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PART 1
FUEL DEALERS

A. Liquid Fuel.

§ 13-101. Fuel Oil Sales to be Metered and Receipt Delivered to Purchaser. [Ord. 595, 3/13/1957, § 1]

The sale and delivery of fuel oil in the Borough of Mechanicsburg, Pennsylvania, shall be done by metering the amount of fuel oil delivered and sold, and the vendors of such fuel oil shall give to the purchasers a metered receipt after the said delivery, showing the exact amount of fuel oil delivered from the vendor's fuel oil carrier or truck to the vendee's fuel oil tank.

§ 13-102. Unlawful Acts Pertaining to Metering and Meter Receipts. [Ord. 595, 3/13/1957, § 2]

No person shall knowingly use a false or incorrect meter receipt, and all such receipts shall bear the signature of the fuel oil vendor. No fuel oil vendor shall knowingly permit any meter receipt to be issued and used which purports to bear his signature and was not in fact signed by him, which expressed a quantity of fuel oil not ascertained by him. No delivery agent of fuel oil shall deliver any said fuel oil without a meter attached or being a part of his delivery apparatus, and every fuel oil receipt shall show the accurate amount of fuel oil delivered to the purchaser of said fuel oil.

§ 13-103. Fuel Oil Dealers to Obtain License. [Ord. 595, 3/13/1957, § 3; as amended by Ord. 925, 4/19/1983]

It shall be unlawful for any person, firm or corporation to sell or deliver any fuel oil within the Borough of Mechanicsburg, Pennsylvania, unless such person, firm or corporation shall have been duly licensed for such purpose. Application for said license shall be made to the Mayor, who is hereby authorized to issue the same. The fee payable for each fuel oil license granted hereunder shall be \$50 per year. Each license shall be numbered and shall expire on the first day of February of each year. Said fee shall be for the whole or any portion of a calendar year, and all monies received by way of license fees hereunder shall be paid into the general fund of the Borough.

§ 13-104. Vehicles Delivering Fuel Oil to Display License. [Ord. 595, 3/13/1957, § 4]

Each and every vehicle used for the purpose of delivering fuel oil at retail in the Borough of Mechanicsburg, Pennsylvania, shall display in a prominent place the Borough fuel oil license number, in figures not less than three inches in height, and placed in such a position on each side of the vehicle that it may at all times be readable at least 60 feet away from said vehicle.

§ 13-105. Penalty for Violation. [Ord. 595, 3/13/1957, § 5; as amended by Ord. 925, 4/19/1983]

Any person violating the provisions of this Part 1A, upon conviction before the District Justice of the Borough of Mechanicsburg, Pennsylvania, shall be required to pay a fine of not more than \$300, for the use of the Borough of Mechanicsburg, together with costs of prosecution, to be collected as fines and penalties are by law collected, or to imprisonment for a term not to exceed 30 days.

§ 13-106. Exception. [Ord. 595, 3/13/1957, § 6]

This Part 1A shall not apply to the sale of a railroad carload of such fuel oil delivered from the car to one purchaser and accepted as to quantity by the purchaser on the bill of lading or other voucher issued by the carrier.

B. Solid Fuel.

§ 13-151. Definitions. [Ord. 369, 7/20/1936, § 1]

As used in this Part 1B, the following terms shall have the meanings indicated:

PERSON — Shall be construed to include any individual, partnership, unincorporated association, or corporation.

SOLID FUEL — Anthracite, semi-anthracite, bituminous, semibituminous or lignite coal; briquettes; boulets; coke; gashouse coke; petroleum coke; carbon; charcoal; or any other natural, manufactured or patented fuel not sold by liquid or metered measure.

VEHICLE — Any wagon, cart, truck and/or trailer, or other conveyance used in the delivery of solid fuel.

WEIGHMASTER — Any person holding a license issued by the Secretary of the Department of Internal Affairs of this commonwealth, in accordance with the Act of Assembly approved the 19th day of July, 1935, its supplements and amendments, or such other official of the Commonwealth of Pennsylvania as shall be duly licensed to perform services outlined for weighmasters in said act.

