

Chapter 13

Licenses, Permits, and General Business Regulations

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Part 1**Contractor Licensing****§13-101. Definitions.**

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

Borough—the Borough of Hatboro.

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

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

License year—the 12-month period beginning the first day of January of each year.

Person—any individual, partnership, limited partnership, association, corporation, trust, or other legally recognizable entity.

(Ord. 889, 12/20/1993, §1.01)

§13-102. Enforcement.

The Borough Manager, the Code Enforcement Officer, or their authorized representatives shall administer and enforce the provisions of this Code.

(Ord. 889, 12/20/1993, §1.02)

§13-103. Compliance Required.

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

(Ord. 889, 12/20/1993, §1.03)

§13-104. Applicability of License.

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

(Ord. 889, 12/20/1993, §1.04)

§13-105. License Required; Application; Issuance; Renewal.

1. For the license year beginning January 1, 1994, and each license year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a contractor in the Borough shall, on or before the first day of January of the license year or prior to commencing business in such license year, make application for a license to act as a contractor in the Borough.

2. Such application shall be made by the completion of an application furnished by the Code Enforcement Officer and the payment of the prescribed license fee. Each application must contain the information required hereinafter by this Part, and must present satisfactory proof of insurance. Each application for a license shall be signed by the applicant if a natural person, and in the case of an association or a partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof.

3. Each successful applicant shall be issued a license, which license shall be in the form of a wallet-sized card. Every licensed contractor, while actually acting as a contractor in the Borough, shall carry said license card with him and shall display it to the Code Enforcement Officer or his representatives upon request to do so.

4. All contractors' licenses shall expire at midnight on December 31 of each license year unless the license is revoked or suspended prior thereto under the terms of this Part. A person with an unexpired license and which has not been revoked or suspended during the current license year who makes application for a license for the following license year need not complete an application form, but must only submit the required license fee and, if he qualifies for licensing and renewal under the terms of this Part, his license shall be renewed for the following license year, and he will be issued a new license card for the following license year.

(Ord. 889, 12/20/1993, §1.05)

§13-106. Exceptions.

1. The provisions of this Part shall not apply to the official transactions of any authorized representative of the government of the United States, any state or commonwealth of the United States, any political subdivision of any state or commonwealth or any agency or instrumentality of the foregoing governments; provided, however, that no person engaged by the representative of any of the foregoing shall act as a contractor in the Borough unless such person shall first have complied with and have been licensed under the provisions of this Part.

2. No contractor's license shall be required or any person when acting in a particular capacity or particular type of transaction as follows:

A. A person who performs labor or services for a contractor for wages or salary.

B. A person who is required by other State or local law to attain standards of competency or experience, and who must obtain licensing under such other State or local law as a prerequisite to engage in a craft or profession, and who is acting exclusively within the scope of such craft or profession for which he is currently licensed pursuant to such other law.

(Ord. 889, 12/20/1993, §1.06)

§13-107. Insurance Required.

1. No contractor's license shall be issued unless the applicant files a certificate of insurance with the Code Enforcement Officer at the time of license application. The certificate of insurance shall contain a provision that coverage afforded under the policy will not be canceled until at least 15 days prior notice of such cancellation has been given to the Borough. The certificate of insurance must evidence policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products liability, and completed operations, each of which must have a single occurrence limit of at least \$50,000. Blasting and demolition contractors, and the reasonable limits of such insurance shall be determined by the Code Enforcement Officer at the time of application, based on the nature and extent of the applicant's proposed operations. Workers' compensation coverage must be carried to the extent required by law.

2. All types and limits of insurance for which certificates are presented at the time of application and based upon which a license is issued shall be maintained throughout the license year, or the license will be suspended or revoked as hereinafter set forth in this Part.

(Ord. 889, 12/20/1993, §1.07)

§13-108. Fees.

1. The annual contractor's license fee shall be in the amount set forth in the Borough Fee Schedule.

2. There shall not be prorated reduction in the license fee.

(Ord. 889, 12/20/1993, §1.08)

§13-109. Contents of Application.

The application for a license shall be a printed form provided to the applicant by the Code Enforcement Officer, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean that the application is incomplete and will not be considered until completed. The application form shall be signed by the applicant. The questions and information requested on the application form shall include, but not be limited to, the following:

A. The names of owners, partners, directors, and officers of the applicant and the business address and trade names of applicant.

