

## **CHAPTER 13**

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## **PART 1**

### **JUNKYARD AND REFUSE LICENSE**

#### **§101. Short Title.**

This ordinance shall be known and may be cited as “Robeson Township Junkyard and Refuse Ordinance”.

#### **§102. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated:

Person. Shall include any individual, partnership, association, firm and corporation.

Township. Shall mean Robeson Township, Berks County, Pennsylvania.

Board. Shall mean the Board of Supervisors of Robeson Township.

Junkyard. Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

Junk. Shall mean 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, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Dealer. Shall mean any person, as hereinbefore defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk, and who maintains and operates a junkyard within the Township of Robeson.

License. Shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

#### **§103. License.**

No person shall engage in business as a junk dealer, or maintain a junkyard without first having obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve (12) month period beginning July 1, and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year.

**§104. Application for License.**

The license provided for in this ordinance shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is to be issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. The written application for license shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises, used or to be used in connection with such license.

**§105. Issuance of License.**

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance. Such license issued by the Board shall be posted conspicuously upon the premises licensed thereunder.

**§106. License Fee.**

The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be calculated in accordance with the following schedule as determined by the actual land to be used by the person to whom the license is issued, excluding all set-back areas:

- A. Less than 10,000 square feet - \$75.00
- B. More than 10,000 square feet but less than 25,000 square feet - \$125.00
- C. More than 25,000 square feet - \$250.00

No license shall be issued for the use of a tract of land in excess of four (4) acres, excluding set-back areas.

**§107. License Limitation.**

No person licensed under this ordinance shall, by virtue of one (1) license, keep more than one (1) place of business within the Township or maintain more than one (1) junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junkyard in any place other than the place designated upon his license.

**§108. Transfer of License.**

No license issued by the Board shall be transferrable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 104 of this ordinance, by the transferee.

**§109. Transfer Fee.**

In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee of Twenty-five and 00/100 Dollars (\$25.00).

**§110. Records.**

Every person, licensed under this ordinance, 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, and the person from whom such article or material was purchased, received or handled by such person which book shall at all times be subject to the inspection of the Board or its duly authorized representative.

**§111. Delay in Disposal.**

Every person, licensed under this ordinance, shall keep and retain upon the licensed premises, for a period of forty-eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed, with the exception of automobiles scrapped with proper certificate of title. Thereafter, the fact of disposal shall be recorded in the record book prescribed in Section 110, setting forth the date and hour of such disposal, the person, if any, who obtained such article or material, and the method of disposal, such as sale, destruction or change of original form.

**§112. Regulations.**

Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribe by this section and any subsequent regulations adopted by the Board:

- A. 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.
- B. No garbage or other organic waste shall be stored in such premises.

- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junkyards provided the same be placed in containers approved by the Board.
- D. At least two (2) hand fire extinguishers shall be located on the inside of said junkyard, one (1) inside the main entrance, and the other at the point farthest removed from said main entrance.
- E. 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. In any event, junk shall be stacked only to a maximum height of ten feet (10’).
- F. All junk kept, stored or arranged on the licensed premises shall at all times be kept, stored and arranged within the junk yards as described in the application for license hereunder, and as limited under Paragraph (e) above.
- G. A person licensed under this ordinance shall not burn more than one (1) motor vehicle or its equivalent at any one (1) time. No oil, grease, tires, gasoline, or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning of vehicles must be attended and controlled at all times.
- H. The premises to be licensed shall be set back a minimum distance of twenty-five feet (25’) from the right-of-way lines on all streets or roads and a minimum distance of twenty-five feet (25’) from all other property lines. The area between the set back line and the right-of-way line and all streets and roads and all other property lines, shall be at all times, kept clear and vacant.
- I. When the Board shall deem it necessary and desirable, the premises to be licensed shall at the set back lines be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings, or both. The Board may set forth the fence and planting requirement at the time of the issuance of a license or at the time of renewal or transfer of a license.

**§113. Violations.**

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 per violation plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation exists or continues shall be considered a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate

violation. In addition to or in lieu of civil actions before a district justice, the Township may enforce this Ordinance in equity.

- A. The licensed premises shall at all times be subject to inspection by the Board, or its duly authorized officer, for the purpose of determining whether the requirements of this ordinance are being complied with. The license shall be subject to suspension by the Board for failure to comply with this ordinance, and a license so suspended may be reinstated by the Board for the balance of the year for which it was issued, upon compliance with the provisions of this ordinance. Provided no person shall engage in business as a junk dealer in the Township during the time when the license therefor shall have been suspended.
- B. The Board, in its discretion, may revoke any outstanding license, and refuse the issuance of a license, as set forth in Section 105, to any person who shall be convicted three (3) times within a period of five (5) years for violation of any of the provisions of this ordinance.
- C. The Board may refuse to renew the license of any person who fails to maintain his junkyard in accordance with Township regulations, or fails to maintain his junkyard so as to conform to the plan under which his license was issued.

