

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Peddlers and Solicitors****A. Definitions****§13-101. Definitions.**

Soliciting - the seeking or taking of contracts or orders for any goods, wares, services or merchandise for delivery, or for subscriptions or contributions upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private property, within the Township, and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations, and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses, or other building improvements or repairs, upon or from the places aforesaid within the Township. [Ord. 2005-08]

Peddling - the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets, or sidewalks, from house to house, by visitation of private residences, or by entering in or upon private or public property within the Township. The words "soliciting" and "peddling" shall not apply: [Ord. 2005-08]

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 for 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 the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 63 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

G. To take orders for merchandise, by sample, from dealers or merchants or individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with Northern York County Regional Police Department and obtain a license without fee; provided, any person dealing in one or more 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, Northern York County Regional Police Department 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 a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in any such business; every individual shall obtain a separate license, issued to him in his name and the license fee hereby imposed shall be applicable to every such individual license, except any representative of a charitable organization may obtain licenses for the applicants. [*Ord. 2005-08*]

Solicitor - any person who shall engage in soliciting as hereinabove defined.

Peddler - any person who shall engage in peddling as hereinabove defined.

Person - any natural person, association, partnership, firm, organization or corporation.

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

(*Ord. 91-1, 9/9/1991, §15.1; as amended by Ord. 2005-08, 10/24/2005*)

B. Licenses, Licensing Regulations, Etc.**§13-111. License Required.**

No person shall engage in soliciting or peddling in the Township without first having taken out a license as herein provided.

(*Ord. 91-1, 9/9/1991, §15.11*)

§13-112. License Application.

1. Every person desiring to engage in soliciting or peddling in the Township shall first make application to Northern York County Regional Police Department for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit said valid County license. The application shall be upon a form provided by the Township officer and shall contain at least the following information verified by oath or affirmation:

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.
- E. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishments imposed therefor.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.

2. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given by him, and an individual license shall be required for each helper. No license under this Part shall be transferable from one person to another.

(*Ord. 91-1, 9/9/1991, §15.12; as amended by Ord. 2005-08, 10/24/2005*)

§13-113. License Fee.

No license shall be issued under this Part until the sum in an amount as established from time to time by resolution of the Board of Supervisors shall be paid to the Northern York County Regional Police Department, and it shall be for the use of the Northern York County Regional Police Department. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling, and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(*Ord. 91-1, 9/9/1991, §15.13; as amended by Ord. 2005-08, 10/24/2005*)

§13-114. License Term; New License.

The license granted pursuant to this Part shall be valid for 30 days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he/she shall be required to file

a new application for a permit and pay a new license fee. Such licenses may be issued, in advance, for consecutive 30 day periods not exceeding 12 in number, upon payment, in advance of the license fee for each 30-day period provided in this Section.

(*Ord. 91-1, 9/9/1991, §15.14*)

§13-115. License Exhibition.

Such license, when issued, shall state, *inter alia*, the products to be sold or services rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

(*Ord. 91-1, 9/9/1991, §15.15*)

§13-116. Hours.

No solicitor or peddler under this Part shall engage in soliciting or peddling on any day of the week before 9 a.m. or after 8 p.m. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time, and during the time of the year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

(*Ord. 91-1, 9/9/1991, §15.16; as amended by Ord. 2005-08, 10/24/2005*)

§13-117. Parking Vehicle on Street; Littering.

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(*Ord. 91-1, 9/9/1991, §15.17*)

§13-118. Fixed Location Prohibited.

No solicitor or peddler under this Part shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter, or occupy the cartway or berm of any street or highway, or any portion or part contained within the cartway (e.g., median strip, fixed barrier, lined area, etc.)

(*Ord. 91-1, 9/9/1991, §15.18; as amended by Ord. 2005-08, 10/24/2005*)

§13-119. Records of Licenses.

The Northern York County Regional Police Department shall keep a record of all licenses issued under this Part and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

(*Ord. 91-1, 9/9/1991, §15.19; as amended by Ord. 2005-08, 10/24/2005*)

§13-120. License Suspension, Revocation.

