

## **Chapter 13**

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**Part 1****Peddlers and Solicitors****A. Canvassing and Soliciting****§13-101. Definitions.**

1. *Word Usage.* The singular number includes the plural, and the masculine includes the feminine and the neuter.

2. *Terms Defined.* The following words shall be construed to have the meanings set forth below:

*Canvassing and soliciting*—the taking of orders for goods, wares or merchandise, including subscriptions for magazines or other printed matter, the obtaining of contracts for home and building devices, repairs and improvements, and the securing of contributions to various causes and organizations, from house to house or upon any street or sidewalk in the Borough.

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

(*Ord. 280, 5/7/1979, §60.1*)

**§13-102. Registration and Identification Card Required.**

No person shall engage in canvassing and soliciting in the Borough without first having registered with the Police Department and obtained an identification card from the Borough Secretary.

(*Ord. 280, 5/7/1979, §60.2*)

**§13-103. Application Procedure; Issuance of Identification Card; Conditions of Issuance.**

1. Any person desiring to engage in canvassing and soliciting shall submit a written application to the Police Department on a form to be furnished by the Borough, accompanied by two photographs of himself, 2½ x 3 inches in size, taken within 6 months prior to the date of the application.

2. The applicant shall state his name, age, sex, home address, business address, name and address of employer, if any, what he desires to canvass and solicit for, the length of time he wishes to engage in this work, the make and type of vehicle, if any, he will use, its registration number and whether he has ever been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.

3. The Borough Secretary will issue to the applicant, within 10 days from the date of filing of the application, an identification card to which one of the applicant's photographs will be affixed.

4. An identification card will not be issued to any person who has been convicted of a felony or misdemeanor or a crime of any kind involving moral turpitude, and such person shall not be allowed to engage in canvassing and soliciting in the Borough.

5. An identification card will be valid for the balance of the calendar year in which

it is issued. Such card may not be transferred from one person to another.

(*Ord. 280, 5/7/1979, §60.3*)

**§13-104. Standards of Conduct.**

Every person to whom an identification card has been issued shall, in the conduct of his activities, comply with the following standards of conduct:

A. He shall carry his identification card at all times and exhibit it, upon request, to any police officer or to any person on whom he shall call or with whom he shall talk.

B. He shall not permit any person to have possession of his identification card and shall immediately report its loss to the Borough Secretary. He shall not cause or permit his identification card to be altered or defaced in any way.

C. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant, and shall immediately leave any premises upon request of the occupant.

D. He shall not engage in canvassing and soliciting after dark.

E. He shall not be guilty of any false pretense or misrepresentation, and, particularly, he shall not represent his identification card to be an endorsement of himself, his goods or services or the goods or services of his employer.

F. He shall immediately surrender his identification card to the Borough Secretary upon revocation thereof.

(*Ord. 280, 5/7/1979, §60.4*)

**§13-105. Revocation of Identification Card.**

Any identification card may be revoked by the Borough Secretary if the holder fails to comply with the standards of conduct contained in §13-104 hereof, or any of them, or upon ascertainment by the Police Department that the holder has made a false statement in his application.

(*Ord. 280, 5/7/1979, §60.5*)

**§13-106. Exemptions and Fees.**

1. This Part shall not apply to boys and girls under 16 years of age who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scout and Girl Scout or similar organizations and take orders for and deliver cookies and the like, nor to any person who works for an organization which has registered with the Pennsylvania Department of State, as required by the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*

2. *License.* Upon application, either in person or by mail, the Borough Secretary is authorized to issue a license upon payment of a fee in an amount as established, from time to time, by resolution of the Borough Council.

(*Ord. 280, 5/7/1979, §60.6; as amended by Ord. 447, 5/20/2015*)

**B. Sale of Merchandise on Streets****§13-111. Definitions.**

As used in this Part, the following words and phrases shall have the following meanings:

*Borough street*—any right-of-way dedicated to or condemned by the Borough of Millbourne for purpose of public travel.

*Sale of merchandise*—the selling of merchandise for commercial purposes, from motor vehicles parked or stopped in the right-of-way of a Borough street in such a manner as to require or induce the purchaser to approach the motor vehicle or the person of the seller on the sidewalk, cartway or any other portion of the right-of-way of a Borough street.