§ 13-152. Weighing of Solid Fuel; Delivery Certificate Required. [Ord. 369, 7/20/1936, § 2]

All solid fuel shall be sold by weight and shall be duly weighed by a duly licensed weighmaster on accurate scales. With every delivery of solid fuel, the driver of the vehicle shall deliver to the purchaser, or his or her representative, a duplicate delivery certificate showing the name and address of the seller, the name and license number of the weighmaster who weighed it, the gross, tare and net weight of the vehicle, and its contained solid fuel, and the name and address of the person to whom the solid fuel is to be delivered.

§ 13-153. Separate Weighing of Fuel in Each Compartment of a Vehicle. [Ord. 369, 7/20/1936, § 3]

Where such vehicle is divided into compartments, each lot in each compartment shall be weighed separately, and a certificate showing the manner of weighing shall be provided as defined in § 13-152.

§ 13-154. Fuel Being Delivered Without Delivery Certificate to be Taken to Scale Having Weighmaster. [Ord. 369, 7/20/1936, § 4]

1. Any weights and measures official or police officer of the Borough of Mechanicsburg who finds any quantity of fuel ready for or in process of delivery, with or without being accompanied by a certificate of the weighmaster as aforesaid, may direct the person in charge of the fuel to convey the same to the nearest available accurate scales at which a weighmaster is located.
2. Such official or officer shall thereupon determine the weight of the fuel and the vehicle in which it is carried and shall direct such person in charge to return to such scales forthwith upon unloading the fuel, and upon such return the official or officer shall determine the weight of the vehicle without load. No seller or driver or other person in charge of the vehicle containing such fuel or from which such fuel has been unloaded shall fail to take the vehicle upon the direction of the weights and measures official or police officer to scales as aforesaid or refuse to permit the fuel or vehicle to be weighed by him.

§ 13-155. (Reserved) [Ord. 1025, 1/16/2001, § 1]**§ 13-156. Unlawful Acts Pertaining to Weight Certificates. [Ord. 369, 7/20/1936, § 6]**

No person shall knowingly use a false or incorrect weight certificate. No person shall use a weight certificate not bearing the signature of a licensed weighmaster. No licensed weighmaster shall knowingly permit any weight certificate to be issued or used which purports to bear his signature and was not in fact signed by him which expressed a weight not ascertained by him. No delivery agent shall deliver a load of fuel without a weight certificate, nor shall any delivery agent permit any diminution of the load of fuel committed to him until it is delivered to the purchaser.

§ 13-157. Fuel Dealers to be Licensed. [Ord. 369, 7/20/1936, § 7]

It shall be unlawful for any person, firm or corporation to sell or deliver any fuel, as defined in § 13-151, within the Borough of Mechanicsburg, Pennsylvania, unless such person, firm or corporation shall have been duly licensed for such purpose, application for which license shall be made to the Mayor, who is hereby authorized to issue the same. The fee payable for each fuel license granted hereunder shall be \$25 per year; each license shall be numbered and shall expire on the first day of February of each year; said fee shall be for the whole or any portion of a calendar

year; and all moneys received by way of license fees hereunder shall be paid into the general fund of the Borough.

§ 13-158. Vehicles Delivering Solid Fuel to Display License. [Ord. 369, 7/20/1936, § 8]

Each and every vehicle used for the purpose of delivering coal, coke or other solid fuels at retail in the Borough of Mechanicsburg shall display in a prominent place the Borough fuel license number of the owner or employer in plain letters and figures not less than three inches in height and placed in such a position on each side of the vehicle that it may be at all times readable at least 60 feet away from the vehicle.

§ 13-159. Penalty for Violation. [Ord. 369, 7/20/1936, § 9; as amended by Ord. 747, 10/23/1967, § 1; and by Ord. 925, 4/19/1983]

Any person violating any of the provisions of this Part 1B shall, upon conviction thereof before any District Justice of the Borough, be sentenced to pay a fine of not less than \$50 or more than \$300 and costs of prosecution or to imprisonment in the county jail for not more than 30 days.

§ 13-160. Exception. [Ord. 369, 7/20/1936, § 10]

This Part 1B shall not apply to the sale of a railroad carload of such fuel delivered direct from the car to one purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier.

