

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**BYOB Clubs****§13-101. General.**

The Council of the Borough of Pillow, Dauphin County, Pennsylvania, hereby declares the purpose of this Part is to regulate the hours of operation of a BYOB club in order to preserve the residential character of neighborhoods and protect the right of its citizens to the quiet enjoyment of the same.

(Ord. 1/10/1989, §1)

§13-102. Definitions.

The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Section:

Alcoholic beverages—any and all beverages, including malt beverages, which contain alcohol, liquor, or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. §1-101 *et seq.*

BYOB club—any business facility such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of an entry fee, cover charge, or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as “bring your own bottle clubs”; provided, that a facility which is rented for a limited period of time, not to exceed 12 hours, by individual(s) or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises shall not be considered a BYOB club under the terms of this Part.

Residence—a building or structure wholly or partially used for living and sleeping space by human occupants.

(Ord. 1/10/1989, §2)

§13-103. Regulations for Operation of BYOB Clubs.

It shall be unlawful for any person or persons who own, operate, lease, manage, or control a BYOB club to:

A. Remain open and/or to transact business between the hours of 2 a.m. and 8 a.m., prevailing time, of each day and at any time on Sundays, if said BYOB club is within 500 feet of a residence or church.

B. Conduct activities to which this Part applies without possessing a valid club permit.

(Ord. 1/10/1989, §3)

§13-104. Violations.

In the event any of the unlawful activities specified herein is conducted by or in the name of a corporation, partnership, joint venture, trust, firm, or association, in addition to entity liability, the officers, agents, or principals of said corporation, partnership,

joint venture, trust, firm, or association shall be deemed in violation of this Part, as well as the person or persons engaged in the unlawful activity.

(Ord. 1/10/1989, §4)

§13-105. Offenses.

The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

(Ord. 1/10/1989, §5)

§13-106. Requirements of BYOB Clubs.

Any and all BYOB clubs to which this Part applies shall, at all times, comply with the following requirements:

A. Obtain broad form general liability coverage, \$1,000,000 single limit per occurrence, proof of which shall be filed with the Mayor.

B. Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and prominently display said certificate as required.

C. Obtain a valid BYOB club permit pursuant to §13-107 of this Part and prominently display said permit as required.

D. Conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprized of the same.

(Ord. 1/10/1989, §6)

§13-107. Permit Required.

1. Any person or persons desiring to operate or continue to operate a BYOB club shall file with the Mayor an application for a BYOB club permit, which application shall include the following information: the name and address of the BYOB club, a statement whether the business premises is leased or owned by the BYOB club, i.e., corporation, partnership, joint venture, association, the names and addresses of the officers and/or agents of the BYOB club, the names and addresses of any and all persons who possess an ownership and/or financial interest in the BYOB club and a notarized statement that the BYOB club complies with the requirements of §13-106 herein.

2. The Mayor shall determine whether the BYOB club fully and completely complies with the provisions and requirements of this Part within 10 days following the date on which the application is received. If the Mayor determines that the applicant fully and completely complies with the provisions hereof, he shall issue a BYOB club permit; if the Mayor determines that the applicant does not fully and completely comply with the provisions hereof, he shall deny the issuance of BYOB club permit and shall furnish written evidence of the same to the applicant together with the reason(s) for the denial.

3. The club shall pay an administrative fee in an amount as established from time to time by resolution of Borough Council for a BYOB club permit and in an amount as established from time to time by resolution of Borough Council for each renewal thereof. Said BYOB club permit shall be effective for a period of 1 year following the date of issuance; provided, that in the event BYOB club fails to fully and completely comply

with the provisions hereof during the term BYOB club permit so issued, the Mayor shall have the authority to revoke the BYOB club permit due to BYOB club's lack of compliance. [A.O.]

(Ord. 1/10/1989, §7; as amended by A.O.)

§13-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1/10/1989, §8; as amended by A.O.)

Part 2**Transient Retail Business****§13-201. General Provisions.**

1. The following are hereby declared by the Council of the Borough of Pillow to be against the public health, welfare and good order. It shall be illegal for any person, persons, company or corporation to act, permit or allow any of the actions in the Sections of this Part.