(*Ord. 280, 5/7/1979, §60.7*)

**§13-112. Prohibited Activities.**

No person, firm or corporation shall engage in the sale of merchandise from motor vehicles parked or stopped within the right-of-way of any Borough street.

(*Ord. 280, 5/7/1979, §60.8*)

**§13-113. Enforcement.**

This Part shall be enforced by the Police Department or its duly authorized representatives of the Borough of Millbourne.

(*Ord. 280, 5/7/1979, §60.9*)





### C. Garage Sales

#### §13-121. Definitions.

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

*Garage sale*—includes all sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale” or “flea market sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

*Person*—includes individuals, partnership, voluntary associations and corporations.

(Ord. 280, 5/7/1979, §60.10)

#### §13-122. License Required.

It shall be unlawful for any person or persons to conduct a garage sale in the Borough of Millbourne without first obtaining a license and complying with the regulations set forth herein.

(Ord. 280, 5/7/1979, §60.11)

#### §13-123. Regulations to Be Followed; License Fee.

Garage sales in the Borough of Millbourne shall be regulated in the following manner:

A. *Merchandise.* Garage sales shall offer only used, unwanted items of personal property owned by the resident of the property where the sale is held. No new merchandise shall be offered for sale nor may new merchandise from other sources be brought in and offered for sale.

B. *Hours.* Garage sales shall not commence before 10 a.m. and must terminate by 6 p.m.

C. No person shall conduct more than one garage sale on his premises in any 1 calendar year. Such sale may not extend for a period of more than 3 days.

D. *Signs.*

(1) Garage sales may be advertised through the newspaper or other news media. A sign, not greater in size than 3 feet x 3 feet may be installed on the property where the sale is being conducted.

(2) No sign shall be placed on the public right-of-way or on property other than where the sale is being conducted. No lighted sign shall be used.

(3) The sign shall be displayed only during the sale and shall be promptly removed after the sale.

E. *Zoning.* It is not the intention of this Part to change or amend Chapter 27 of this Code entitled “Zoning.”

F. *License.* Upon application, either in person or by mail, the Borough Secretary is authorized to issue a license upon payment of a fee in an amount as established, from time to time, by resolution of the Borough Council. [Ord. 447]

(Ord. 280, 5/7/1979, §60.12; as amended by Ord. 447, 5/20/2015)

**§13-124. Information to Be Filed with Borough Secretary.**

The information to be filed with the Borough Secretary, pursuant to this Part, shall be as follows:

- A. Name of person, firm, group, corporation, association or organization conducting said sale.
- B. Name of the owner of the property on which said sale is to be conducted and the consent of the owner if the applicant is other than the owner.
- C. Location at which sale is to be conducted.
- D. Number of days of sale.
- E. Date and nature of any past sale.
- F. Relationship or connection the applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- G. Whether or not the applicant has been issued any other vendor's license by any local, State or Federal agency.
- H. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

(*Ord. 280, 5/7/1979, §60.13*)

**§13-125. Persons and Sales Exempted.**

The provisions of this Part shall not apply to or affect the following persons or sales:

- 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 person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
- D. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Part have not been complied with.
- E. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Borough of Millbourne or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited.
- F. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this paragraph shall be on the organization or institution claiming such exemption.

(*Ord. 280, 5/7/1979, §60.14*)

**§13-126. Responsibility for Good Order.**

The person to whom such license is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police Department or Fire Department of the Borough of Millbourne in order to maintain the public health, safety and welfare.

*(Ord. 280, 5/7/1979, §60.15)*



**D. Enforcement, Violations and Penalties****§13-131. Enforcement.**

This Part shall be enforced by the Police Department of the Borough of Millbourne and/or any duly authorized representative of the Mayor of the Borough.