PART 2**TRANSIENT RETAIL BUSINESS****§ 13-201. Definitions and Interpretation. [Ord. 769, 10/23/1967, § 1; as amended by Ord. 928, 12/20/1983, § 1; and by Ord. 1140, 8/5/2014]**

As used in this Part 2, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

HARD-SELL TACTICS — A method of advertising or selling that is direct, forceful, and insistent; high-pressure salesmanship.

PEDDLER — Any person with no fixed place of business, who goes from door to door, from place to place, or from street to street, by any means, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries for purchase.

PERSON — Any natural person, partnership, association, corporation, or other legal entity.

POLICE DEPARTMENT — The Mechanicsburg Borough Police Department, Mechanicsburg, Cumberland County, Pennsylvania.

SOLICITOR — Any person who goes from door to door, place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including but not limited to books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or services, including but not limited to personal or professional services, financial or debt restructuring services, lawn care, alarm system service, or cleaning services. A solicitor is not a peddler.

TRANSIENT RETAIL BUSINESS — Includes the following:

- A. Engaging in peddling, selling, canvassing, soliciting or taking orders for, either by sample or otherwise, any goods, wares or merchandise, upon any of the streets or alleys, sidewalks or public grounds, or from door to door, within the Borough; and
- B. Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

§ 13-202. License Required to Engage in Transient Retail Business. [Ord. 769, 10/23/1967, § 2; as amended by Ord. 928, 12/20/1983, § 2; and by Ord. 1140, 8/5/2014]

1. No person shall engage in any transient retail business within the Borough without first having obtained from the Police Department a license, for which a fee which shall be charged and paid to the Borough of Mechanicsburg in an amount to be established from time to time by resolution of the Borough Council. Upon issuance, the license shall be limited to a maximum of five days. At the expiration of any license, if the person or entity holding the license shall desire to continue the transient retail business, that person or entity shall file a new application for a license and pay the license fee and upon issuance, that license shall be limited to a maximum of five days.
2. No license or fee is required as it applies under this section:
 - A. To religious proselytizing, political speech, and the distribution of handbills.
 - B. To farmers selling their own produce.
 - C. 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.
 - D. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
 - E. 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.
 - F. To a person who has registered with the Department of State for the Commonwealth under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, or who is expressly exempted from such registration under such Act.
3. Any person claiming any exemption under this section shall provide the Police Department with documentation demonstrating that person or entity qualifies for said exemption under this section.
4. No person, licensed under this Part, shall occupy any fixed location upon any of the Borough's streets, alleys, sidewalks or public grounds, with or without any stand or counter.
5. Any person dealing in one or more of the hereinabove-mentioned exempted categories and selling other goods, wares and merchandise not so exempted

shall be subject to payment of the license fee fixed by this section for the activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided, further, that the Police Department may similarly exempt from payment of the license fee, but not from registering with the Police Department, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this Part 2 shall be issued on an individual basis to persons engaging in such businesses, every such individual shall obtain a separate license issued to the individual's name, and the license fee hereby imposed shall be applicable to every such individual license.

§ 13-203. Application for License. [Ord. 769, 10/23/1967, § 3; as amended by Ord. 1140, 8/5/2014]

Each individual or group intending to engage in peddling or soliciting within the Borough must first obtain a license at least five business days in advance of the beginning of the time period for which the intended peddling or soliciting will occur. A person desiring a license under this Part shall first make application to the Police Department for such license. If such person shall also be required to obtain a license from any state or county officer, such person shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state:

- A. Applicant's permanent address, telephone number and cell phone number;
- B. Applicant shall provide a copy of a current government-issued photo identification;
- C. Applicant shall furnish a Pennsylvania Criminal History Check dated within 30 days of the date of application. A license may be refused for criminal activity that constitutes a felony or for any crime, regardless of grading, that involves any type of theft, fraud, misappropriation of public trust or computer or electronic devices. Should issuance of license be denied based upon the said criminal activity, applicant may appeal such denial to Borough Council at any time within 10 days of notice of denial of application;
- D. The name and address of the person by whom applicant is employed together with applicant's supervisor's or contact person's name and telephone number;
- E. The type of goods, wares, and merchandise applicant wishes to deal with in such transient retail business;
- F. The length of time for which the license is to be issued;
- G. The location on private property where sales will be conducted, if a fixed location is to be used. Compliance with all applicable zoning and building code regulations is required;

- H. The last previous municipality(ies) in which applicant has conducted such business; and
- I. The type and license number of any vehicle to be used, if any.