B. A statement as to whether or not any municipalities have refused to issue or have revoked any similar contractor's licenses to the applicant within 2 years previous to the date of the application. In the event that there has been such a denial or revocation, the applicant must explain in writing the reasons for such denial or revocation.

(Ord. 889, 12/20/1993, §1.09)

§13-110. Notification of Changes.

Every contractor licensee shall, within 10 days after a change in ownership, directors, officers, management, address, or trade name, notify the Code Enforcement

Officer of such change.

(*Ord. 889, 12/20/1993, §1.10*)

§13-111. Refusal to Issue or Renew License.

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

A. If the applicant falsely answered any question or questions contained on the application form.

B. If the applicant has been convicted within 2 years prior to the date of the application for any crimes or offenses under any Federal or Borough ordinance so long as such convictions were for crimes or offenses related to the applicant's work as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere.

(*Ord. 889, 12/20/1993, §1.11*)

§13-112. Revocation of License.

The Code Enforcement Officer shall revoke any license issued under the provisions of this Part under the following circumstances:

A. If the licensee falsely answered any question or questions contained on an application for licensing or renewal of licensing previously submitted to the Code Enforcement Officer.

B. If the licensee fails to maintain, during the license year, the policies of insurance required under the provisions of this Part.

C. If the licensee violates any of the terms or provisions of the BOCA Building Code, as amended, or its successor or any terms or provisions of this Part.

D. If the licensee violates any condition or requirement of a building permit, or highway permit issued by the Borough.

E. If the licensee willfully deviates from or disregards any plans or specifications for any contracting job in any material respect without first obtaining the consent of the owner, in writing, to any such change and without first notifying the Code Enforcement Officer of any such change.

F. If the licensee does any business through any person who is subject to the licensing requirements of this Part and who is not licensed as required by this Part.

G. If the licensee conducts a contractor's business in the Borough under any name other than that under which he is licensed.

H. If the licensee fails to comply with an order, demand, or requirement lawfully made under the authority of this Part or any other Borough ordinance.

(*Ord. 889, 12/20/1993, §1.12*)

§13-113. Violations and Penalties.

Any person who fails to correct a violation or institute a remedial action as ordered by the Code Enforcement Officer or who violates a provision or fails to comply with any requirements of this Part or of any of the other applicable provisions of the Borough Code, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not

to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 889*, 12/20/1993, §1.15; as amended by *Ord. 907*, 9/23/1996, §13-113)

Part 2**Child Day Care Regulations****§13-201. Title.**

This Part shall be known as the “Child Day Care Ordinance of the Borough of Hatboro.”

(*Ord. 860, 9/30/1991, §1*)

§13-202. Legislative Intent.

It is the primary purpose of this Part to preserve and protect the existing character and tranquility of the residential neighborhoods in the Borough of Hatboro, and at the same time to permit to a limited extent and not inconsistent with the primary purpose, the in-home business of child day care, whether for profit or otherwise.

(*Ord. 860, 9/30/1991, §2*)

§13-203. Definitions.

1. In interpreting this Part, the singular shall include the plural and the masculine shall include the feminine. The word “person” includes natural person, partnership, firm, association, corporation, or Borough authority.

2. The following words when used in this Part shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise.

Borough—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

Borough Council—the duly elected members of the Borough Council of the Borough of Hatboro.

Borough official—a duly appointed official of the Borough of Hatboro designated to enforce this Part.

Child—a person under 16 years of age.

Caregiver—a person who is responsible for the direct care, protection, and guidance of a child in a child day care center, family day care home, or group day care home.

Child day care center—a business, whether for profit or not for profit, established to provide child care for seven or more children at any one time, where the child care areas are not located in a structure used as a residence.

Family day care home—a business, whether for profit or not for profit, established to provide child care for four to six children who are not relatives of the caregiver and where the facilities are established in a structure used as a residence by the principal caregiver.

Group day care home—a business, whether for profit or not for profit, established to provide child care for seven to 12 children who are not relatives of the caregiver and where the facilities are established in a structure used as a

residence by the principal caregiver.

Relative—as used herein means a person with a blood or legal relationship to a child; mother, father, legal guardian, stepmother, stepfather, grandmother, grandfather, sister, brother, stepsister, stepbrother, aunt, uncle, niece, or nephew.

Zoning Hearing Board—the duly appointed Zoning Hearing Board of the Borough of Hatboro.

