

## CHAPTER 13

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PART 1

MECHANICAL AMUSEMENT DEVICES

§101. DEFINITION OF TERMS.

**JUKE BOX** - any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price operates or may be operated for the emission of songs, musical or similar amusement.

**MECHANICAL AMUSEMENT DEVICE** - any machine which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

**PERSON, FIRMS, CORPORATIONS or ASSOCIATIONS** - includes the following: any person, firm, corporation or association which owns any such machines; the person, firm or corporation or association in whose place of business any such machine is placed for use by the public and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this Section of the Part.

(Ord. 218, 3/21/1957, §1)

§102. GAMBLING DEVICES NOT PERMITTED.

Nothing in this Part shall in any way be constructed to license or permit any gambling device whatsoever, or any mechanism that has 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 State of Pennsylvania.

(Ord. 218, 3/21/1957, §2)

§103. LICENSE REQUIRED.

Any person, firm, corporation or association displaying for public patronage or keeping for operation any juke box or mechanical amusement device as herein defined by §101 shall be required to obtain a license from the Borough of Portage, upon payment of a licensee fee. Application for such license shall be made to the Borough Manager or his designee, upon a form to be supplied by the Borough of Portage.

(Ord. 218, 3/21/1957, §3; as amended by Ord. 3-1999, 4/5/1999)

**§104. APPLICATION.**

1. The application for such license shall contain the following information:
  - A. Name and address of the applicant; age, date and place of birth.
  - B. Prior convictions of applicant, if any.
  - C. Place where machine or device is to be displayed or operated and the business conducted at that place.
  - D. Description of machine to be covered by the license, mechanical features, name of manufacturer, serial number.
2. No license shall be issued to any applicant unless he shall be over 21 years of age and a citizen of the United States.

(Ord. 218, 3/21/1957, §4)

**§105. LICENSE FEES.**

1. Every applicant for an amusement license shall pay a fee, in an amount as established from time to time by resolution of Borough Council, for the privilege of operating or maintaining for operation each juke box or mechanical device of a mechanical, electrical or electronic nature, as defined in §101, herein. [Ord. 3-1999]
2. The license year shall be a calendar year with notice of assessment on or before December 15 of each year and to be paid by January 15, of the permit year. Any device installed after July 1 shall pay 1/2 of the annual fee, within 10 days of installation.

(Ord. 218, 3/21/1957, §6; as amended by Ord. 4-1982, 12/6/1982; by Ord. 3-1989, 5/1/1989; and by Ord. 3-1999, 4/5/1999)

**§106. DISPLAY OF LICENSE.**

1. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.
2. Such license may be transferred from one machine or device to another similar machine upon application to the Borough Manager or his designee to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. [Ord. 3-1999]

3. If the licensee shall move his place of business to another location within the Borough of Portage, the license may be transferred to such new location upon application to the Borough Manager or his designee, giving the street and number of the new location. [Ord. 3-1999]

(Ord. 218, 3/21/1957, §7; as amended by Ord. 3-1999, 4/5/1999)

**§107. PROHIBITIONS AND RESTRICTIONS.**

No person, firm, corporation or association holding a license under this Part shall permit the playing of juke boxes, as defined in §101, between the hours of 1 a.m. and 6 a.m. of any day

(Ord. 218, 3/21/1957, §8; as amended by Ord. 5-2003, 5/5/2003, §1)

**§108. REVOCATION OF LICENSE.**

Every license issued under this Part is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any juke box or mechanical amusement device contrary to the provisions of this Part, the ordinances of the Borough of Portage, or the law of the State of Pennsylvania. Said license may be revoked by the Borough of Portage after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(Ord. 218, 3/21/1957, §9; as amended by Ord. 3-1999, 4/5/1999)

**§109. PENALTY.**

Any person, firm, corporation or association who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 218, 3/21/1957, §11; as amended by Ord. 3-1999, 4/5/1999)



PART 2

OBSCENE MATERIALS; PROHIBITED BUSINESSES

§201. DEFINITIONS.

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

**COMMUNITY** - for the purpose of applying the "contemporary community standards" in this Section, community means the geographic area of the Borough of Portage, Cambria County, Pennsylvania.

**CONTROLLED SUBSTANCE** - a drug, substance or immediate precursor as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act or any amendments thereto.

**DRUG PARAPHERNALIA** - any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the laws of the Commonwealth of Pennsylvania.