§ 13-204. Issuance of License; Custody and Exhibit Thereof. [Ord. 769, 10/23/1967, § 4; as amended by Ord. 1140, 8/5/2014]

Upon receipt of such application and the prescribed fee, the Police Department shall issue the license required under this Part if such license application is in proper and approved order. Such license shall contain the information required to be given on the application. Every license holder shall carry and display such license upon his person if engaged in transient retail business from door to door or upon any of streets, alleys, sidewalks or public grounds. The license holder shall exhibit such license, upon request, to all police officers, Borough officials, and citizens or residents of the Borough of Mechanicsburg. The license holder shall only be entitled to carry said license for the length of time for which the license is issued. When the time period for the license has expired, the license holder shall apply for a new license and pay a new license fee.

§ 13-205. Prohibited Acts. [Ord. 769, 10/23/1967, § 6; as amended by Ord. 928, 12/20/1983, § 3; by Ord. 957, 5/17/1988; and by Ord. 1140, 8/5/2014]

No person engaging in any transient retail business shall:

- A. Sell any product or type of product not mentioned in applicant's license;
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough or use any loudspeaker or horn or any other device for announcing his presence by which the public may be annoyed;
- C. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough or linger longer than 30 minutes;
- D. Park any vehicle on any of the streets or alleys of the Borough for the purpose of sorting, rearranging or cleaning any of the applicant's goods, wares or merchandise or for disposing of any carton, wrapping material or any stock or wares or of foodstuffs which may have been unsalable through handling, age or otherwise;
- E. Occupy any fixed location upon any of the streets, alleys or sidewalks or elsewhere out-of-doors within the Borough, for purpose of the sale, storage, display of any goods, wares or merchandise, with or without a stand or counter;
- F. Conduct any business on weekdays between the hours of 8:00 p.m., prevailing time, and 9:00 a.m., prevailing time, on the following day. Conduct any business on Saturday and Sunday between the hours of 4:00 p.m., prevailing time, and 10:00 a.m., prevailing time, on the following day;
- G. Engage in hard-sell tactics to sell any product or service or solicit funds; and

- H. Solicit residents who display "Do Not Solicit" signage or whose name and address is listed on a Do Not Solicit list provided by Police Department.

§ 13-206. Supervision over Licensed Persons; Record and Report of Licenses. [Ord. 769, 10/23/1967, § 6; as amended by Ord. 1140, 8/5/2014]

The Chief of Police of the Police Department shall supervise the activities of all persons holding licenses under this Part 2, and he shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

§ 13-207. Suspension of Licenses. [Ord. 769, 10/23/1967, § 7; as amended by Ord. 1140, 8/5/2014]

The Chief of Police or Borough Manager are hereby authorized to suspend or revoke any license issued under this Part when he or she deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Part, or for misrepresentation to any customer or prospective customer by making any statement not in accord with the information upon such person's application for license; or for giving false, misleading, incomplete information or by omitting any information upon any application for a license hereunder. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. Any person whose license is suspended or revoked shall immediately surrender his or her license to the Police Department. Appeals from any suspension may be made to the Borough Council at any time within 10 days after such suspension.

§ 13-208. Penalty. [Ord. 769, 10/23/1967, § 8; as amended by Ord. 925, 4/19/1983; and by Ord. 1140, 8/5/2014]

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 \$300 and 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 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.

§ 13-209. Severability. [Ord. 769, 10/23/1967, § 9]

The provisions of this Part 2 shall be severable, and if any section, part of a section or other provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Part 2. It is hereby declared as a legislative intent that this Part 2 would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof.

PART 3
RENTAL REGISTRY

§ 13-301. Definitions. [Ord. 795, 4/15/1969, § 1]

The following words, when used in this Part 3, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

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

LESSEE — That person or persons who has/have the use of real estate of a lessor and is/are responsible for the giving of any type of consideration therefor, but excluding those who are lessees for a period of less than 30 days.

LESSOR — Any person who grants a lease or otherwise permits the use of his real estate or a portion thereof for a consideration, monetary or otherwise.