*(Ord. 280, 5/7/1979, §60.16)*

**§13-132. 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. 280, 5/7/1979, §60.17; as amended by Ord. 447, 5/20/2015)*



**Part 2****Alarm Systems****§13-201. Fee for Direct Communication Service.**

Each and every individual, establishment, partnership, corporation, entity or concern utilizing any direct communication, burglar or fire alarm system connected into the Departments of Fire or Police of the Borough of Millbourne shall pay annually an amount as established, from time to time, by resolution of the Borough Council to the Borough of Millbourne for the benefits and advantages received through the use of such systems from the Departments of Fire and Police.

(*Ord. 264, 11/1/1977, §1; as amended by Ord. 447, 5/20/2015*)

**§13-202. Fee for Police Station Service.**

Each and every individual, establishment, partnership, corporation, entity or concern utilizing any type of burglar alarm system which, when activated, would cause the phone in the police station to be rung shall pay the annual fee in an amount as established, from time to time, by resolution of the Borough Council to the Borough of Millbourne for the benefits and advantages received through the use of such systems from the Police Department.

(*Ord. 264, 11/1/1977, §2; as amended by Ord. 447, 5/20/2015*)

**§13-203. Fee for Fire Station Service.**

Each and every individual, establishment, partnership, corporation, entity or concern utilizing any type of fire alarm system which, when activated, would cause the phone(s) in the fire station(s) to be rung shall pay an annual fee in an amount as established, from time to time, by resolution of the Borough Council to the Borough of Millbourne for the benefits and advantages received through the use of such systems from the Fire Department.

(*Ord. 264, 11/1/1977, §3; as amended by Ord. 447, 5/20/2015*)

**§13-204. Service Charge for False Alarms.**

Should any of the burglar or fire alarm systems described in §§13-201, 13-202 and 13-203 cause more than two false alarms to occur during any 12-month period, then a service charge shall be levied against the owner of said system for each and every false alarm occurring more than two times during the 12-month period, in an amount as established, from time to time, by resolution of the Borough Council.

(*Ord. 264, 11/1/1977, §4; as amended by Ord. 355, 2/7/1994, §I; and by Ord. 447, 5/20/2015*)

**§13-205. When Fees are Due.**

Said fee shall be payable by such individual, establishment, partnership, corporation, entity or concern before July 1 of each year to the Borough of Millbourne.

(*Ord. 264, 11/1/1977, §5*)

**§13-206. Service Suspended for Nonpayment.**

Any individual, establishment, partnership, corporation, entity or concern who fails to pay the said sum within 30 days following the above mentioned date shall have his alarm connection service with the Borough suspended until such time as the aforesaid fee for the current year is remitted to the Borough of Millbourne as aforesaid.

(*Ord. 264, 11/1/1977, §6*)

**§13-207. Prorated Fees.**

Any individual, establishment, partnership, corporation, entity or concern who shall initiate installation of any such alarm service described in this Part during the year shall pay on a prorated basis an amount equal to that fractional portion of the year for which he is receiving said service.

(*Ord. 264, 11/1/1977, §7*)

**§13-208. Yearly Period Established.**

For the purposes of this Part the year or current year shall be intended to mean the 12-month period commencing July 1 and ending June 30.

(*Ord. 264, 11/1/1977, §8*)

**§13-209. Maintenance of Systems.**

Any individual, establishment, partnership, corporation, entity or concern who or which installs or causes to be installed a fire or burglar alarm system described in §§13-201, 13-202 and 13-203, shall at all times, maintain said system, including all integral parts and equipment, in a good and operable condition free from any and all defects.

(*Ord. 264, 11/1/1977, §9(a)*)

**§13-210. Inspection of Systems.**

The Borough shall, if it deems necessary, have the right to inspect the connection, operation and maintenance of the systems and make reasonable charges for such inspections pursuant to the Borough Electrical Code [Chapter 5].