**HEAD SHOP** - any business, the operation of which involves the sale, lease, trade, gift or display for sale, of any and all types of drug paraphernalia.

**IMMEDIATE PRECURSOR** - a substance which, under the regulations of the Pennsylvania Department of Health, is a principle compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely be used, in the manufacture of a controlled substance.

**KNOWING** - as used in §202, knowing means having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material described therein which is reasonably susceptible of examination by the defendant.

**MASSAGE** - any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

**MASSAGE PARLOR** - any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage.

**MINOR** - any person under the age of 18 years.

**NUDITY** - the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in discernible turgid state.

**OBSCENE MATERIALS** - any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing, and any figure, visual representation or image including any drawing, photograph, picture or motion picture if:

- A. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest.
- B. The subject matter depicts or describes, in a patently offensive way, sexual conduct of a type described in this Section.
- C. The subject matter, taken as a whole, lacks serious literary, artistic, political, education or scientific value.

**SADOMASOCHISTIC ABUSE** - flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SEXUAL CONDUCT** - as used in §§202 and 203, patently offensive representations, descriptions or renditions of ultimate sexual acts, normal or perverted, actual or simulated and patently offensive representations, descriptions or renditions of masturbation, excretory functions and lewd exhibition of the genitals. As used in §204, "sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breasts.

**SEXUAL EXCITEMENT** - the conditions of human male or female genitals when in a state of sexual stimulation or arousal.

**TRADITIONALLY EXCLUSIVE USE** - a use which is primary and inherent as opposed to secondary and incidental and is associated with certain knowledge or beliefs derived from statements of contemporary persons and handed down through a considerable period of time.

**TRANSPORTATION FACILITY** - any conveyance, premises or place used for or in connection with public passenger transportation, whether by motor vehicle or any other method, including buses and railroad and bus terminals and stations.

(Ord. 5-1994, 7/25/1994, §1)

**§202. OFFENSES.**

No person, knowing the obscene character of the materials involved shall, within the Borough of Portage:

- A. Display or cause or permit the display of any obscene materials or explicit sexual materials as defined in §201 of this Part, in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare.
- B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person 18 years of age or older, or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person 18 years of age or older, or knowingly advertise any obscene materials in any manner.
- C. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials.
- D. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had.
- E. Produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity.
- F. Hire, employ, use or permit any person (including a minor child or children) to do or assist in doing any act or thing mentioned in this Section.

(Ord. 5-1994, 7/25/1994, §2)

**§203. ADMISSION TO SHOW.**

No person shall exhibit for monetary consideration to any other person, or sell in admission ticket or pass to any other person or admit any other person to premises whereon there is exhibited, a motion picture show, live performance or any other presentation which, in whole or in part, depicts nudity, sexual excitement, sexual conduct or sadomasochistic abuse.

(Ord. 5-1994, 7/25/1994, §3)

**§204. DISSEMINATION TO MINORS.**

No person shall knowingly disseminate by sale, loan or otherwise, explicit sexual materials to a minor. "Explicit sexual materials," as used in this Section, means obscene materials or:

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- A. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or,
- B. Any book, pamphlet, magazine, printed matter however reproduced or sound recording which contains any matter enumerated in subsection (A), or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

(Ord. 5-1994, 7/25/1994, §4)

### §205. PROHIBITED BUSINESSES.

- 1. The following businesses shall be prohibited throughout the Borough of Portage:
  - A. The operation of a business which has obscene materials or explicit sexual materials, as defined above, as a substantial or significant portion of its stock in trade or which exhibits motion picture shows, live performances or any other presentations which, in whole or in part, depict nudity, sexual excitement sexual conduct or sadomasochistic abuse.
  - B. The operation of any massage parlor in which any of the following activities are carried on:
    - (1) The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be open to inspection by police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician osteopath or registered physical therapist, chiropractor or in a regularly established and licensed hospital or sanitarium.
    - (2) The massage of, or physical contact with, the sexual or genital parts of one person by any other person. Sexual or genital, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
    - (3) The failure to conceal with a fully opaque covering, the sexual or genital parts of the body of any person.
  - C. The operation of any business which involves, in whole or in part, the sale, lease, trade, gift or display for sale, of any and all types of drug paraphernalia, as defined herein.

- D. Any adult business, activity or use similar to or of the same general nature as certain of the uses listed above.
2. This Section shall include, but shall not be limited to, rap centers, nude wrestling studios, sensitivity centers and escort bureaus, all of which exclude minors, by virtue of age, as patrons thereof.