§ 13-302. Registry of Rental Properties Required. [Ord. 795, 4/15/1969, § 2]

All lessors, within three days after the effective date of this Part 3, or in the case of real estate thereafter acquired or thereafter rented or becoming available for rental, within 30 days after the acquisition, rental or availability for rental thereof, as the case may be, shall report to the Borough Secretary, in writing, addressed to him at the Borough Office, the number of parcels or units of real estate presently or hereafter rented and available for rental, a description (by address, number and/or some other meaningful method) of the said parcels or units, and the names of its lessees at the time of such report, together with a designation as to which unit or parcel is occupied by each.

§ 13-303. Change of Occupancy or Vacancy to be Reported. [Ord. 795, 4/15/1969, § 3]

Any change in the occupancy of real estate rented or leased or in the identity of the lessee from that shown in the report of the lessor as required in § 13-302 shall be reported by the lessor to the Borough Secretary within 10 days after such change. It is intended hereby that lessors shall report a new lessee or a lessee who rents or leases a different unit or parcel of the lessor's real estate and when a unit or parcel of his/her/its real estate becomes vacant.

§ 13-304. "Status of Occupancy" Reports. [Ord. 795, 4/15/1969, § 4]

The Borough Secretary may prepare a form report entitled "Status of Occupancy Report" which form report may require that information set forth above and such other pertinent information that the Council, by resolution, may direct the Borough Secretary to incorporate into the said report form. The failure to have such report forms, however, shall not excuse the obligation of lessors to provide the information required herein.

§ 13-305. Penalty. [Ord. 795, 4/15/1969, § 5; as amended by Ord. 925, 4/19/1983]

Any lessor violating any of the provisions of this Part 3 or who furnishes false information to the Borough or who uses a false name or address in any report required by this Part 3 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300, and costs, or to undergo imprisonment for a term not to exceed 30 days.

PART 4**PROTECTIVE ALARM SYSTEMS****§ 13-401. Application for Approval of Installation. [Ord. 849, 12/17/1974, § 1]**

Prior to the installation of any privately owned and maintained protective alarm system, an application shall be completed by the owner, stating such information as the Mechanicsburg Borough Council may deem necessary to grant approval or disapproval of said system. Such application shall be filed in the office of the Borough Manager.

§ 13-402. Approval or Disapproval. [Ord. 849, 12/17/1974, § 2]

Upon due consideration, the Council shall either approve or disapprove the aforementioned application in accordance with its best judgment after considering all the facts. Any owner, after having an application disapproved, may have the decision reconsidered by the Council, provided that written notice is submitted within 30 days stating the reason.

§ 13-403. Installation Standards. [Ord. 849, 12/17/1974, § 3; as amended by Ord. 925, 4/19/1983]

Installation shall be in accordance with the appropriate fire and electrical codes (see Chapter 5, Code Enforcement) in effect and in accordance with all applicable laws of the Commonwealth in Pennsylvania governing such installations. In addition, the installation shall be at the cost of the applicant.

§ 13-404. Fees and Costs. [Ord. 849, 12/17/1974, § 4; as amended by Ord. 925, 4/19/1983; and by Ord. 974, 10/17/1991, § 1]

For each installation, either fire or burglar or the like, installed within the Borough, a service charge shall be paid by the owner for each installation which is activated falsely, through human neglect or otherwise, after the first three false alarms occurring in any calendar year. The service charge shall be \$100 for each subsequent false signal occurring within any calendar year; provided, however, that the Borough Manager or his designee shall mail a copy of this Part 4 to the owner of the installation after the third false alarm in any calendar year. Failure to pay such service charge within 10 days of receipt of billing of the same shall result in a fifteen-day notice to remove said equipment from the Borough.

§ 13-405. Liabilities. [Ord. 849, 12/17/1974, § 5]

The Borough of Mechanicsburg shall not be liable for any malfunction of the equipment, false alarms, or any cost of maintenance or repair of equipment.

PART 5

YARD SALE PERMITS

§ 13-501. Purpose. [Ord. 1148, 11/2/2015]

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only and to eliminate perpetual, prolonged and extended yard sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and create a nuisance. The provisions of this chapter arise from the need to limit, regulate, restrict and control yard sales.

§ 13-502. Definitions. [Ord. 1148, 11/2/2015]

The following terms shall have the meanings indicated:

BOROUGH — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

HOUSEHOLD — The individual who applies for a permit and anyone who resides in that individual's residence.