Any license issued under this Part may be suspended or revoked at any time by the Permit Officer upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license, and that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township.

(*Ord. 91-1, 9/9/1991, §15.20*)

§13-121. Crying Wares, Using Noisemakers Prohibited.

No solicitor or peddler under this Part shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker, bell, whistle, or other device for announcing his presence by which the public is annoyed.

(*Ord. 91-1, 9/9/1991, §15.21; as amended by Ord. 2005-08, 10/24/2005*)

§13-122. Penalty.

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

(*Ord. 91-1, 9/9/1991; as added by Ord. 2005-08, 10/24/2005*)

Part 2**Cable Television Facilities****§13-201. Permission Granted.**

To the extent that the same may be lawfully given and subject to the provisions of any and all Acts of the General Assembly and municipal ordinances and regulations issued thereunder now or in the future and in consideration of the faithful performance and observance of the conditions and reservations mutually agreed upon herein, Dover Township hereby grants non-exclusive permission to erect, maintain, and operate transmission and distribution facilities and additions thereto in, under, over, along, across, and upon all streets, lanes, alleys, avenues, bridges, and highways in Dover Township in places where there are presently or will in the future be erected or installed public utility lines and structure for the purpose of transmission and distribution by cable of television and frequency modulation radio impulses and energy for sale to others; provided, that this provisions shall in no manner be construed as limiting right to set its own poles in accordance with the provisions of §13-217 below.

(Ord. 91-1, 9/9/1991, §16.1)

§13-202. Payment to Dover Township.

Established by Agreement.

(Ord. 91-1, 9/9/1991, §16.2)

§13-203. Examination of Company Records.

The operator of CATV facilities shall keep full, true, accurate and current account books reflecting its investment and its operations under this Part, which books and records shall be made available for inspection and copying by Dover Township.

(Ord. 91-1, 9/9/1991, §16.3)

§13-204. Terms.

The terms of this Part shall be binding upon the parties hereto subject to renewal of Agreement for periods of reasonable duration on the same terms and conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by Dover Township and as are consistent with the requirements of §76.31 of the FCC Rules and Regulations. No renewal hereof shall be granted unless authorized by Dover Township following a public hearing held in accord with the provisions of §76.31, Operator's Application for Franchise Renewal, shall be granted; provided, operator shows that its CATV service during the preceding franchise period has reflected a good faith effort to serve the needs and interests of its service area.

(Ord. 91-1, 9/9/1991, §16.4)

§13-205. Use of Other Facilities.

Dover Township gives permission for the operator to attach its cables and transmission lines to the poles or underground facilities of the existing electric,

telephone, on the condition that the provisions of §13-206 are complied with.

(Ord. 91-1, 9/9/1991, §16.5)

§13-206. System Subject to Regulation.

Operator's construction and maintenance of the transmission and distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of Dover Township and the Commonwealth of Pennsylvania now in effect or later enacted regulating or affecting operator's installation or operation.

(Ord. 91-1, 9/9/1991, §16.6)

§13-207. Erection of Poles and Towers, Street Cuts.

It is understood by Dover Township that the operator may erect poles, towers, and other equipment and make street and sidewalk cuts for the laying of subterranean lines and Dover Township agrees that the operator may do so, provided that only that operator must make the proper application for the applicable permit to do so and must conform to all ordinances and regulations of Dover Township including, but not limited to, the building and zoning codes.

(Ord. 91-1, 9/9/1991, §16.7)

§13-208. Prudent Installation and Operation.

Operator agrees that its installation and operation shall be installed, located, and maintained so as not to endanger or interfere with the life and property of any person or thing; nor interfere with improvements which Dover Township may deem property; nor hinder or obstruct the free use of streets, alleys, bridges, or other public or private property. In the event, Dover Township relocates a street or makes any other change requiring the removal of utility installations or in the event operator does interfere with the public or private property of others, operator at its sole expense will remove its installations at this location.

(Ord. 91-1, 9/9/1991, §16.8)

§13-209. Indemnity; Program Subject Matter.

