operation.
4. At the time of installation all alarm devices shall meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.
5. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indications of fire or intrusion, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noises adjacent to the premises, or other forces unrelated to genuine alarm situations.
6. The alarm device must be maintained by the permit holder in good repair to assure reliability of operations.

7. Representatives of the Borough Police and/or Fire Company shall, periodically and upon five days written notice, have the authority to enter the premises at which an alarm device is located between the hours of 10:00 a.m. and 5:00 p.m. on weekdays for the purpose of inspecting the alarm device installation in order to determine whether or not it is in accordance with the operational standards set forth in this Part. Said representative may require that repairs be made whenever he has determined that such are necessary to assure proper operation.

(Ord. 584, 3/12/1997, §3)

§404. Intentional False Alarms.

It shall be unlawful to cause an intentional false alarm. (Ord. 584, 3/12/1997, §4)

§405. False Alarm Charges.

1. A permit holder shall pay to the Borough a charge for each false alarm emanating from his alarm device during any calendar year as follows:

First through third false alarm: No charge.

Fourth through sixth false alarm: \$25.

Seventh through subsequent false alarm: \$50.

2. When a false alarm occurs, the Borough Police Department, within 10 days from the date of each false alarm, shall notify the permit holder of the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof, if any. Such notice shall be in writing and mailed to the permit holder at his last known address by regular mail, postage prepaid. Failure of the Borough Police Department to mail notice of assessment of a false alarm charge within 10 days from the occurrence of a false alarm shall preclude the Borough from assessing a false alarm charge for said false alarm.
3. A false alarm charge shall be due and payable at the office of the Borough Secretary 30 days from the date of the mailing of the notice of assessment of the false alarm charge.
4. Failure of a permit holder to pay a false alarm charge on or before the due date shall subject such permit holder to revocation under §402 of this Part.
5. In the case of a new installation of an alarm device, a thirty-day testing period shall apply to allow the security service company and the applicant to adjust the system as necessary to prevent a false alarm. During this thirty-day period, a false alarm charge shall not be assessed.

(Ord. 584, 3/12/1997, §5)

§406. Liability of Borough.

The issuance of any permit shall not constitute acceptance by the Borough of any liability to maintain any equipment, to answer alarms or for any other responsibility in connection therewith. (Ord. 584, 3/12/1997, §6)

§407. Right to Appeal.

Whenever under the provisions of this Part the Borough Police are empowered to make a decision with respect to the installation, operation, maintenance or of abuse of use of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by said decision may, within 10 days following said decision, file a written appeal therefrom with the Borough Council of the Borough of Mohnton, whereupon said Borough Council shall promptly conduct a hearing and affirm, modify or reverse the decision appealed from. The decision of the Borough Council of the Borough of Mohnton shall be final. (Ord. 584, 3/12/1997, §7)

§408. Penalties.

Any person who has committed an unlawful act under §§402 or 404 of this Part shall, upon conviction, be subject to a fine of not less than \$300 for each offense. (Ord. 584, 3/12/1997, §8)