(Ord. 860, 9/30/1991, §3)

§13-204. Compliance.

1. All caregivers operating a child day care center, family day care home, or group day care home in the Borough of Hatboro shall comply with all applicable Federal, State, County, and local laws, ordinances, and regulations.

2. All caregivers operating a child day care center in the Borough of Hatboro shall provide the Borough of Hatboro with a copy of the license to operate a child day care center issued by the Department of Public Welfare of the Commonwealth of Pennsylvania, and must file copies of renewed licenses annually with the Borough. Operation of a child day care center in the Borough of Hatboro on a provisional certificate of compliance issued by the Department of Public Welfare requires prior approval from Borough Council.

3. All caregivers operating a family day care home or group day care home in the Borough of Hatboro shall provide to the Borough a copy of certificate of compliance issued by the Department of Public Welfare of the Commonwealth of Pennsylvania, and must file copies of renewed certificates of compliance annually.

4. All caregivers operating a child day care center, family day care home, or group day care home shall execute a consent to the Borough that will allow the Department of Public Welfare to notify the Borough of Hatboro of the termination or revocation of a license to operate a child day care center or a certificate of compliance for the operation of a child day care home or group day care home.

(Ord. 860, 9/30/1991, §4)

§13-205. General Regulations.

1. The following categories, commonly referred to as babysitting, are not considered a business to be regulated under the provisions of this Part, and shall be permitted in any residence in the Borough of Hatboro.

A. The in-home care for profit or not for profit of any number of children by a relative of the children.

B. The in-home care for profit or not for profit of up to 3 children who are not relatives of the caregiver.

C. The in-home care for profit or not for profit of more than 3 children who all have at least one common parent but are not relatives of the caregiver.

2. Child care services furnished in places of worship during religious services, or by volunteer caregivers during school or social events, are not considered a business to be regulated under the provisions of this Part.

3. It shall be unlawful for any person to continue to operate a family day care

home, group day care home, or child day care center after revocation of license or certificate of compliance by the Commonwealth of Pennsylvania, or after being found to be in violation or noncompliance of regulations for operation of such facilities by the Department of Public Welfare of the Commonwealth of Pennsylvania.

(*Ord. 860, 9/30/1991, §5*)

§13-206. Violations and Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 860, 9/30/1991, §6; as amended by Ord. 907, 9/23/1996, §13-206*)

Part 3**Transient Retail Merchants****§13-301. Definitions.**

Business—a natural person, association, partnership, corporation, or group of persons formed for a temporary purpose.

Peddler—a natural person engaging in peddling on behalf of a “business” as defined herein.

Peddling—engaging in any transient retail business within the Borough for the sale of goods, wares, or merchandise or soliciting, canvassing, or taking of orders, whether such business shall be conducted from a fixed private or public location or by persons peddling from house to house or on the public highways or streets.

The singular shall include the plural, and the masculine shall include the feminine and neuter.

(Ord. 791, 10/26/1987, §81-1)

§13-302. Identity Card Required.

No peddler shall engage in peddling or use the public ways without first having received from the Chief of Police or his designee an identity card, to be visibly displayed on the peddler at all times during which he is peddling.

(Ord. 791, 10/26/1987, §81-2)

§13-303. Application for Identity Card.

Every business seeking to peddle shall apply to the Chief of Police or his designee for identity cards for all his peddlers and the Chief of Police shall issue the same after noting thereon the name, address, and description of the peddler, the person by whom employed (with the address of the same) and the period during which peddling will be conducted.

(Ord. 791, 10/26/1987, §81-3)

§13-304. License Required; Application.

1. Every business seeking to peddle shall apply to the Chief of Police for a peddling license and shall supply at the time thereof evidence of any other valid County or State license which the law may require, except:

- A. Farmers selling only their own produce.
- B. Persons selling goods, wares, and merchandise donated by the owner thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
- C. Any manufacturer or producer selling only his own bread and bakery products, meat and meat products, or milk and milk products.
- D. Real estate, insurance, or securities brokers, or employees thereof.

2. The application shall disclose the business’s name, address, and description;

the goods or service to be peddled; the duration of time for the peddling; previous criminal record, if any; the description of the vehicle to be used; and if required by the Chief of Police, fingerprints.

3. The application shall also disclose the name and address and other information as required by the Chief of Police for all peddlers who will actually engage in peddling within the Borough on behalf of the business making the application.