(Ord. 5-1994, 7/25/1994, §5)

#### **§206. INJUNCTION.**

The Council of the Borough of Portage may institute or cause to be instituted proceedings in equity in the Court of Common Pleas of Cambria County when any person violates or clearly is about to violate this Part for the purpose of enjoining such violation. The Court shall issue an injunction only after written notice and hearing and only against the defendant to the action. The court shall schedule and conduct a hearing on the matter in accordance with the laws and rules of court of the Commonwealth of Pennsylvania. Notice of such hearing shall be given to the person or persons whose conduct is sought to be enjoined. Any action may be taken in lieu of or in addition to any other action authorized and taken under this Part and/or the laws of the Commonwealth of Pennsylvania.

(Ord. 5-1994, 7/25/1994, §6)

#### **§207. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 5-1994, 7/25/1994, §7; as amended by Ord. 3-1999, 4/5/1999)



**PART 3**

**TRANSIENT RETAIL BUSINESS**

**§301. 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 -**

- A. 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 of Portage.
  - B. Selling, soliciting or taking orders for any goods, wares, or merchandise, from a fixed location within the Borough of Portage, 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. 3-1999, 4/5/1999)

**§302. LICENSE REQUIRED; CONDITIONS OF ISSUANCE, FEE.**

No person shall engage in any transient retail business within the Borough of Portage without first having obtained from the Borough Manager or his designee 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 Borough Council.

(Ord. 3-1999, 4/5/1999)

**§303. EXCEPTIONS.**

1. No license fee shall be charged:
  - A. To farmers selling their own produce.

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- 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 or his designee 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 or his designee 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. 3-1999, 4/5/1999)

### §304. LICENSE APPLICATION.

Every person desiring a license under this Part shall first make application to the Borough Manager or his designee 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.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 3-1999, 4/5/1999)

**§305. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.**

Upon receipt of such application and the prescribed fee, the Borough Manager or his designee, 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. 3-1999, 4/5/1999)

**§306. 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 of Portage.
- 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 9:00 a.m. or after dusk on any day of the week other than a Sunday or legal holiday.

(Ord. 3-1999, 4/5/1999)

**§307. SUPERVISION; RECORDS AND REPORTS.**

The Borough Manager or his designee 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. 3-1999, 4/5/1999)

**§308. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.**

The Borough Manager or his designee 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. 3-1999, 4/5/1999)

**§309. 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 \$600 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. 3-1999, 4/5/1999)

**PART 4**

**TRANSIENT AMUSEMENTS**

**§401. DEFINITIONS.**

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

**AMUSEMENT RIDE** - any device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement including, but not limited to, merry-go-rounds, ferris wheels, roller coasters, which may be permanently or temporarily installed or used in the Borough.

**CARNIVAL or CIRCUS** - an itinerant enterprise consisting principally of temporary amusement structures and/or mechanical rides.

**PERSON** - any natural person, partnership, firm or corporation.

2. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 200, 10/10/1955, Art. VI, §6; as revised by Ord. 3-1999, 4/5/1999)

**§402. PERMIT AND FEES REQUIRED.**

1. It shall be unlawful for any person to hold or conduct any circus or carnival, at any location within the Borough of Portage, or to operate any amusement ride therein, without first having obtained a permit therefor from the Borough Manager or his designee, for which a fee for the use of the Borough shall be paid as established pursuant to a resolution of the Borough Council; provided, that no separate permit shall be required for any amusement ride that shall be a part of any carnival that shall be authorized under this Part.
2. At the discretion of the Borough Council, the permit fee may be remitted in the case of a circus or carnival the proceeds of which are applied to purely charitable uses or in the case the application for such permit shall have been made by and on behalf of any organization connected with the municipal government or with any public school district.

(Ord. 200, 10/10/1955, Art. VI, §6; as revised by Ord. 3-1999, 4/5/1999)

**§403. REJECTION OF PERMITS; APPEALS.**

1. The Borough Manager or his designee shall refuse to grant a permit in any case where the owner of such circus or carnival, or the operator of any amusement ride, as the case may be, fails or refuses to present an official inspection affidavit prepared by a qualified inspector in accordance with the Amusement Ride Inspection Act (4 P.S. §407) and the regulations of the Amusement Ride Safety Board (7 Pa. Code §139.1 *et seq.*) along with a certificate of insurance as required by §414 of that same Act.
2. If any permit shall be denied, an appeal from such denial, may be made by the applicant or by the person to whom such permit had been issued, as the case may be, to the Borough Council, within 10 days of rejection, but no portion of a permit fee shall be refunded in case of suspension or revocation. Such hearing shall be conducted within 30 days of the appeal and a decision rendered by the Borough Council.