2. The term “person” in this Part shall include the plural as well as the singular and shall also apply to any company or corporation wherever appropriate.

(Ord. 2009-02, 12/8/2009, §13-201)

§13-202. Permit/License Required.

From the date of enactment of this Part, every hawker, peddler, street seller or vendor or solicitor of any kind who shall sell or offer for sale in or upon the streets of the Borough of Pillow, Pennsylvania, any service or merchandise or good of any kind or solicit orders for the same from house to house within the limits of Pillow Borough shall, before so doing, obtain from the Borough Secretary a permit, and shall be bound by the terms of this Part.

(Ord. 2009-02, 12/8/2009, §13-202)

§13-203. Permit/License Fee.

The cost of the permit from the Borough Secretary referred to in §13-202 shall be in an amount as established from time to time by resolution of Borough Council payable in full before commencing business in the Borough of Pillow, Pennsylvania.

(Ord. 2009-02, 12/8/2009, §13-203; as amended by A.O.)

§13-204. Application for Permit; Payment; Issuance; Number Required; Street Stands Not Permitted.

1. The application to the Borough Secretary for the license required by §13-202 of this Part shall show the following:

- A. The name, address and occupation of the applicant.
- B. The name and address of the person for whom the applicant will be acting as peddler.
- C. The kind or character of goods the applicant desires to be permitted to sell or offer.
- D. The names and addresses of persons having knowledge of the good moral character and integrity of the applicant.

2. With such application, the applicant shall submit to the Borough Secretary two photographs of himself or herself not larger than 2 inches by 2 inches, one of which photographs shall be attached to the application and the other to the license issued by the Borough. The applicant shall give any further identification as the Borough may

desire. If the Borough, upon examination, shall find the statements and references in such application verified, he or she shall, within 5 days, approve the application. In case statements or references are not verified, such application shall be refused.

3. Upon approval of such application and payment of the fee for such license, the Borough Secretary shall forthwith issue a license to the applicant, granting him or her the privilege of engaging in the activity described in §13-202 of this Part within the limits of the Borough for the period of 1 day, a year or a portion of a year, as hereinafter provided.

(Ord. 2009-02, 12/8/2009, §13-204)

§13-205. Parking of Vehicles.

No person as described in this Part shall be permitted to park any truck or other vehicle on any street or streets of the Borough and conduct or transact business therefrom; however, any licensee shall be permitted to stop or park in front of any residence or place of business while conducting business within the owner or the tenant thereof.

(Ord. 2009-02, 12/8/2009, §13-205)

§13-206. Hours of Operation.

No person licenses under this Part shall be permitted to commence business in said Borough prior to 9 a.m. or continue after 6 p.m., neither shall any business be transacted on any Sunday.

(Ord. 2009-02, 12/8/2009, §13-206)

§13-207. Attention-Getting Prohibited.

It shall be a violation of this Part for any person holding a license under this Part to use any whistle, horn, siren, chime, clapper, klaxon or any mechanical or electronic device or equipment to emit any audible sound, voice, music, song, chant or noise of any kind for the purpose of attracting attention to obtain business within the Borough limits, after said person or vehicle comes to a full stop.

(Ord. 2009-02, 12/8/2009, §13-207)

§13-208. Display of Permit/License.

The permit/license issued shall be in the possession of any person covered by this Part and shall be exhibited upon demand to any police officer or to any Borough official upon demand.

(Ord. 2009-02, 12/8/2009, §13-208)

§13-209. Exempt Organizations.

A license may be issued without fee to any religious or charitable organization which has registered with the Department of State of the Commonwealth of Pennsylvania.

(Ord. 2009-02, 12/8/2009, §13-209)

§13-210. Recordkeeping.

The Borough Secretary shall keep a record of every license issued and shall report the same to the Borough Council at the next regular meeting. All moneys collected shall be turned over the general fund of the Borough of Pillow.

(Ord. 2009-02, 12/8/2009, §13-210)

§13-211. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$150 nor more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2009-02, 12/8/2009, §13-211; as amended by A.O.)

§13-212. Agriculture Exemption.

This Part nor any of its provisions shall apply to any individual or organization that is selling agricultural products within Pillow Borough.

(Ord. 2009-02, 12/8/2009, §13-212)

