

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Alarm System Registration****§13-101. Legislative Intent.**

It is the intent of this Part to reduce the false alarms and false notifications to the Police Department and fire company that emergencies exist or situations exist wherein police or fire assistance or investigation is required, as they are detrimental to the welfare and safety of the citizens of Northampton Township and the members of the Police Department and the fire company and the receipt of said false alarms and notifications detracts from the efficiency of the Departments in discharging their responsibilities to the citizens of Northampton Township. It is hereby declared to be the policy to safeguard and protect the citizens, the members of the Police Department and the members of all fire companies, present and future, from such hazards or risks.

(Ord. 199, 5/12/1982)

§13-102. Definitions.

1. *Word Usage.* Words in the singular number include the plural, and words in the plural number include the singular; the present tense includes the future; the word “building” shall be deemed to include the word “structure.” An individual shall be deemed to include any person, group, group of persons and/or partnership or corporation.

2. *Words Defined.* Unless otherwise expressly stated, the following words shall, for the purposes of this Part, have the meanings herein stated:

Alarms—any mechanical, electrical or electronic signal reporting by means of telephone cables or other means of transmission received by the Police Department or fire company, or audible alarm which is heard and/or called in by another, that an emergency exists at the sounding location. Said alarms shall include but are not limited to those types installed to indicate robberies, burglaries and fires.

False alarm—any report or request for police and/or fire service or assistance by any means of communication as herein defined wherein the situation, condition, incident or emergency did not and does not exist.

Fire company—the Northampton Township Fire Company or any other fire company which may operate in Northampton Township in the future.

Fire Marshal—the Fire Marshal of Northampton Township.

Police Department—the Northampton Township Police Department.

(Ord. 199, 5/12/1982)

§13-103. Enforcement.

The Police Department and the Fire Marshal shall have the power and the duty to enforce the provisions of this Part insofar as they relate to any false alarm or request for service or assistance.

(Ord. 199, 5/12/1982)

§13-104. False Alarms; Registration of Alarm Systems.

It shall be unlawful for any person or persons, including, but not limited to, an owner or lessee of any building in which a fire, holdup or burglar alarm has been installed:

A. To cause, suffer, allow or permit the accidental or purposeful transmission of a false alarm signal from any public or private place to the Police Department or fire company.

B. To cause, suffer, allow or permit to be made any report or request for police or fire service or assistance by any means of communication wherein the situation, condition, incident or emergency did not and does not exist.

C. To fail to register with the Police Department an alarm system, to include, but not be limited to, burglary, robbery and fire, within 24 hours of the installation. Registration is to include the name, address and telephone number of the subscriber and of the installer and the name, address and telephone number of at least one person who has the knowledge and means to reset the alarm. [*Ord. 282*]

(*Ord. 199, 5/12/1982; as amended by Ord. 282, 10/12/1988*)

§13-105. Violations and Penalties.

1. Any person violating any of the provisions of this Part shall receive written notice of violation(s) on a Northampton Township ordinance violation report. If no person is present to receive the ordinance violation report in person, a copy of the ordinance violation report shall be delivered by certified mail, return receipt requested, to the alarm subscriber. Upon receipt of a copy of the ordinance violation report, the alarm subscriber shall, within 48 hours, personally or through his or her representative, bring the copy of the ordinance violation report and the sum of \$15 to the offices of the Police Department at 55 Township Road, Richboro, Pennsylvania.

2. Failure to comply with subsection .1 above shall result in the issuance of a citation in accordance with the Pennsylvania Rules of Criminal Procedure, and, upon conviction thereof by the proper issuing authority, shall be sentenced to pay 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 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. 561*]

(*Ord. 199, 5/12/1982; as amended by Ord. 211, 5/9/1984, §46-5; by Ord. 222, 3/13/1985; by Ord. 282, 10/12/1988; by Ord. 285, 2/22/1989; and by Ord. 561, 4/25/2012*)

Part 2**Liquor License Transfer****§13-201. Application Procedures; Fee.**

Any individual, partnership, corporation, and/or business entity who applies for either the intermunicipal transfer of a liquor license or for the issuance of an economic development liquor license (hereinafter an “applicant”) shall be subject to, and shall adhere to, the following procedures:

A. An applicant shall prepare and submit to the Township Zoning Officer an original and 15 copies of an application, in a form that shall be provided by the Township, and which shall contain information:

(1) The name, address, telephone number, fax number, and e-mail address of the applicant.

(2) The type of license sought.

(3) The street address and tax parcel number(s) of the property for which the license is sought.

(4) The name, address, telephone number, fax number, and e-mail address of the owner of the property for which the license is sought.

(5) The street address, municipality and tax parcel number(s) of the property from which the license is sought to be transferred.