(*Ord. 264, 11/1/1977, §9(b)*)

**§13-211. Installation Permit Required Fee; Violations and Penalties.**

Any individual, establishment, partnership, corporation, entity or concern installing a fire or burglar alarm system described in §§13-201, 13-202 and 13-203 shall be required to obtain a permit from the Borough Secretary prior to installing any of the above described systems. The cost of this permit shall be in an amount as established, from time to time, by resolution of the Borough Council. Any violation of this Section shall result in the prosecution of the violator by the Borough, 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, plus the appropriate yearly fees from the date of installation 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. 264*, 11/1/1977, §10(a); as amended by *Ord. 447*, 5/20/2015)

**§13-212. Other 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. 264*, 11/1/1977, §10(b); as amended by *Ord. 447*, 5/20/2015)

**§13-213. Purpose.**

The purpose of this Part is to prevent an unnecessary response by the Fire Company or the Police Department resulting from an alarm received but which has been caused, either by a defect in the fire alarm system or the burglar alarm system, or the accidental or careless use or misuse of such systems.

(*Ord. 264*, 11/1/1977, §11)



**Part 3****Fireworks****§13-301. General Provisions.**

1. *Scope.* The manufacture of fireworks is prohibited within the Borough. The display or discharge of consumer or display fireworks shall comply with the requirements of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the provisions of the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

2. *Permit Required.* A permit shall be obtained from the Borough for the display or discharge of consumer and display fireworks in compliance with the provisions of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display. Application for said permit shall be made pursuant to the procedure provided in the International Fire Prevention Code, 2003 edition, as amended, supplemented or replaced. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

4. *Definitions.*

*Consumer fireworks—*

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as “ground and hand-held sparkling devices,” “novelties” and “toy caps” in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Borough.

*Display fireworks—*as provided in 27 CFR §555.11 (relating to meaning of terms).

(Ord. 447, 5/20/2015)

**§13-302. Display and Discharge.**

1. *General.* It shall be a violation of this Part for any person to conduct a public or private display of consumer fireworks and display fireworks within the Borough except in accordance with a permit issued upon application as provided in §13-301.3 of

this Part. Every such display shall be handled by a competent operator and shall be of such a character and so located, discharged or fired as, in the opinion of the officer of the Borough charged with enforcement of the International Fire Code, or such other officer of the Borough as may be designated from time to time, in writing, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks and display fireworks for such display shall be lawful for that purposes only. No permit shall be transferable.

2. *Bond for Display.* The permittee shall furnish a bond in an amount deemed adequate by the Board of Supervisors but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. *Seizure of Fireworks.* Any police officer of the Borough shall take, remove or cause to be removed at the expense of the owner, all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part or the Fireworks Law, 35 P.S. §1271 *et seq.* The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks. (Ord. 447, 5/20/2015)

### **§13-303. 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. 447, 5/20/2015)

**Part 4****Distribution of Handbills and Political Advertising****A. General Provisions****§13-401. Declaration of Intent.**

It is hereby declared and found that litter carelessly deposited in the Borough is the cause of civic disgrace; that litter is a health, fire and safety hazard and pollutant; that an all-out litter-control campaign earl result in substantial savings to taxpayers of the Borough; that litter is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the Borough.

(Ord. 270, 1/3/1978, §50-1)

**§13-402. Definitions; Word Usage.**

1. *Terms Defined.* As used in this Part, the following terms, phrases, words and their derivations shall have the meanings indicated:

*Borough*—the Borough of Millbourne in the County of Delaware, Commonwealth of Pennsylvania.

*Commercial place*—any store or building or group thereof, including shopping centers, shopping plazas and other similar places wherein mercantile activities and services are offered to the public, and shall include all parking areas thereat.

*Garbage*—putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Handbill*—any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature which:

(1) Advertises for sale any merchandise, product, commodity or thing.

(2) Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

(3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

(4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

*Litter*—garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or creates unsightliness.

*Newspaper*—any newspaper of general circulation, as defined by law; any

newspaper duly entered with the Post Office Department of the United States in accordance with Federal statute or regulation; and any newspaper filed and recorded with any recording officer, as provided by law. In addition thereto, “newspaper” shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

*Noncommercial handbill*—any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original, or original or copies of any matter of literature not included in the aforesaid definitions of “handbill” and “newspaper.” This definition shall include advertising or other printed material distributed in connection with any political campaign.

*Park*—a park, reservation, playground, beach, recreation center or any other public area in the borough, owned or used by the borough and devoted to active or passive recreation.

*Person*—any person, firm, partnership, association, corporation, company or organization of any kind.

