

Chapter 13

Licenses, Permits and General Business Regulations

Part 1

Mechanical Amusement Devices and Electronic Games

- §13-101. License Needed
- §13-102. Definition
- §13-103. Application
- §13-104. Affirmation Required for Application
- §13-105. Gambling Prohibited
- §13-106. Annual Fee
- §13-107. Fee for Juke Box
- §13-108. Issuance of Marker or Stamp
- §13-109. Penalty Fee
- §13-110. Violation and Penalty

Part 2

Transient Retail Merchants

- §13-201. Definitions
- §13-202. License Required; Conditions of Issuance; Fees
- §13-203. Exceptions
- §13-204. License Application
- §13-205. Issuance of License; Custody, Display and Exhibit
- §13-206. Prohibited Acts
- §13-207. Supervision; Records and Reports
- §13-208. Denial, Suspension and Revocation of License; Appeal
- §13-209. Penalties

Part 3

Regulating Beauty and Massage Parlors and Schools of Beauty Culture

- §13-301. License Required
- §13-302. Application
- §13-303. Investigation
- §13-304. Approval of License
- §13-305. Inspection Fee
- §13-306. Operator Engaged in Business or School
- §13-307. Renewal of License
- §13-308. Apprentice Application
- §13-309. Sanitary Conditions
- §13-310. Residents Rooms Separate from School
- §13-311. Plumbing Installed
- §13-312. Ordinance Posted
- §13-313. Violation and Penalty

Part 4
Public Pool Rooms and Billiard Rooms

- §13-401. Permit Required
- §13-402. Pool Room; Billiard Room
- §13-403. License Fee
- §13-404. Installation or Operation of Pool Tables
- §13-405. Hours of Operation
- §13-406. Conduct
- §13-407. License
- §13-408. Police Authority
- §13-409. Unauthorized Public Pool or Billiard Room
- §13-410. Violation and Penalty

Part 1**Mechanical Amusement Devices and Electronic Games****§13-101. License Needed.**

No person or persons, firm or corporation shall at any time have in its or their possession within the Borough of Swissvale any mechanical amusement device or electronic game without first having procured a license therefor as hereinafter provided in this Part.

(*Ord. 92-8, 9/9/1992, §1*)

§13-102. Definition.

The terms “mechanical amusement devices and electronic games” shall include, for purposes of this Part, the following:

- A. Pinball machines.
- B. Mechanical bowling tables.
- C. Mechanical baseball, football or other sports games.
- D. Mechanical pool tables and the like.
- E. Juke boxes or any mechanical music boxes.
- F. Electronic or video type games.
- G. Any other type of mechanical or electronic game not enumerated above but similar in nature requiring the insertion of coins, bills, slugs or tokens or other similar items for their operation.

(*Ord. 92-8, 9/9/1992, §2*)

§13-103. Application.

Any person or persons, firm or corporation desiring to procure a license as provided in §13-101 of this Part, shall apply therefore in writing to the Borough Secretary. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation so applying, together with the present and previous occupation of the applicant or applicants and the length of residence at the present and the previous place of residence; the name of the owner of the premises on which the aforesaid machines are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The application shall also set forth the manufacture and nature of the machines to be installed and used, and if the machines contain a serial number the serial number of said machines.

(*Ord. 92-8, 9/9/1992, §3*)

§13-104. Affirmation Required for Application.

The information required in §13-102 hereof shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

(*Ord. 92-8, 9/9/1992, §4*)

§13-105. Gambling Prohibited.

Nothing in this Part shall be in any way construed to authorize, license or permit any gambling device whatsoever, or any machines that have been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania.

(*Ord. 92-8, 9/9/1992, §5*)

§13-106. Annual Fee.

1. Except as provided in §13-107 of this Part, no license shall issue under this Part for any mechanical amusement device or electronic game as defined in §13-102, until an annual fee shall have been paid to the Borough Secretary in an amount as established from time to time by resolution of Borough Council. However, should any device be installed after July 1 of any year and an application thereof be made after said date, then in that event, the license fee for that particular year shall be in an amount as established from time to time by resolution of Borough Council to December 31 of the year in which the application is made.

2. Notwithstanding subsection .1, the annual license fee for mechanical pool tables and mechanical dart machines located in the facility of any nonprofit service organization for use by its members shall be in an amount as established from time to time by resolution of the Borough Council. In the event a mechanical pool table or dart machine is located in the facility of any nonprofit organization after July 1 of any year, the license fee for that particular year shall be in an amount as established from time to time by resolution of the Borough Council applicable to December 31 of the year in which the application is made.