(6) The name, address, telephone number, fax number, and e-mail address of any attorney representing the applicant and any attorney representing the subject property owner.

(7) Where the applicant is a corporation, partnership, and/or any entity other than an individual, the name, address, telephone number, fax number, and e-mail address of the principal offices of the applicant, the State of incorporation and/or registration of the applicant, and the name, address, telephone number, fax number, and e-mail address of each and every owner, director, officer and/or equity owner of the applicant.

(8) A statement of the applicant's ownership interest in the subject property, together with proof of the same in the form of a deed, agreement of sale or lease.

(9) A statement of all other properties and/or businesses owned and/or operated by the applicant and/or the owners, equity owners, directors and/or officers of the applicant that have, at any time, been issued or held liquor licenses. Such statement shall include the name, address, telephone number, fax number, e-mail address, and tax parcel number of each such property or business, together with the liquor license number of each and every license issued to each such property, business, owner, equity owner, director, officer, and/or to the applicant.

(10) A statement that the applicant and/or the owners, equity owners, directors and/or officers of the applicant have never been convicted of, and/or received citations for, any violations of the Pennsylvania Liquor Code; the

Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101 *et seq.*; and/or any provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101 *et seq.* If the applicant and/or the owners, equity owners, directors and/or officers of the applicant have ever been convicted of, and/or cited for, any such violations, then the applicant shall, for each such conviction and/or citation, provide the date and location at which the violation occurred, the nature of the violation, the statute, ordinance or regulation violated, the court or agency before which the violation was adjudicated, and the fine and/or punishment imposed for the violation.

(11) A description of nature of proposed operations to take place at the property and/or facility including:

(a) A sketch plan of the property identifying the existing and proposed improvements thereon.

(b) A plan of the interior of the building/facility identifying the location and dimensions of the bar area, restaurant area, kitchen, bathrooms, outdoor patron areas, and storage areas, as applicable, together with a floor plan identifying the proposed layout of the bar, restaurant, and/or outdoor patron areas, including, but not limited to, the location of the bar(s), tables, chairs, stools, dance floor(s), stage(s), and/or any other areas to which the public will have access, as applicable.

(c) A statement of and/or description of the intended use of the property/facility. The statement and/or description must identify the proposed hours of operation, must indicate if live music or entertainment are to be made available to patrons, must indicate if dancing will be permitted on the premises, must indicate if billiards, darts, video and/or arcade games will be available for patrons, and must identify if any bar, restaurant, athletic and/or entertainment services are to be provided outdoors and, if so, a description of all such services.

(12) The name, address, and tax parcel number of every school, preschool, day-care facility, place of religious worship, park, recreation and/or amusement facility, and/or establishment with a liquor license.

(13) A certification by the applicant that the information contained in the application is true and correct; an acknowledgment that the presentation of false information shall subject the applicant to possible arrest, fines, and imprisonment; and an acknowledgment that submission of false or inaccurate information may constitute grounds for revocation of the liquor license by the Commonwealth and rejection of the application by the Township.

B. The applicant shall submit with the application, at the time of filing, a fee in the amount as established, from time to time, by resolution of the Board of Supervisors, as shall hereafter be modified by the Township and reflected in the Township fee schedule then in effect. [*Ord. 561*]

C. The Township shall schedule a public hearing on the said application to be held within 45 days of the receipt of the fully completed application. The applicant shall provide notice of the scheduled hearing to adjacent property owners under the procedures set forth in §27-1403.1 of the Code of the Township of Northampton.

(*Ord. 477, 8/8/2001; as amended by Ord. 561, 4/25/2012*)

§13-202. Public Hearing.

The Township Supervisors shall hold a public hearing on the said application within 45 days of the receipt of the fully completed application, at which hearing a court reporter shall be present to make a transcript of the hearing. Public comment on the applicant's request for the transfer and/or issuance of the license shall also be allowed during the hearing or hearings on the application. At the conclusion of the hearing or hearings on the application, and within the same 45 days following the receipt of the fully completed application, the Supervisors shall render a decision to either approve or disapprove the application.

(*Ord. 477, 8/8/2001*)

§13-203. Denial of License.

The Township Manager and/or the Township Solicitor shall, in writing, advise the Commonwealth Liquor Control Board of the decision of the Supervisors. If the application is not approved by the Township, the Supervisors may direct the Township Manager and/or the Township Solicitor to file a formal protest against the transfer and/or issuance of the license with the Commonwealth Liquor Control Board, and to participate in any and all proceedings before the Commonwealth Liquor Control Board in regard to the desired license. Further, the Supervisors may similarly direct the Township Solicitor to participate in any appeal, to any court, of or from the decision of the Township in regard to the application.

(*Ord. 477, 8/8/2001*)

Part 3**Peddling and Soliciting****§13-301. Definitions.**

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

Peddler—any person who shall engage in peddling, as herein below defined.