(*Ord. 791, 10/26/1987, §81-4*)

§13-305. Issuance of License Prerequisite to Use of Public Streets; Fees.

No business required to be licensed shall engage in peddling until he has been issued a license, and no license shall be issued except that the public safety, morals, health, and welfare shall not be impaired thereby and that the following fees shall have been paid to the Chief of Police. All fees shall be established from time to time by resolution of Borough Council.

(*Ord. 791, 10/26/1987, §81-5; as amended by Ord. 907, 9/23/1996, §13-305*)

§13-306. Lost, Defaced, or Expired Licenses.

A lost identity card and/or license may be reissued for the balance of the period of the license upon the payment of a fee as established from time to time by resolution of Borough Council. Upon expiration or earlier termination, the license and identity cards shall be returned to the Chief of Police and by him canceled and destroyed. Any license or identity card defaced or altered shall be invalid thereupon and not reissued. For the purposes hereof, a stolen license or identity card shall be deemed defaced or altered.

(*Ord. 791, 10/26/1987, §81-6; as amended by Ord. 907, 9/23/1996, §13-306*)

§13-307. Prohibited Acts.

It shall be unlawful for a licensed peddler:

A. To enter any residence or place of business uninvited, or to remain thereabout after requested to leave.

B. To fail to have an identity card and a license on hand and/or exhibit the same upon demand.

C. To represent or to imply that the identity card or the license is an endorsement by the Borough of the peddler or the goods or services being peddled.

D. To peddle on any Sunday or legal holiday (or any day observed as such) at all, and on any other day before 9 a.m. or after 4 p.m.

E. To peddle goods or services other than those licensed.

F. To peddle by hawking, crying, or displaying goods or services upon any public ways, or to use any device to advertise his/her presence or his/her goods and services, except that a person or business may engage in peddling on the public streets at a specific event sanctioned and approved by Borough Council.

G. To hawk or cry his/her wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough of Hatboro, except as provided in paragraph .F.

H. To park any vehicle upon any of the streets or alleys in the Borough of Hatboro for the purpose of sorting, rearranging, or cleaning any of his/her goods,

wares or merchandise or of disposing of any carton, wrapping materials, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

(*Ord. 791, 10/26/1987, §81-7; as amended by Ord. 912, 3/24/1997*)

§13-308. Chief of Police to Maintain Register of Identity Cards.

The Chief of Police shall maintain a register of the identity cards and licenses issued hereunder and keep the same available for inspection to the public at any time.

(*Ord. 791, 10/26/1987, §81-8*)

§13-309. Suspension or Revocation of License.

Any license may be suspended or revoked under this or the succeeding Sections and shall not be reinstated except by the Council at any regular or special meeting.

(*Ord. 791, 10/26/1987, §81-9*)

§13-310. Authority of Chief of Police.

The Chief of Police may make such rules and regulations as may be necessary to carry out the provisions of this Part.

(*Ord. 791, 10/26/1987, §81-10*)

§13-311. Violations and Penalties.

Any business and/or peddler who shall violate any of the provisions hereof shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 791, 10/26/1987, §81-11; as amended by Ord. 828, 12/18/1989, §11; by Ord. 907, 9/23/1996, §13-311; and by Ord. 1005, 5/23/2011*)

Part 4**Registration and Licensing of Plumbers****§13-401. License Required.**

On and after the passage of this Part, it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in the Borough of Hatboro, until a certificate or license to engage in or work at said business shall have been granted said person by the Borough of Hatboro Building Inspector, nor until they have registered as such in the office of the Building Inspector, of said Borough; provided, however, that nothing in this Part shall be construed to prevent the employment of journeymen plumbers or working of apprentices, under the direct supervision of duly registered and licensed master plumbers; and, further provided, that nothing in this Part shall be construed to prevent a homeowner from doing plumbing on his own private residence. A permit shall be required and can be obtained by telephone with no fee for the permit.

(*Ord. 715, 12/12/1981, §1*)

§13-402. Qualifications and Registration of Master Plumbers.

1. *Work Shall be Done by Registered Master Plumbers Only.* All construct, alteration, repair, or work of any kind, in connection with any water supply or sewage disposal system shall be done by a registered master plumber only. Work done by a registered plumber means that it shall be done by him personally, or by one of his employees, working under his direction, for whose work in carrying out the requirements of this Part the registered plumber assumes full responsibility.