(*Ord. 92-8, 9/9/1992, §6; as amended Ord. 95-4, 2/8/1995, §1; by Ord. 97-3, 2/12/1997, §1; by Ord. 03-03, 12/3/2003, §1; and by Ord. 05-02, 6/1/2005*)

§13-107. Fee for Juke Box.

No license shall issue under this Part for any music box in which records, tapes or discs are played, through the insertion therein of a coin or any other metal slug or disc or token whatsoever, until an annual fee shall have been paid to the Borough Secretary in an amount as established from time to time by resolution of Borough Council. However, should any device be installed after July 1 of any year and an application thereof be made after said date, then in that event, the license fee for that particular year, shall be in an amount as established from time to time by resolution of the Borough Council to December 31 of the year in which the application is made.

(*Ord. 92-8, 9/9/1992, §7; as amended by Ord. 97-3, 2/12/1997, §2; by Ord. 03-03, 12/3/2003, §2; and by Ord. 05-02, 6/1/2005*)

§13-108. Issuance of Marker or Stamp.

Upon the payment of the license fee provided by this Part, the Borough Secretary shall issue a marker or stamp which shall set forth the number of the license for the machine licensed with the date of issue. The Borough Secretary shall not issue any marker or stamp pursuant to this Part to any person, persons, firm or corporation from whom license fees for the previous calendar year are due and payable to Swissvale Borough. This marker or stamp shall be attached or fastened to the machine which is

licensed by the Borough of Swissvale.

(*Ord. 92-8, 9/9/1992, §8*)

§13-109. Penalty Fee.

All license fees required under this Part shall be payable on or before the fifteenth day of January of the year for which the license is issued. In the event the licensee fails to pay said license fee on or before the date it becomes due and payable, a penalty fee of 50% shall be added to the fee specified herein. This penalty shall be in addition to other penalties provided for herein.

(*Ord. 92-8, 9/9/1992, §9*)

§13-110. Violation and Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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 any mechanical amusement device or electronic game under the terms of this Part, shall be operated and used in violation thereof, shall constitute a separate and distinct offense under this Part and shall be subject to certain penalties.

(*Ord. 92-8, 9/9/1992, §10; as amended by Ord. 05-02, 6/1/2005*)

Part 2**Transient Retail Merchants****§13-201. Definitions.**

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

Legal holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

Person - any natural person, partnership, association, corporation, or other legal entity.

Transient retail business -

(1) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Borough.

(2) 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 not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 05-02, 6/1/2005)

§13-202. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Manager a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount established, from time to time, by resolution of the Borough Council.

(Ord. 05-02, 6/1/2005)

§13-203. Exceptions.

1. No license fee shall be charged:

A. To farmers selling their own produce.

B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.

E. To the seeking or taking of orders by insurance agents or brokers licensed

under the insurance laws of the Commonwealth of Pennsylvania.

F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

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

2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided, further, the Borough Manager may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 05-02, 6/1/2005)

§13-204. License Application.

Every person desiring a license under this Part shall first make application to the Borough Manager for such license. He shall, when making such application, exhibit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.

(Ord. 05-02, 6/1/2005)

§13-205. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Borough Manager, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents

of the Borough.

(Ord. 05-02, 6/1/2005)

§13-206. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 7 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 05-02, 6/1/2005)

§13-207. Supervision; Records and Reports.

The Borough Manager shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 05-02, 6/1/2005)

§13-208. Denial, Suspension and Revocation of License; Appeal.

The Borough Manager is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 05-02, 6/1/2005)

§13-209. 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. 05-02, 6/1/2005)

Part 3**Regulating Beauty and Massage Parlors and Schools of Beauty Culture****§13-301. License Required.**

It shall be unlawful for any person, firm or corporation owning, controlling, leasing, acting as agent for, conducting, operating or managing any beauty or massage parlor or school of beauty culture, in the Borough of Swissvale to conduct or operate the same or cause or permit the same to be conducted or operated without first applying to and receiving from the Health Officer of the Borough a license as herein provided.

(*Ord. 73-4, 10/10/1973, §1*)

§13-302. Application.

Every applicant for such license shall file with the Health Officer a written application, which shall state the name and residence of the applicant, the street and number where such business or school shall be conducted and the character of business to be conducted.

(*Ord. 73-4, 10/10/1973, §2*)

§13-303. Investigation.

The Health Officer shall thereupon cause the matters set forth in such application to be investigated, including the sanitary conditions of the place proposed to be operated.