*Political advertising*—any sign or handbill which bears a message seeking further the candidacy of a person running for Federal, State, county, municipal, Board of Education or other office, or which seeks to influence the public concerning any public referendum.

*Private premises*—any dwelling, house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

*Public place*—any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

*Refuse*—all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

*Rubbish*—nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

*Vehicle*—every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

2. *Word Usage.* When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

(Ord. 270, 1/3/1978, §50-2)

**B. Litter Control****§13-411. Litter in Public Places.**

No person shall deposit or throw litter in or upon any street, sidewalk or other public place within the Borough except in public receptacles, in private receptacles for collection, in official Borough dumps or in rubbish pits.

(Ord. 270, 1/3/1978, §50-3)

**§13-412. Placing Litter in Receptacles to Prevent Scattering.**

Persons placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. 270, 1/3/1978, §50-4)

**§13-413. Litter in Gutters.**

No person shall sweep or deposit in any gutter, street or other public place within the Borough the accumulation of litter from any building or litter from any public sidewalk or driveway.

(Ord. 270, 1/3/1978, §50-5)

**§13-414. Litter from Vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or public place within the Borough or upon private property.

(Ord. 270, 1/3/1978, §50-6)

**§13-415. Trucks Causing Litter.**

No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place: nor shall any person drive or move any vehicle or truck within the Borough, the wheels or tires of which carry onto or deposit in any street, alley or other public place any mud, dirt, sticky substances litter or foreign matter of any kind.

(Ord. 270, 1/3/1978, §50-7)

**§13-416. Litter in Parks.**

No person shall throw or deposit litter in any park within the Borough except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere, as provided herein.

(Ord. 270, 1/3/1978, §50-8)

**§13-417. Litter in Public Waters.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Borough.

*(Ord. 270, 1/3/1978, §50-9)*

**§13-418. Litter on Private and Commercial Premises.**

No person shall throw or deposit litter on any occupied private property or commercial place within the Borough, whether owned by such person or not, except that the owner or person in control of such private property or commercial place may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

*(Ord. 270, 1/3/1978, §50-10)*

**§13-419. Owners to Maintain Commercial Premises Litter-Free.**

Each owner or person in control of any commercial place, including shopping centers and delivery and parking areas thereat, shall keep said places, parking fields, parking areas, delivery areas and other open areas which are a part of such commercial place free from litter.

*(Ord. 270, 1/3/1978, §50-11)*

**§13-420. Owners to Maintain Private Premises Litter-Free.**

The owner or person in control of any private property shall at all times maintain the premises free from litter; provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

*(Ord. 270, 1/3/1978, §50-12)*

**§13-421. Litter on Vacant Lots.**

No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not.

*(Ord. 270, 1/3/1978, §50-13)*

**§13-422. Notice to Remove.**

The Building Inspector and/or Borough Council is hereby authorized and empowered to notify the owner of any open or vacant private property or commercial place within the Borough, or the agent of such owner, to properly dispose of litter located on such owner's property which is a nuisance or dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner at his last known address.

*(Ord. 270, 1/3/1978, §50-14)*



**C. Distribution of Handbills****§13-421. Handbills in Public Places.**

No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the Borough.

(Ord. 270, 1/3/1978, §50-15)

**§13-422. Handbills on Vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Ord. 270, 1/3/1978, §50-16)

**§13-423. Handbills on Vacant Premises.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Ord. 270, 1/3/1978, §50-17)

**§13-424. Handbills on Private Premises.**

1. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises.

2. *Exemption for mail and newspapers.* The provisions of this Section shall not apply to the distribution of mail by the United States or to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street or other public place or upon private property.

(Ord. 270, 1/3/1978, §50-18)



**D. Penalties****§13-431. 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. 270*, 1/3/1978, §50-24; as amended by *Ord. 447*, 5/20/2015)



**Part 5****Parking Lots****§13-501. Definitions.**

As used in this Part, unless the text clearly indicates a different meaning, the following words shall have the meanings set forth below:

*Borough*—the Borough of Millbourne.