It is expressly understood that Dover Township has no control, standard or regulation pertaining to the subject matter of programs distributed by operator. Operator agrees to indemnify and save harmless Dover Township, its officers and employees from all claims, suits, and actions at law or equity for libel, slander, patent or copyright infringement; that in the event Dover Township is made a party defendant in any action arising out of the subject matter of programs transmitted by the operator, operator shall at its sole cost and expense defend such action and appeals therefrom.

(Ord. 91-1, 9/9/1991, §16.9)

§13-210. Insurance.

1. Operator shall annual submit to Dover Township a certificate, the form of

which shall be approved by Dover Township attesting that operator's employees are covered by adequate workmen's compensation insurance pursuant to the laws of the Commonwealth of Pennsylvania.

2. Operator shall, on a form approved by Dover Township, provide Dover Township with a certificate of insurance evidencing the following insurance coverage:

- A. *Property Damage*. \$500,000 per occurrence.
- B. *Public Liability*. \$500,000 per occurrence.

3. Operator shall submit to Dover Township, for approval, executed certificates of insurance policies covering all insurance required by this Part. Each certificate shall contain therein, or have contained in a rider attached thereto and made a part thereof, a clause to the effect that the insurer will notify the insured and Dover Township in writing 30 days prior to cancellation of the policy.

(Ord. 91-1, 9/9/1991, §16.10)

§13-211. Indemnity; General Liability.

Company shall indemnify save harmless Dover Township from all claims, demands, suits, actions, costs, and expenses including counsel fees arising out of or caused by the installation, erection, operation, existence or maintenance of operator's facilities permitted under this Part. Operator agrees that in the event a final judgment arising out of such claims, demands, suits or actions set out above, subject to no further appeal, is entered against Dover Township, operator will immediately provide to Dover Township for transmittal to plaintiff, a sum of money equal to the amount of the said judgment including any applicable intent and costs entered against Dover Township.

(Ord. 91-1, 9/9/1991, §16.11)

§13-212. Interference with Reception Outside CATV System.

Operator's installations shall be installed, maintained and operated in a manner which shall not interfere with television or radio reception by means other than by the cable-type systems.

(Ord. 91-1, 9/9/1991, §16.12)

§13-213. Rates.

Dover Township and operator acknowledge that such regulation of rates and programming is contrary to the provisions of the Cable Communications Policy Act of 1984.

(Ord. 91-1, 9/9/1991, §16.13)

§13-214. Local Office; Complaint Procedures.

During the term of these rights and renewal thereof, the operator shall maintain a local business office or agent for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters and provide Dover Township with the name, address, and phone number of a person who will act as agent to receive complaints regarding quality of service, equipment malfunctions, and similar matters. The local office shall be open to receive inquiries or complaints from subscribers during normal business hours, which are 9 a.m. to 5 p.m.

Any complaints from subscribers shall be investigated and acted upon as soon as possible, at least within 3 business days of their receipt. The operator shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint, and the time and date thereof. This log shall be made available for periodic inspection by Dover Township.

(Ord. 91-1, 9/9/1991, §16.14)

§13-215. Part Represents Valid, Binding Contract.

Operator agrees and attests by its jointer herein that this Part represents a valid and binding contract in all respects, and intends to be legally bound hereby.

(Ord. 91-1, 9/9/1991, §16.15)

§13-216. Common Rules and Regulations.

The operator shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the operator to exercise its rights and perform its obligations under this Part, and to assure an uninterrupted service to each and all of its customers; provided, that such rules, regulations, terms, and conditions shall not be in conflict with the provisions hereof or of Federal or State laws.

(Ord. 91-1, 9/9/1991, §16.16)

§13-217. Regulatory Bodies.

Operator shall conduct the operation of its business in accordance with the rules, regulations, and statutes, as amended from time to time, of the Federal Communications Commission, of Pennsylvania Public Utility Commission and any other duly authorized federal, state, or local authority having jurisdiction. In particular, the operator shall, at all times, comply with the rules and regulations

(Ord. 91-1, 9/9/1991, §16.17)

§13-218. Modification of FCC Rules.