2. *Registration.*

A. Every person, firm, or corporation engaged in the business of plumbing, before performing work covered by this Part, shall appear in person to the Building Inspector and present satisfactory proof, such as current registration by an approved examining board in any other nearby municipality of his being a qualified plumber and shall register his name and business address upon forms furnished by the Borough of Hatboro and shall receive a certificate of registration for which he shall pay an amount to be determined by resolution of the Borough Council and, accompanied by a performance bond for \$1,000 and a certificate of insurance for \$50,000/\$100,000 bodily injury and \$25,000 property damage. [*Ord. 907*]

B. This registration will expire on December 31 of the year of registration.

C. The registration shall be renewable for the next calendar year during the month of December, for which the fee shall be established from time to time by resolution of the Borough Council. If the renewal is not made before the cost of business on the last day of the year, the fee for renewal shall be in an amount to be established from time to time by resolution of the Borough Council for an original registration. All plumbing concerns for businesses must show a \$1,000 performance bond upon registering or reregistering. All plumbing concern trucks must be lettered with name and address. [*Ord. 907*]

D. Before any plumbing work is started, there shall be filed with the Building

Inspector a plan thereof, showing the complete water supply, plumbing, and drainage system with location of all fixtures, stacks, vent pipes, and other parts and bearing the name of a registered plumber. No work shall be started until this plan is approved by the Building Inspector, and when approved, no departures or changes shall be made without the Building Inspector's approval.

E. This regulation applies to any alteration of existing systems, it being further required that in such cases a plan of such portion of the old system as may be required by the Building Inspector, as well as a plan of the proposed changes, shall be filed.

3. *Exams.* There will be no examining board for the examination of master and journeymen plumbers. Every person, firm, or corporation engaged in the business of plumbing, before performing work covered by this Part, shall appear in person to the Building Inspector and present satisfactory proof, such as current registration by an approved examining board in any other nearby municipality of his being a qualified plumber. The applicant's fee for master will be in an amount to be established from time to time by resolution of the Borough Council. [Ord. 907]

4. *Registration for Institutions, Etc.* A person certified as competent by the Building Inspector or the Assistant Health Officer of the Borough of Hatboro may be registered as a master plumber for the care, alteration or addition of the drainage system of a designated manufacturing or mercantile establishment, institution, hotel, etc., where it is necessary to have a continual service of a master plumber, and receive a certificate of registry, but in no case shall person be permitted to do any plumbing or drainage work in any building or buildings other than that for which he is registered. To obtain registration other than an institutional registration, the person must submit proof that he is no longer employed by said firm, institution, or other business establishment, and offers evidence of a bona fide place of business.

5. *Certificates May be Revoked.*

A. The certificates of registry granted under this Part may be suspended or revoked by the Borough of Hatboro Building Inspector when a master plumber, firm or corporation, or the registered representative thereof shall violate any of these rules and regulations, and shall refuse or neglect to make the necessary corrections to work not approved by the Borough of Hatboro Building Inspector, within a reasonable time after notification thereof, or who shall permit the use of his, their or its name, by a person or persons for the purpose of obtaining a permit or permits to do plumbing and drainage work.

B. No person, firm, or corporation carrying on the business of plumbing and house drainage shall allow his or their name to be used by any person directly or indirectly, either to obtain a permit or permits or do any work under his or their license.

(Ord. 715, 12/12/1981, §2; as amended by Ord. 907, 9/23/1996, §13-402)

Part 5**False Alarms****§13-501. Title.**

This Part shall be known and cited as the “Hatboro False Alarm Ordinance.”
(*Ord. 746, 6/25/1984, §47-1*)

§13-502. Purpose.

The purpose of this Part is to regulate and control burglar, hold-up and fire alarm businesses, systems and users. The health, public safety, and welfare of the Borough of Hatboro are placed in jeopardy due to the high number of false alarms that require both manpower and emergency equipment to be unnecessarily utilized. Thus, a need exists to pass reasonable rules and regulations to control and limit the occurrence of false alarms.

(*Ord. 746, 6/25/1984, §47-2*)

§13-503. Definitions.

Alarm business—any business operated by a person, partnership, corporation, or other business entity for profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, monitoring, or responding to burglary, hold-up, or fire alarm systems or which causes these activities to take place.