*Motor vehicle*—a vehicle which is self-propelled except which is propelled solely by human power or by electric power obtained from overhead trolley wire, but not operated upon rails, but shall otherwise include every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

*Owner*—any person, firm or corporation which shall have any legal or equitable interest in any parking lot and shall be construed to include the record owner or owners, lessee, licensee, franchisee, or operator, whether individually or in conjunction with any other person, firm or corporation.

*Parking lot*—an open space or a garage, or a lot, used for parking motor vehicles.

*Private parking lot*—an open space or a garage, or a lot, used for parking motor vehicles for which no charge or compensation for said use is required.

*Public parking lot*—an open space or a garage, or a lot, used for parking motor vehicles for which a charge or compensation for said use is required.

(Ord. 261, 5/2/1977; §1)

**§13-502. Noxious or Offensive Use Prohibited.**

The owner of a parking lot, whether public or private, shall not use said parking lot in a manner which shall be noxious or offensive by reason of odor, dust, smoke, gas, vibration, noise or illumination, or which may be dangerous to public health or safety.

(Ord. 261, 5/2/1977; §2)

**§13-503. Shielding of Lights Required.**

The owner of parking lot, whether public or private, shall so shield any overhead illumination as to prevent same from falling upon or illuminating any residence adjacent to said parking lot or in close proximity thereto.

(Ord. 261, 5/2/1977; §3)

**§13-504. Fencing.**

The owner of a parking lot, whether public or private, shall fence said parking lot in such manner as to prevent the headlights of motor vehicle using said lot from falling upon, illuminating or reflecting toward adjacent residences or residences in close proximity thereto, or shall otherwise shield such residences from the headlights of motor vehicles using said parking lot.

(*Ord. 261, 5/2/1977; §4*)

**§13-505. Enforcement.**

The Police Department of the Borough of Millbourne, or any member thereof, or the Mayor of the Borough or his designee shall enforce the provisions of this Part.

(*Ord. 261, 5/2/1977; §5*)

**§13-506. Penalty.**

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. 261, 5/2/1977; §6; as amended by Ord. 274, 1/3/1978, §57-7; and by Ord. 447, 5/20/2015*)

**Part 6****Amusements and Exhibitions****§13-601. Definitions.**

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

*Amusement park*—any building, lot, or tract of land maintained wholly or principally for public amusement or entertainment and in which or upon which is maintained, operated or presented any amusement device, exhibition of animals, performance or entertainment of any type, whether or not a fee is charged for admission to such building or premises or for the use or enjoyment of any amusement device or presentation therein or thereon. [Ord. 283]

*Marathon dance*—a public competitive endurance dance for which an admission fee or other charge is made, or for which voluntary contributions or other gifts are solicited or accepted from the spectators by the proprietor or the persons taking part in the endurance dance. [Ord. 95]

*Public amusement*—any circus or any other public amusement held, exhibited, set up or operated within the Borough limits, whether or not an admission fee or other charge is made or for which money or anything of value is solicited or accepted from the persons attending the same. [Ord. 283]

*Public carnival*—the actual or attempted establishment, maintenance and/or operation, within the corporate limits of the Borough of a “merry-go-round,” “scenic railway,” “ferris wheel,” “crazy village,” “airship,” “old mill,” “figure eight,” “race through the clouds,” “roller coaster,” “toboggan slide,” “the whip,” “the teaser,” “Noah’s ark,” shooting gallery, Japanese ping-pong, skee-ball game, pitch ring booth, wheel of chance, gaming devices, or any of them, and for admission or access to which, or for the use of or the dealing at, an admission fee or other charge is made. The term also includes any public amusement device of a like nature to any of those above mentioned, the operation of which is attended, or likely to be attended, with disturbing or unseemly noise and for which an admission fee or other charge is made, as above mentioned. [Ord. 95]

*Side show*—a public exhibition or amusement of any kind set up or attempted to be set up in connection with, or adjacent to, a circus and for which a separate or independent admission fee or other charge is made, or for which money or anything of value is solicited or accepted as a price or consideration for viewing or hearing the same. [Ord. 95]

(Ord. 56, 11/21/1921; as amended by Ord. 95, 6/4/1934, §1; by Ord. 274, 1/3/1978, §28-1; and by Ord. 283, 6/8/1979, §1)

**§13-602. Amusements and Exhibitions Prohibited.**

No public carnival, marathon dance or side show, other than a side show directly owned, supervised, operated and controlled by the owner, supervisor or operator of a circus to which the side show is attached, is permitted within the corporate limits of this Borough, and the same is hereby prohibited.