Peddling and soliciting—

- (1) Includes:

Peddling—the transient selling or offering for sale, not at a fixed location, of any goods, wares, services or merchandise for immediate delivery, including activities traditionally known as a door-to-door sales, which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house-to-house or by visitation to private residences or nonresidential property within the Township.

Soliciting—the advertising of services by leaflets, flyers, handbills and the like; seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions by one who is peddling; or, the seeking or taking of contracts or orders for home or other building repairs, improvement and alterations, and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses, or other building improvements or repairs, upon or from the places aforesaid within the Township.

[Ord. 517]

- (2) The words “peddling” and “soliciting” shall not apply:

- (a) To farmers seeking or taking orders for the sale of their own products.

- (b) To the seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk or milk products.

- (c) To 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 the seeking or taking of orders for insurance by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

- (e) To persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*

[Ord. 561]

- (f) To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

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

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

2. *Word Usage.* In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(*Ord. 19, 2/11/1956; as amended by Ord. 517, 9/19/2007; and by Ord. 561, 4/25/2012*)

§13-302. License Required.

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

(*Ord. 19, 2/11/1956*)

§13-303. Application for License.

1. Every person desiring to engage in soliciting or peddling in the Township of Northampton shall first make application to the Secretary of the Board of Supervisors for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid County license. The said application shall be upon a blank provided by the Township Secretary and shall contain at least the following information, verified by oath or affirmation;

A. Full name of the applicant and local address, if any.

B. Permanent address.

C. Name of employer or a statement that such applicant is self-employed.

D. The nature of the goods, wares, services or merchandise offered for sale.

E. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor.

F. The type of vehicle to be used, if any.

2. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.

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

(*Ord. 19, 2/11/1956*)

§13-304. License Fees.

1. No license shall be issued under this Part until the prescribed fee shall be paid to the Township Secretary, for the use of the Township. A separate application and separate license fee shall be required for each solicitor or peddler employed or engaged in the soliciting for or peddling of a person's goods, wares, merchandise or services.

2. License fees for solicitors or peddlers shall be set by resolution of the Board of Supervisors, from time to time. [*Ord. 561*]

3. It shall be unlawful to continue to solicit or peddle within Northampton Township after the expiration of a license; a new application form must be submitted with the required fee to obtain a renewal license.

(*Ord. 19, 2/11/1956*; as amended by *Ord. 49, 11/24/1961*; by *Ord. 361, 4/2//1993*; and by *Ord. 561, 4/25/2012*)

§13-305. Contents of License; Possession and Exhibition.

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

(*Ord. 19, 2/11/1956*)

§13-306. Hours of Conduct of Business.

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

(*Ord. 19, 2/11/1956*)

§13-307. Use of Vehicles; Littering.

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise; nor shall any such person place or deposit any refuse on any such streets, highways or alleys; nor shall any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(*Ord. 19, 2/11/1956*)

§13-308. Fixed Locations for Conducting Business Prohibited.

No person licensed as a solicitor or peddler under this Part shall occupy any fixed location upon any of the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling, with or without any stand or counter.

(*Ord. 19, 2/11/1956*)

§13-309. Record of Licenses; Duty of Police Chief.

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

(*Ord. 19, 2/11/1956*)

§13-310. Revocation or Suspension of Licenses.

Any license issued under this Part may be suspended or revoked at any time by the Board of Supervisors upon proof being furnished to it of the following causes:

A. The application for the license contained false or misleading information.

B. The applicant or licensee was convicted of a crime involving fraud, misappropriation of funds or property or moral turpitude after the issuance of the license.

C. The applicant or licensee engaged in any false, misleading or fraudulent selling, soliciting or peddling during the term of such license.

D. The applicant or licensee harassed, annoyed or badgered the residents and inhabitants of the Township during the term of such license.

E. The licensee was convicted of disorderly conduct or disturbing the peace under any law of the Commonwealth of Pennsylvania or any ordinance of the Township of Northampton.

(*Ord. 19, 2/11/1956; as amended by Ord. 49, 11/24/1961*)

§13-311. Fraud and Harassment Prohibited.

It shall be unlawful for any solicitor or peddler to engage in false, misleading or fraudulent selling, soliciting or peddling or to harass, annoy or badger any resident within the Township of Northampton, subject to the fines and penalties set forth in this Part.

(*Ord. 19, 2/11/1956; as amended by Ord. 49, 11/24/1961*)

§13-312. Hawking Prohibited; Use of Loudspeakers or Bells.

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

(*Ord. 19, 2/11/1956*)

§13-313. 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 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.

(*Ord. 19, 2/11/1956; as amended by Ord. 211, 5/9/1984, §95-13; by Ord 285, 2/22/1989; and by Ord. 561, 4/25/2012*)