Automatic protection device—(hereinafter referred to as APD’s)—electronically operated instruments composed of sensory apparatus and related hardware, which automatically transmits a prerecorded voice or other alarm signal over regular telephone lines by direct or indirect connection to the police or fire department upon receipt of a stimulus from sensory apparatus that has detected a physical force characteristic of fire or intrusion. Indirect connection shall include answering services and all other persons monitoring and relaying the information to the police or fire department.

Audible alarm—any bell, horn, siren, or device which is attached to the exterior or interior of a building or vehicle that emits a warning signal audible outside the building designed to attract attention when activated, requiring police or fire department response. As used in this definition an audible alarm shall not include a residential type smoke or heat detector.

False alarm—any signal activated by an automatic protection device or an audible alarm or other kind of direct or indirect signal given or caused to be given the police or fire department to which police or firemen respond, which is not the result of a burglary, fire, robbery, or similar emergency.

Hold-up alarm—a device activated either automatically or by manual switch, button or other device designed to alert police to the occurrence of an armed robbery or robbery by force.

Subscriber—any resident, person, corporation, partnership, institution, or company

who has keyed an automatic protection device in the Borough to a designated or direct trunk line.

User—a resident, person, corporation, partnership, institution, or company which has installed an audible or other alarm system designed to alert police or firemen and require their response.

(*Ord. 746, 6/25/1984, §47-3*)

§13-504. Registration of Alarm Installation; False Alarm Charges.

1. Within 90 days from the effective date of this Part, every subscriber and user of an alarm device shall register with the Chief of Police on a form provided by the Borough such installation, which shall include the following information:

A. The name, residence, and telephone number of the user or subscriber.

B. The address where the device is installed and the telephone number of that address.

C. The name, address, and telephone number of at least two persons who are authorized to gain entry into the protected premises, and who are available to respond within 30 minutes of notification.

D. The name, address, and telephone number of the alarm equipment supplier and person responsible for maintenance and repair of the automatic protection device or audible alarm.

2. All information furnished pursuant to this Section shall be kept confidential and shall be for the exclusive use of the Police and Fire Departments.

3. Each subscriber or user shall enter into an agreement with the Borough to pay the following charges for false or accidental activation of alarms where police or firemen respond. The false alarm charges shall be established from time to time by resolution by Borough Council. [*Ord. 907*]

4. The charges in subsection .3 are to be assessed for each alarm received or reported within the aforementioned category.

5. After satisfactory compliance with this Section of this Part, the Chief of Police shall issue a permit to the subscriber or user. A permit is required for the use or operation of an alarm system. Use or operation without first obtaining a permit is unlawful. The permit may be revoked by the Chief of Police for noncompliance with any provision of this Part.

6. Failure of the subscriber and/or user to pay the fee required shall constitute a violation of this Part, subject to the penalties provided in §13-508.

7. If, due to weather conditions, electrical failure, or other equipment malfunction, three or more false alarms from unrelated locations are received within 30 minutes of each other, the fee or penalty shall not be assessed nor shall that alarm be counted for enforcement purposes.

8. It shall be unlawful to activate intentionally a hold-up alarm to summon the police or firemen except for the reporting of the specific occurrence intended by the alarm.

(*Ord. 746, 6/25/1984, §47-4; as amended by Ord. 907, 9/23/1996, §13-504*)

§13-505. Types of Alarms.

1. The sensory mechanism used in connection with any alarm system must be adjusted to suppress false indications of intrusion so that the device will not be activated by impulses due to pressure changes in water pipes, flashes of light, the rattling or vibrating of doors and windows, the vibrations to the premises caused by passing vehicles, or any other force not related to genuine alarms. All such devices must be maintained by the user or subscriber in good repair to insure maximum reliability of operation.

2. The alarm system shall be designed so as to distinguish between:

- A. Hold-up.
- B. Burglary.
- C. Fire.

3. Automatic dialers, where a recorded voice message is received, shall transmit a message approved by the Chief of Police. Said equipment shall not make more than two telephone calls to the Police Department. The message shall be no longer than 15 seconds in duration, and shall not be repeated more than twice.

4. The equipment shall not be keyed to the primary telephone lines of the Police Department but shall only be keyed to designated phone numbers.

5. Audible alarms shall be designed to deactivate after 15 minutes of operation. After 90 days of the effective date of this Part, all audible alarms not in compliance shall be unlawful and must be disconnected.

(Ord. 746, 6/25/1984, §47-5)

§13-506. Operation of Alarm Business.