(Ord. 56, 11/21/1921; as amended by Ord. 95, 6/4/1934, §2; and by Ord. 274, 1/3/1978,

§28-2)

**§13-603. Permissible Public Amusement.**

A permissible public amusement may be established, maintained and operated within the corporate limits of this Borough, under and subject to the following limitations, restrictions and provisions:

A. Before any permissible public amusement shall be held, exhibited, set up or begun, or attempted to be held, exhibited, set up or begun, a license shall be obtained in the manner and on the terms hereinafter provided, by the owner or operator of such amusement, hereby the owner or lessee of the land on which such permissible public amusement is to be located.

B. Any person, firm, association or corporation desiring a license for a permissible public amusement, shall apply for the same in writing to the Borough Secretary on a form furnished by said Secretary on request, which said application shall set forth the character of the proposed amusement, the number of days the amusement will be open to the public, the name of the owner or persons in charge of the amusement, and such other information as Borough Council shall prescribe. The application shall be signed by the applicant and verified by affidavit.

C. If, upon a consideration of the application, it shall appear to the Borough Secretary that the proposed permissible public amusement is not incompatible with the safety, health, comfort, welfare or morals of the public, he shall issue a license to the applicant, upon a form drawn by the Borough Secretary and approved by Borough Council and upon payment of the license fee hereinafter provided.

D. The fee for any license issued under this Part shall be in an amount as established, from time to time, by resolution of the Borough Council, per 1,000 persons seating capacity, or fractional part thereof, for each day or part of a day that the amusement is to be open to the public and the full amount of the license fee for the number of days for which the license is to be granted, shall be paid to the Borough Secretary, before he shall issue the license. All money so received by the Borough Secretary shall be available for the cost and expense to the Borough of policing the licensed amusement, including traffic control and for the administration of this Part. [Ord. 447]

E. An application for a license under this Part shall be granted or refused by the Borough Secretary, within 48 hours of the time of the filing with him, and notice of his action shall be forthwith thereafter communicated in writing to the applicant at the address stated in the application. Any person aggrieved by failure or refusal of the Secretary to grant a license, or to act on the application within the time aforesaid, may have his application reviewed and considered by Borough Council, by the filing of a request for such review and consideration with the Borough Secretary. Any such review shall be had as early a regular or special meeting of Council as practical, and in the event that a majority of the members of Council attending said meeting shall vote in favor of issuing the license, the Secretary shall issue the same upon the payment of the fee above specified.

(Ord. 56, 11/21/1921; as added by Ord. 95, 6/4/1934, §3; as amended by Ord. 106, 10/4/1937; and by Ord. 447, 5/20/2015)



**§13-604. Absence or Incapacity of the Borough Secretary.**

In the event of the absence or incapacity of the Borough Secretary, or in the event of a vacancy in the office of Borough Secretary, the President of Borough Council shall administer the provisions of this Part, until such absence, incapacity or vacancy shall cease.

(*Ord. 56*, 11/21/1921; as added by *Ord. 95*, 6/4/1934, §4)

**§13-605. Violations and Penalties.**

Any person or any officer, manager, agent or employee of any firm, corporation or organization which shall establish, open, hold, conduct, maintain or operate any public carnival, marathon dance, sideshow, public amusement or amusement park within the Borough, or who shall attempt the same, and any owner or lessee of any land who shall knowingly and willfully assist in any violation of any provision of this Part, or any officer, manager, agent or employee of any firm, corporation or organization who shall otherwise violate the provisions 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. 56*, 11/21/1921; as amended by *Ord. 95*, 6/4/1934, §5; by *Ord. 274*, 1/3/1978, §28-3; and by *Ord. 447*, 5/20/2015)