Consistent with the requirements of §76.31(a)(6) of the FCC Rules, any modification of §76.31 resulting from amendment thereto by the FCC shall to the extent applicable, be considered as a part of this franchise as of the effective date of the amendment made by the FCC and shall be incorporated in such franchise by specific amendments thereto by the lawful action of Dover Township within 1 year from the effective date of the FCC's amendment or at the time of renewal of this franchise, whichever occurs first.

(Ord. 91-1, 9/9/1991, §16.18)

Part 3**Plumber Licensing****§13-301. Definitions.**

Administrative authority - administrative authority shall mean Dover Township's Code Enforcement/Appeals Board.

Apprentice plumber - an individual of legal working age who works under the direction and control of a master plumber.

Code - the word "code" shall mean the Code of Ordinances of Dover Township.

Journeyman plumber - an individual to whom a current journeyman plumber's license has been issued by the Township, and who also has either a current certification from the County of York or a valid journeyman plumber's license from a reciprocating York County municipality. A journeyman plumber works under the direction of a master plumber.

Plumbing inspector - an individual hired by the Township to perform the duties of a plumbing inspector under the Uniform Construction Code and the International Plumbing Code.

Master plumber - an individual to whom a current master plumber's license has been issued by the Township, and who also has either a current certification from the County of York or a valid master plumber's license from a reciprocating York County municipality.

Township - the Township of Dover, York County, Pennsylvania.

(Ord. 2007-11, 11/12/2007, §1)

§13-302. Plumber Licensing Requirements.

1. No person shall work at or carry on the business of interior building plumbing unless a master plumbing license first has been issued by the Township.

2. A record shall be kept by the Township of all licenses currently active, which shall be available for public inspection.

3. An application for a license under this Part shall be made on a form supplied by the Township. The application shall be accompanied by the prescribed fees as set by resolution from time to time.

(Ord. 2007-11, 11/12/2007, §1)

§13-303. Inactive Plumbers.

1. An inactive master plumber shall not perform any plumbing work in the Township while holding an inactive plumber's license. An application for an inactive master plumber's license shall be made on a form supplied by the Township. The application shall be accompanied by the prescribed fees as set by resolution from time to time.

2. In the event that an inactive master plumber desires to perform plumbing work in the Township, then before such work can commence the inactive master plumber

shall apply to the Township for active status and pay the difference between the inactive master plumber fee and the active master plumber's fee.

(*Ord. 2007-11, 11/12/2007, §1*)

§13-304. Renewal of Plumbing License.

1. All licenses issued under this Part shall expire on December 31 of each year and may be renewed by filing an application for renewal with the Township and the applicable fee shall be paid between December 1st and December 31st.

(*Ord. 2007-11, 11/12/2007, §1*)

§13-305. Revocation of Plumber Licenses.

1. The Township may revoke any license issued under this Part if the license was obtained through misrepresentation, or if there has been a violation of this Code or the International Plumbing Code.

2. Before a license is revoked, the Township shall notify the licensee in writing of the violations at issue and of the date of the hearing on the violations, which hearing shall be conducted not less than 5 days from receipt of the notice. The notice shall be sent by certified mail, return receipt requested, at the licensee's address of record with the Township. In the event that the certified mail is refused by the applicant or is returned unsigned, then notice shall be made by first class mail, postage prepaid, and the hearing shall be conducted not less than 7 days from the date of mailing of the notice.

3. The hearing shall be before the administrative authority. Testimony shall be under oath and recorded. The administrative authority shall have the power to administer oaths and to issue subpoenas.

4. Within 10 days after the close of the hearing, the administrative authority shall render a decision in writing based upon the record before it, and shall serve a copy of decision on the licensee and the Township. Any appeals from the administrative agency's decision shall be taken to the York County Court of Common Pleas pursuant to the Local Agency Law.

(*Ord. 2007-11, 11/12/2007, §1*)

§13-306. Penalties.

Any person who shall violate any of the provisions of this Part shall, upon summary conviction, be subject to a penalty of not more than \$1,000 per violation. Should such person refuse or neglect to pay such penalty, such person shall be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part that is found to have been violated.

(*Ord. 2007-11, 11/12/2007, §1*)