PERMIT — The form that must be obtained, completed, and submitted to the Mechanicsburg Borough office prior to conducting a yard sale.

PERSONS — Individuals, partnerships, family groups, civic groups, voluntary associations and corporations.

YARD SALE — The sale or offering for sale of new, used or secondhand items of personal property on residential property, including, but not limited to, the residential property's, garage, home, lawn, sidewalk, or yard of same.

§ 13-503. Permit Required; Conditions of Sales. [Ord. 1148, 11/2/2015]

1. Unless otherwise exempted, it shall be unlawful for any person to conduct a yard sale within the Borough of Mechanicsburg without first obtaining a yard sale permit from the Borough.
2. Not more than two yard sale permits shall be issued to any one person in any one calendar year.
3. Not more than two yard sale permits shall be issued for any one premises in any one calendar year.
4. It shall be unlawful to conduct a yard sale with a duration exceeding two consecutive days.

5. A yard sale must be held within 30 days of the issuance of the permit for that yard sale.
6. The yard sale permit must be posted at a visible location to the traveling public for the duration of the sale.
7. Each permit application shall be accompanied by a fee as shall be set from time to time by resolution of the Borough Council.
8. Any person conducting a yard sale within the Borough or any person posting advertisements within the Borough limits for a yard sale to be held inside or outside of the Borough limits shall remove from within the Borough right-of-way all signs, flyers, posters and bulletins no later than the day after the yard sale. Should the yard sale for any reason not be held, all signs, flyers, posters and bulletins advertising the yard sale must be removed no later than the scheduled last day of the yard sale.

§ 13-504. Exemptions. [Ord. 1148, 11/2/2015]

This chapter shall not be applicable to:

- A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by any business or commercial or industrial establishment on property zoned as such per the zoning regulations of the Borough of Mechanicsburg or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and ordinances of the Borough of Mechanicsburg, including this chapter.
- D. Sales by a bona fide charitable, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
- E. Any public auction having a duration of no more than two days and conducted by an auctioneer licensed by the Commonwealth of Pennsylvania.

§ 13-505. Violations and penalties. [Ord. 1148, 11/2/2015]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fines of \$5 plus prosecution costs for the first offense; \$10 plus prosecution costs for the second offense; and \$25 plus prosecution costs for the third offense and any offense thereafter.

§ 13-506. Enforcement. [Ord. 1148, 11/2/2015]

Any police officer is hereby authorized to act on behalf of the Borough to enforce permit requirements.

PART 6
(RESERVED)¹

§ 13-601. (Reserved)

¹Editor's Note: Former Part 6, Eating and Drinking Establishments, adopted by Ord. 1002, 9/1/1998, as amended, was repealed by Ord. 1126, 11/15/2011.

PART 7

CABLE FRANCHISES

§ 13-701. Legal Authority. [Ord. 1044, 11/19/2002, § 1]

This Part 7 is enacted pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. § 2301 et seq. The Borough's legal authority regarding the franchising of cable operators is derived from Title VI of the Federal Communications Act, 47 U.S.C. § 621 et seq., and the applicable regulations of the Federal Communications Commission.

§ 13-702. Definitions. [Ord. 1044, 11/19/2002, § 2]

The following terms in this Part 7 shall have the following meanings:

BOROUGH — The Borough of Mechanicsburg.

BOROUGH COUNCIL — The governing body of the Borough of Mechanicsburg.

CABLE FRANCHISE or FRANCHISE — An initial authorization or renewal thereof issued by a franchising authority, whether such authorization is designated as a franchise, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a cable system.

CABLE OPERATOR OR OPERATOR — Any person or group of persons:

- A. That provides cable service over a cable system and, directly or through one or more affiliates, owns a significant interest in such cable system;
or
- B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

CABLE SERVICE — The one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE SYSTEM — A facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment, that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include: a facility that serves only to retransmit the television signals of one or more television broadcast stations; a facility that serves subscribers without using any public right-of-way; a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a cable system [other than for purposes of § 13-621(c) of the Communications Act] to the extent such facility is used in the transmission of video programming directly to subscribers,

unless the extent of that use is solely to provide interactive on-demand services; an open video system that complies with § 13-653 of the Communications Act; or any facilities of any electric utility used solely for operating its electric utility systems.