1. It shall be unlawful for any person operating an alarm business to represent to any customer, user, or subscriber that the Hatboro Borough Police Department or Fire Company endorses, recommends or otherwise approves of his service or equipment. It shall be unlawful to represent that the Police Department or Fire Company furnished the name, address, or any other information to said alarm business or agent thereof.

2. It shall be unlawful to conduct a test or demonstration of any equipment already installed or being installed without notification to the Police Department or Fire Company as appropriate. No notice is required unless the alarm or signal may cause the response of police or firemen.

(Ord. 746, 6/25/1984, §47-6)

§13-507. Liability.

This Part or any agreement resulting therefrom, shall not constitute acceptance by the Borough of Hatboro of any liability to maintain any equipment, to answer any alarm or any other occurrence in connection therewith.

(Ord. 746, 6/25/1984, §47-9)

§13-508. Penalties.

Failure of any person, resident, corporation, partnership, institution, or company to comply with the provisions of this Part or any Section thereof shall constitute an

offence punishable by a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Failure to pay a false alarm fee shall result in the above penalties in addition to the amount of the fee assessed.

(*Ord. 746*, 6/25/1984, §47-10; as amended by *Ord. 806*, 2/27/1989, §1; and by *Ord. 907*, 9/23/1996, §13-508)

Part 6**Amusement Devices****§13-601. License Required.**

All automatic amusement games of the type commonly known and designated as “bagatelle,” “baseball,” “pin amusement game,” “video game,” or other similar machines or devices operated, maintained, or used in any public or quasi-public place or in any building, store, or other place wherein the public is invited or wherein the public may enter, and particularly, but not by way of limitation, all coin-operated automatic amusement devices of the type listed in this Section, shall be licensed before the same shall be placed, operated, maintained, or used within the limits of the Borough of Hatboro.

(*Ord. 677, 3/20/1978, §1; as amended by Ord. 729, 12/27/1982, §1*)

§13-602. Fee; Term of License; Renewal.

The license fee for each automatic amusement game of the type described in §13-601 shall be established from time to time by resolution of Borough Council. Said license shall be issued for the calendar year commencing January 1 and expiring December 31. Said license shall be renewed annually on or before December 31 by the filing of a written application, accompanied by the license fee for each renewal. The license fee for any license issued in any calendar year after July 1 shall be one-half the annual fee.

(*Ord. 677, 3/20/1978, §2; as amended by Ord. 729, 12/27/1982, §2; and by Ord. 907, 9/23/1996, §13-702*)

§13-603. License Application.

Every applicant for a license under this Part shall file a written application, in duplicate, with the Borough Secretary stating the following:

- A. The applicant’s name, address, and Social Security number.
- B. Previous business location.
- C. Has applicant ever been convicted of a misdemeanor or felony?
- D. The serial number of the machine.
- E. The place where the machine is to be kept.
- F. The name and address of the person, firm, or corporation owning the machine.
- G. Authorization for the Deputy Fire Marshall or any other duly authorized Borough official to inspect the premises during normal business hours to determine compliance with this Part.

(*Ord. 677, 3/20/1978, §3*)

§13-604. Investigation of Applicant.

1. When the aforesaid application is properly filled out and signed by the

applicant, the duplicate thereof will be referred to the Chief of Police, who shall make or cause to be made such investigation of the applicant's business responsibility and moral character as he deems necessary for the protection of the public good.

2. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons therefore and shall return the said application to the Borough Secretary, who shall notify the applicant that the application is disapproved and that no license will be issued. Disapproval of such application shall be based on one or more of the following findings with respect to the following:

- A. Conviction of a crime involving moral turpitude.
- B. Previous fraudulent acts or conduct.
- C. False statements contained in application.

3. In absence of such findings, the Chief of Police shall approve said application.
(*Ord. 677, 3/20/1978, §4*)

§13-605. Issuance and Display of License.

After said application is approved by Chief of Police, the Borough Secretary shall issue a license to be affixed to said device or machine in a conspicuous place so that the same shall be easily and quickly identified. No such device or machine mentioned in §13-601 shall be placed, operated, maintained or used until this is done.

(*Ord. 677, 3/20/1978, §5*)

§13-606. Non-transferability of License.

The holder of any license shall not be permitted to transfer the license within the calendar year for which it is issued to any other like device or machine to be maintained, operated, or used in the same location in place of the machine mentioned in the license, except in the occurrence of a breakdown and replacement of a machine, in which case a fee shall be charged which shall be established from time to time by resolution of the Borough Council.