(*Ord. 73-4, 10/10/1973, §3*)

§13-304. Approval of License.

If such application be approved, a license shall be granted by the Health Officer. Provided, however that such license may be suspended or revoked upon the conviction of the holder thereof or his employee or agent of a violation of the ordinance or any law of the State of Pennsylvania.

(*Ord. 73-4, 10/10/1973, §4*)

§13-305. Inspection Fee.

1. Every person, firm or corporation applying for such license shall, before being granted the same, pay to the Borough Secretary an inspection fee in an amount as established from time to time by resolution of the Borough Council for the current year or part thereof. [*Ord. 05-02*]

2. All licenses shall expire on the thirty-first day of December of the year in which the same were granted.

(*Ord. 73-4, 10/10/1973, §5; as amended by Ord. 05-02, 6/1/2005*)

§13-306. Operator Engaged in Business or School.

1. Every operator engaged in the business or school referred to in §13-301 hereof

shall first, before being permitted to do so, file with the Health Officer a written application stating the applicant's name and residence.

2. Every operator, before being granted a license, shall exhibit to the Health Officer a certificate of health signed by a qualified physician, licensed in the State of Pennsylvania, and also a receipt from the Borough Secretary showing the payment of a fee in an amount established from time to time by resolution of the Borough Council for the current year or part thereof. Such license shall be granted only after investigation by the Health Officer of the matters set forth in such application and also only for such parlor or school as shall comply with the terms of this Part, and which shall be licensed as herein provided for. [*Ord. 05-02*]

3. Such operator's license shall expire on the thirty-first day of December of the year in which the same is granted.

(*Ord. 73-4, 10/10/1973, §6; as amended by Ord. 05-02, 6/1/2005*)

§13-307. Renewal of License.

All licenses herein provided for shall be renewed on or before the fifteenth day of December of each year, provided the same be approved by the Health Officer and upon payment of the fees herein provided for.

(*Ord. 73-4, 10/10/1973, §7*)

§13-308. Apprentice Application.

1. No person shall work as an apprentice in such beauty parlor or school without first making application therefore to the Health Officer stating the name and residence of the applicant and location of the parlor or school, and any other information required by the Health Officer. Such apprentice must pass the physical examination required in §13-306, and shall not be less than 16 years of age. No fee shall be paid by such apprentice, but the permit shall be subject to suspension or revocation as provided for in §13-304.

2. Every apprentice must work under the direct supervision of the licensed operator.

(*Ord. 73-4, 10/10/1973, §8*)

§13-309. Sanitary Conditions.

1. No operator or apprentice shall give a general body massage to a person of the opposite sex.

2. All beauty and massage parlors and schools of beauty culture shall keep their appliances and equipment in a sanitary condition including proper sterilization.

3. The use of styptic pencils, alum blocks or other solid styptics is prohibited for stopping the flow of blood.

4. No person affected with any disease of the skin or scalp shall have his hair cut or face treated in any such parlor or school.

5. No person shall work in any such parlor or school who is physically unfit.

(*Ord. 73-4, 10/10/1973, §9*)

§13-310. Residents Rooms Separate From School.

All rooms used for such business or school shall be separate and apart from any residence therein, used as a dormitory or place wherein meals are cooked and served.

(*Ord. 73-4, 10/10/1973, §10*)

§13-311. Plumbing Installed.

Separate plumbing shall be installed, so that such parlor or school shall be sanitary.

(*Ord. 73-4, 10/10/1973, §11*)

§13-312. Ordinance Posted.

Every parlor and school conducted and operated under this Part shall keep a printed copy of this Part posted in a conspicuous place therein. There shall also be posted in a conspicuous place therein the license and permit provided for herein.

(*Ord. 73-4, 10/10/1973, §12*)

§13-313. Violation and Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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. 73-4, 10/10/1973, §13; as amended by Ord. 05-02, 6/1/2005*)

Part 4**Public Pool Rooms and Billiard Rooms****§13-401. Permit Required.**

No person, either as principle or agent shall carry on, operate or conduct a public pool room or billiard room or pool or billiard table unless said person shall have first filed an application and secured a permit from the Swissvale Borough Secretary and thus be licensed by Swissvale Borough in order to carry on said business.

(*Ord. 70-7, 2/11/1970, §1*)

§13-402. Pool Room; Billiard Room.