FCC — The Federal Communications Commission.

FRANCHISING AUTHORITY — A governmental or public entity empowered by federal, state or local law to grant a cable franchise.

SUBSCRIBER — Any person or entity who contracts with a cable operator for, and lawfully receives, the video signals and applicable cable services distributed by a cable system.

WEST SHORE COG — The West Shore Council of Governments in Cumberland County, Pennsylvania.

§ 13-703. Franchising Authority. [Ord. 1044, 11/19/2002, § 3]

The Borough is a franchising authority that maintains a cable franchise or franchises with any and all cable operator or operators operating a cable system in the Borough. The terms and conditions of such franchise or franchises shall be contained in a signed and executed cable franchise agreement or agreements. The franchise agreement or agreements shall contain, inter alia, certain financial, legal and technical obligations on the part of the cable operator or operators. Pursuant to federal law, the Borough has the power, duty and responsibility as a franchising authority to enforce and ensure cable operator compliance with such franchise obligations.

§ 13-704. Membership in the West Shore Council of Governments. [Ord. 1044, 11/19/2002, § 4]

The Borough is a member in good standing of the West Shore COG as of the effective date of this Part 7. The West Shore COG is a voluntary organization of local governments dedicated to fostering a cooperative effort in resolving problems and formulating public policies that are regional in nature and common to its membership. Should the Borough cease to become a member of the West Shore COG for a period of 90 days or should the West Shore COG dissolve, terminate or cease to exist for a period of 90 days, then this Part 7 shall become null and void.

§ 13-705. Purpose and Objective. [Ord. 1044, 11/19/2002, § 5]

The purpose and objective of this Part 7 is for the Borough to delegate certain regulatory functions, powers and responsibilities with respect to its enforcement of the cable operator's or operators' obligations pursuant to the franchise agreement or agreements to the West Shore COG.

§ 13-706. Specific Delegated Functions. [Ord. 1044, 11/19/2002, § 6]

The specific regulatory functions, powers and responsibilities delegated to the West Shore COG are contained and enumerated in a separate written agreement or agreements between the Borough and the West Shore COG. The specific functions, powers and responsibilities delegated to the West Shore COG shall also be contained and the enumerated in the applicable cable franchise agreement or in a separate agreement between the Borough and the cable operator. Such delegated functions as memorialized in the written agreements shall be incorporated herein by reference.

§ 13-707. Reserved Authority. [Ord. 1044, 11/19/2002, § 7]

The Borough does not, by virtue of this Part 7 or any written agreements incorporated herein by reference, waive, surrender or otherwise diminish its regulatory authority pursuant to federal, state and local law or its legal power to enforce and ensure a cable operator's or operators' compliance with a franchise agreement or agreements, including any specific powers delegated to the West Shore COG. The powers delegated to the West Shore COG shall be in addition to those retained by the Borough.

§ 13-708. Costs. [Ord. 1044, 11/19/2002, § 8]

Any costs associated with the delegation of specific functions, powers and responsibilities of the Borough to the West Shore COG shall be assumed by the West Shore COG and recovered by the West Shore COG in accordance with its bylaws and customary practice.

§ 13-709. Real Property. [Ord. 1044, 11/19/2002, § 9]

This Part 7 does not authorize or contemplate the acquisition, management, licensing or disposition of real or personal property.

§ 13-710. Duration. [Ord. 1044, 11/19/2002, § 10]

The duration of the Borough's delegation of regulatory functions, powers and responsibilities to the West Shore COG shall continue as to each cable operator until the termination of the written agreement between the Borough and the West Shore COG regarding the delegation of certain functions incorporated herein by reference or the termination of the written agreement between the Borough and the cable operator regarding the delegation of certain functions incorporated herein by reference, whichever occurs first.

§ 13-711. Severability. [Ord. 1044, 11/19/2002, § 11]

If a court of competent jurisdiction or the FCC declares any section or provision of this Part 7 to be illegal, invalid or unenforceable, or it is preempted by federal or state laws or regulations, such section or provision shall be deemed to be severable from the remaining portions of this Part and shall not affect the legality, validity or enforceability of the remaining portions of this Part 7.