(*Ord. 677, 3/20/1978, §6; as amended by Ord. 907, 9/23/1996, §13-706*)

§13-607. Limit on Number of Devices in Single Location.

No more than 20 devices or machines of any type or types shall be permitted to be operated, maintained or use in any one place, location, or premises.

(*Ord. 677, 3/20/1978, §7*)

§13-608. Location of Machines and Inspection.

No machine shall be installed in any structure in the Borough of Hatboro for use by the general public unless the following space requirements shall be satisfied so that adequate protection for the citizens of the Borough may be provided in the event of fire or emergency. Any structure in which machines are located shall be open for inspection by the Borough Deputy Fire Marshall or any other duly authorized Borough official during normal business hours to determine compliance with this Part.

- A. At least 3 feet of open space shall be provided along the side of each

machine. Where two machines are adjacent to each other, there shall be at least 6 feet of open space between the machines.

B. At least 4 feet of open space shall be provided for the operator directly in front of each machine. Where two machines are opposite each other, there shall be at least 8 feet of open space for the operators directly in front of each machine.

C. The rear of each machine shall be placed against the continuous wall.

(*Ord. 677, 3/20/1978, §8*)

§13-609. Prohibited Locations.

No machine shall be licensed or placed, maintained, operated, or used in any location, any entrance to which is within 300 feet of any entrance to any public school, public playground or church, to be measured along the street line.

(*Ord. 677, 3/20/1978, §9*)

§13-610. Prizes and Use for Gambling Prohibited.

No licensee shall offer any prize or other reward to any person playing any said machine, nor shall any licensee permit any said machine to be used for gambling purposes.

(*Ord. 677, 3/20/1978, §10*)

§13-611. Gambling Devices Prohibited.

No license shall be granted for any machine which shall be in the nature of a gambling device or machine, and no such machine shall be placed, operated, maintained, or used in the premises.

(*Ord. 677, 3/20/1978, §11*)

§13-612. Revocation of License.

Each license shall be revocable for any violation of this Part.

(*Ord. 677, 3/20/1978, §12*)

§13-613. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 677, 3/20/1978, §13; as amended by Ord. 814, 12/18/1989; and by Ord. 907, 9/23/1996, §13-713*)

Part 7**Circuses, Carnivals, and Theatrical Productions****§13-701. Definitions.**

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

Amusement ride—any device that carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement, including but not limited to, merry-go-rounds, Ferris wheels, roller coasters, which may be permanently or temporarily installed or used in the Borough.

Carnival or circus—an itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

Person—any natural person, partnership, firm, or corporation.

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

(*Ord. 907, 9/23/1996, §13-801*)

§13-702. Permit and Fees Required.

1. It shall be unlawful for any person to hold or conduct any circus or carnival, at any location within the Borough, or to operate any amusement ride therein, without first having obtained a permit therefor from the Borough Manager, for which a fee for the use of the Borough, shall be paid as established pursuant to a resolution of the Borough Council, provided that no separate permit shall be required for any amusement ride that shall be a part of any carnival that shall be authorized under this Part.

2. At the discretion of the Borough Council the permit fee may be waived in the case of a circus or carnival the proceeds of which are applied to purely charitable uses or in the case the application for such permit shall have been made by and on behalf of any organization connected with the Borough government or with any public school district. [*Ord. 1005*]

(*Ord. 907, 9/23/1996, §13-802; as amended by Ord. 1005, 5/23/2011*)

§13-703. Rejection of Permits; Appeals.

1. The Borough Manager shall refuse to grant a permit in any case where the owner of such circus or carnival, or the operator of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act, 4 P.S. §407, and the regulations of the Amusement Ride Safety Board, 7 Pa. Code §139.1 *et seq.*, along with a certificate of insurance as required by §414 of that same Act.

2. If any permit shall be denied, an appeal from such denial, may be made by the applicant or by the person to whom such permit had been issued, as the case may be, to the Borough Council, within 10 days of rejection, but no portion of a permit fee shall

be refunded in case of suspension or revocation. Such hearing shall be conducted within 30 days of the appeal and a decision rendered by the Borough Council.

(*Ord. 907, 9/23/1996, §13-803*)

§13-704. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 907, 9/23/1996, §13-804; as amended by Ord. 1005, 5/23/2011*)