**§114. Abatement of Nuisances.**

In addition to the remedies provided in Section 113, above, any junkyard located, used or occupied in violation of this ordinance is declared to be a public nuisance and abatable as such by the Township, and if abated, the Township may collect the cost of such abatement together with a penalty of ten percent (10%) of such cost in the manner provided by law for the collection of municipal claims, or the Township may seek relief against the violator by a proceeding in a court of equity.

(Ordinance No. 21, 4/1/65; as amended by Ordinance 97-01, 1/21/1997.).

**PART 2**  
**SOLICITATION**

**§201. Definitions.**

- A. The word “peddling” as used in this Ordinance shall mean engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any streets or sidewalks or from house-to-house within the Township of Robeson, Berks County, Pennsylvania, provided, however, the word “peddling” shall not apply (1) to farmers selling their own produce, (2) to the sale of goods, ware and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer, producer or distributor of bread and bakery products, meat and meat products, or milk and milk products.
- B. The word “peddler” as used in this Ordinance shall mean any person who shall engage in peddling, as herein defined.
- C. The word “person” as used in this Ordinance shall mean any natural person, association, partnership, firm or corporation.

**§202. License Required of Peddlers..**

No person shall engage in peddling in the Township of Robeson, Berks County, Pennsylvania, without first having obtained a license as herein provided.

**§203. Manner of Making Application for Peddler’s License.**

Every person desiring to engage in peddling in the Township of Robeson, Berks County, Pennsylvania, shall first make application to the Office of the Chief of Police of the said Township of Robeson for a license. If such person shall also be required to obtain a license from any other governmental body, such person shall, when making application, exhibit a valid license from such other governmental body. Upon such application, such person shall give, inter alia, his name; address; his previous criminal record, if any, as permitted by applicable law, the name and address of the person for whom he works; the type of goods, wares and merchandise he desires to peddle; the length of time for which he desires to be licensed; the type and further identification of vehicles he uses, if any; the identification of coworkers acting as peddlers within him and references as to the character of the applicant.

**§204. Review by Chief of Police.**

No license shall be issued under this Ordinance until the Chief of Police of the Township of Robeson, Berks County, Pennsylvania, (1) has had reasonable time within which to verify the facts set forth in the applicant’s Application for Peddler’s License, and (2) has paid to the said Township of Robeson, for the use of the said Township a Peddler’s License Fee in the amount of



Five and 00/100 Dollars (\$5.00) per calendar year, and any part thereof, for each and every peddler so licensed.

**§205. Hourly Time Limitations for Peddlers.**

No person licensed as a peddler under this Ordinance shall engage in peddling before the nine o'clock (9:00) a.m., prevailing time, or after five o'clock (5:00) p.m., prevailing time.

**§206. Suspension of License.**

The Chief of Police of the Township of Robeson, Berks County, Pennsylvania, is hereby authorized to temporarily suspend any license issued under this Ordinance for a period of time not to exceed ninety-six (96) hours when he deems suspension to be beneficial to the public health, safety or morals of the residents of the said Township of Robeson, or for the violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license hereunder. Within the aforesaid ninety-six (96) hour period of time, or within a reasonable time thereafter, the Board of Supervisors of the said Township of Robeson may conduct a public hearing to suspend beyond the aforesaid ninety-six (96) hour period of time, based upon the aforesaid grounds, the license issued under this Ordinance.

**§207. Penalty Provision for Violation.**

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not exceeding Three Hundred and 00/100 Dollars (\$300.00) and costs of prosecution, and, in default of payment thereof, to be sentenced and committed to Berks County Prison for a period not exceeding thirty (30) days.

(Ordinance No. 58, 11/11/82)

## PART 3

### FALSE ALARM

**§301. Definitions.** For the purpose of this Ordinance, 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 Township police or local fire companies has occurred or is occurring.

**Alarm Device.** A privately owned and operated or a leased 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 Township police, local fire companies, any person or firm who or which is instructed to notify the Township police or local fire companies, or any person who is within the sound transmitting distance limits of such an audible signal.

**False Alarm.** An alarm to which the Township 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 Township police or local fire companies has not occurred at the premises where the alarm was transmitted.

**Intentional False Alarm.** An alarm resulting from the intentional activation of an Alarm Device by an individual under circumstances where the individual had no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Township police or local fire companies has occurred or was occurring.

**New Installation.** A business or residence at which an Alarm Device has been installed where an Alarm Device previously did not exist, or a business or residence which has made a major change to the existing Alarm Device in respect to sensory devices, control panels, audible signals, transmission devices or any combination of the aforementioned system components are changed.

**Permit Holder.** A person to whom the Township police have issued an Alarm Device permit.

**Person.** An individual, corporation, partnership, incorporated association or other legal entity.

**§302. Permits.**

- A. It shall be unlawful for a property owner, lessee of property, or a Person otherwise occupying a premises in the Township 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 Township police.