The term “pool room,” “billiard room” or “the operation of a pool room, pool table or billiard table,” as used in this Part, shall mean any pool room billiard room, or the operation of any pool table or billiard table located in the Borough of Swissvale to which the public is admitted, either free or charge or upon payment of a fee. The word “person,” as used in this Part, shall mean a natural person, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(*Ord. 70-7, 2/11/1970, §2*)

§13-403. License Fee.

No person shall conduct or operate any pool room, billiard room, or any pool or billiard table, unless the license fee imposed by this Section shall have been paid for the current license period. Such fee is hereby fixed per annum in an amount as established from time to time by resolution of the Borough Council for each table, payable quarterly in advance, on or before the first day of the month of January, April, July and October. Such fee shall be paid to the Swissvale Borough Secretary and shall be for the use of the Borough.

(*Ord. 70-7, 2/11/1970, §3; as amended by Ord. 05-02, 6/1/2005*)

§13-404. Installation or Operation of Pool Tables.

Any person who has another business in the Borough of Swissvale and who, incidental to or in conjunction with said business, installs and operates pool tables or billiards tables to be used by the public, whether for profit or as an inducement for the public to patronize the principal business activity of said person, shall be subject to this Part.

(*Ord. 70-7, 2/11/1970, §4*)

§13-405. Hours of Operation.

No person who shall conduct or operate any pool room or billiard room shall allow such pool room, billiard room or the use of said pool tables and billiard tables to remain open or any game of pool or billiard to be played therein at any time on Sunday or at any time between the hours of 11 p.m. and 7 a.m. of the following day, Monday through

Thursday, and between the hours of 12 midnight and 7 a.m. of the following day, Friday and Saturday.

(Ord. 70-7, 2/11/1970, §5)

§13-406. Conduct.

Every pool room, billiard room or the operation of every pool table and billiard table shall be conducted in an orderly manner, and no person conducting or operating such place shall permit therein any disorderly conduct, gambling, drunkenness, or playing of games for money or any other thing of value. No person under the age of 16 years shall be permitted or allowed to be present in any public pool room or billiard room and/or said person under age of 16 years shall not be permitted or allowed to play any games of pool or billiard and/or to participate in any pool or billiard games in any manner whatsoever or to operate any pool tables or billiard tables.

(Ord. 70-7, 2/11/1970, §6)

§13-407. License.

The Swissvale Borough Council shall have and is hereby given the power and authority to license public pool rooms and billiard rooms, or license the operation of a pool table or billiard table within said Borough, and each and every person, firm or corporation owning and operating a public pool or billiard room or billiard table, pool table shall apply to the Swissvale Borough Secretary for a license therefor in writing setting forth in his or her or their application fully and specifically his, her or their previous occupation, place of location of pool or billiard room proposed to be licensed, the number of tables to be used, the number and type of gaming devices, and the number of rooms, and whether the whole part of such house is to be used for such purposes; and such license when granted shall be approved by the Swissvale Borough Council and posted in a conspicuous and public place in the premises so licensed.

(Ord. 70-7, 2/11/1970, §7)

§13-408. Police Authority.

The Swissvale Borough Police Department, the Mayor of Swissvale Borough or any agent or person designated by Swissvale Borough Council shall have and are hereby given power and authority in any case of any disorder, drunkenness, disturbance or annoyance of any kind in any such room or rooms or house so licensed, to enter upon and into such place or places where pool or billiards are played, and to arrest on view all persons acting in a disorderly manner, or in such way as to disturb the public peace; and the Swissvale Borough Police Department, the Mayor of the Swissvale Borough, or any agent or person designated by Swissvale Borough Council shall have and are hereby given the right, power and authority to close any such licensed place violating the provisions of this Part, and Swissvale Borough Council shall also have the right and power to revoke and annul such license.

(Ord. 70-7, 2/11/1970, §8)

§13-409. Unauthorized Public Pool or Billiard Rooms.

Every person engaged in keeping an unlicensed public pool or billiard room or operating unlicensed pool or billiard tables shall be subject to a fine of not less than

\$100 for each and every day such room or rooms, or pool and billiard tables used shall be kept open and in operation which fine or fines shall or may be recovered summarily before the Mayor or any Justice of the Peace. All fines so recovered shall be paid into the treasury of the Borough of Swissvale for the use of said Borough.

(Ord. 70-7, 2/11/1970, §9)

§13-410. Violation and Penalty.

Any person who shall conduct or operate any pool room, billiard room or any pool table or billiard table, and who shall violate or permit a violation of any of the provisions of this Part shall, upon conviction thereof, shall 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. 70-7, 2/11/1970, §10; as amended by Ord. 05-02, 6/1/2005)