- B. In order to apply for an Alarm Device permit, a person shall submit an application to the Chief of Police of Township stating the following:
1. His or its name;
  2. His or its home address and/or principal business address and the telephone number of each;
  3. The location at which the Alarm Device will be installed and operated;
  4. If the Alarm Device is at a business, the names, addresses and telephone numbers of at least two (2) individuals who have keys to the premises at which the Alarm Device is located and who are authorized to enter the premises at any time, or in lieu thereof, the name, address and telephone number of a security service company which provides alarm services at the premises and which has on file with it the names of such authorized key holders, provided that such security service company can be contacted twenty-four (24) hours a day each and every day of the year;
  5. If the Alarm Device is at a residence, the name, address and telephone number of at least one (1) individual who has keys to the premises and is authorized to enter the premises at any time shall be listed along with the individual's place of employment and its telephone number;
  6. A complete description of the Alarm Device, including information indicating if the Alarm Device, is coordinated with any other type of antipersonnel, smoke, fire or personal safety device; and
  7. 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 permit, the name, address, and telephone number of that person.
- C. The Township police shall furnish forms upon which any person wishing to apply for an Alarm Device permit may submit his application.
- D. A person applying for an Alarm Device permit shall submit a fee of Ten and 00/100 Dollars (\$10.00) along with his/its application to cover the cost of issuing the permit.
- E. The Chief of Police of Township shall, upon 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.

- F. Upon application for an Alarm Device permit, the applicant shall furnish proof that the Alarm Device meets the Operational Standards set forth in Section 304 of this Ordinance by submitting a form, furnished with the application, completed by the security service company or the application which verifies the Operational Standards of this Ordinance have been met. Such form shall be signed by the applicant if he completed the form or by the security service company representative if they completed the form.
- G. An application for an Alarm Device Permit may only be denied for the following reasons:
  - 1. The application submitted does not conform with Paragraphs B or D of Section 302 of this Ordinance.
  - 2. The applicant's Alarm Device does not conform with the Operational Standards set forth in Section 304 of this Ordinance.
- H. Notwithstanding the language contained in Paragraph A of Section 302 of this Ordinance, it shall not be unlawful for a person to continue to operate an Alarm Device on his premises without an Alarm Device permit, after the effective date of this Ordinance, provided that said Alarm Device was in operation of the effective date of this Ordinance, until such time as the Township police or local fire companies responded to an alarm resulting from the activation of such Alarm Device, whereafter such person shall have thirty (30) days within which to apply for the Alarm Device permit required by this Ordinance.

### **§303. Changes.**

If at any time there is a change of name, address and/or telephone number as required by Section 302.B.4 and 5 of this Ordinance, the Permit Holder to whom an Alarm Device permit had been issued, shall notify the Township police, in writing, of such change of name, address and/or telephone number, within ten (10) days in order that the necessary changes are on file with the office of the Township police.

### **§304. Operational Standards.**

- A. If an Alarm Device is designed to transmit a recorded message, the contents of said message shall be intelligible.
- B. If an Alarm Device is designed to cause an exterior bell, siren or other 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 a maximum of fifteen (15) minutes of operation.

- C. The sensory mechanism used in connection with an Alarm Device must be installed and adjusted to suppress false indication of fire, smoke or intrusion.
- D. The Alarm Device must be maintained by the Permit Holder in good repair to assure reliability of operation.

**§305. Intentional False Alarm.**

It shall be unlawful to cause an Intentional False Alarm.

**§306. False Alarm Charges.**

- A. In the case of a New Installation, a thirty (30) day testing period shall apply to allow the security service company and the applicant to adjust the system as necessary to prevent False Alarm indications. During this thirty (30) day period, False Alarm charges shall not be assessed.

- B. A Permit Holder shall pay to the Township a charge for each False Alarm emanating from his/its Alarm Device during any calendar year as follows:

Thirty (30) Day Testing Period	-	No charge
First through Third False Alarm	-	No charge
Fourth through Sixth False Alarm	-	\$50.00 each occurrence
Seventh and Subsequent False Alarm-	-	\$100.00 each occurrence

- C. When a False Alarm occurs, the Chief of Police of Township 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 Certified Mail, postage prepaid.
- D. A False Alarm charge shall be due and payable at the office of the Township police no later than thirty (30) days from the date of the notice of the False Alarm charge.
- E. Failure of Permit Holder to pay a False Alarm charge on or before the due date shall subject such a Permit Holder to the penalties provided for in Section 307 of this Ordinance.

**§307. Penalties.**

Any person who has committed an unlawful act under the terms of this Ordinance shall, upon conviction thereof before a District justice, be subject to a fine of not less than Fifty and 00/100 Dollars (\$50.00), nor more than Three Hundred and 00/100 Dollars (\$300.00) for each offense.

In default of payment of the fine and costs, such Person may be sentenced and committed by a District justice to Berks County Prison for a period not exceeding thirty (30) days.

(Ordinance No. 90-06, 7/12/90)