(Ord. 200, 10/10/1955, Art. VI, §6; as revised by Ord. 3-1999, 4/5/1999)

**§404. 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 \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 200, 10/10/1955, Art. VI, §6; as revised by Ord. 3-1999, 4/5/1999)

PART 5

CONTRACTOR'S REGISTRATION

§501. SHORT TITLE.

This Part shall be known as the "Portage Borough Contractor's Registration Ordinance."

(Ord. 2-1998, 7/6/1998, §1)

§502. INTENT AND PURPOSE.

In order to promote the public safety and the general welfare of the citizens of Portage Borough by ensuring that all contractors doing business in Portage Borough are aware of the rules and regulations governing the construction, alterations and/or repair of buildings and structures in Portage Borough, including site preparation, excavation and pavings, it is the intent of this Chapter to require the yearly licensing of contractors.

(Ord. 2-1998, 7/6/1998, §2)

§503. DEFINITIONS.

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

**BUILDING** - a structure having a roof supported by columns or walls for the shelter of persons, animals, chattels or property.

**BUILDING PERMIT** - an official document or certificate issued by the Borough authorizing the construction of a specific building or structure or the performance of a specific activity.

**CONTRACTOR** - any person, partnership or corporation engaged in the business of constructing, altering or repairing any building or structure or engaged in the transport and setup of a prefabricated structure delivered to a site in Portage Borough or engaged in site preparation, excavation or paving for a fee.

**DOING BUSINESS** - engaging in the construction, alteration or repair of any building or structure in Portage Borough for which a building permit is required under the ordinances of Portage Borough or engaging in site preparation, excavation or paving in Portage Borough.

**PREFABRICATED** - construction materials or assembled units fabricated prior to erection or installation of a building or structure.

**REGISTRATION FORM** - the form prepared by the Borough Manager for obtaining information about the contractor.

**REPEATED VIOLATIONS** - more than one infraction of the ordinances of Portage Borough which has not been corrected after due notice has been given by the Borough Manager of Portage Borough.

**STRUCTURE** - anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground.

**SUBCONTRACTOR** - a contractor. The term shall not include an employee of a contractor or subcontractor.

(Ord. 2-1998, 7/6/1998, §3)

**§504. REGISTRATION.**

From and after the effective date of this Part, it shall be unlawful for a contractor or subcontractor doing business in Portage Borough to construct, alter or repair any building or structure, perform site preparation, excavation or paving, unless the contractor or subcontractor has registered with the Borough and has paid the required registration or renewal fee.

(Ord. 2-1998, 7/6/1998, §4)

**§505. FEE.**

The fee for the registration shall be an amount as established from time to time by resolution of Borough Council. All registrations shall be for the calendar year. The registration shall expire on December 31 of each year.

(Ord. 2-1998, 7/6/1998, §5; as amended by Ord. 3-1999, 4/5/1999)

**§506. INFORMATION TO BE SUPPLIED.**

The contractor or subcontractor shall supply such information and shall be required to complete the registration form attached hereto and made a part hereof as it may be amended from time to time by the Borough Manager.<sup>1</sup>

(Ord. 2-1998, 7/6/1998, §6)

**§507. DECAL.**

At the time of registration and payment of the registration/renewal fee, the contractor or subcontractor shall be issued two decals, which decals shall be prominently displayed on all

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<sup>1</sup>Editor's Note: The registration form is on file in the Borough office.

vehicles used by the contractor or subcontractor during the registration year in Portage Borough. The cost of the decals shall be in accordance with the fee resolution then in effect.

(Ord. 2-1998, 7/6/1998, §7)

**§508. REGULATION.**

It shall be the duty of all contractors and subcontractors to comply with all ordinances and codes relating to the construction, alteration and repair of all buildings and structures located within Portage Borough and all site preparation, excavation and paving in Portage Borough, and all laws or ordinances pertaining to or regulating the activities engaged in.

(Ord. 2-1998, 7/6/1998, §8)

**§509. REVOCATION.**

Any contractor's or subcontractor's registration may be revoked by the Borough for repeated violations of any ordinances related to the construction, alteration or repair of any building or structure within Portage Borough, or to site preparation, excavation or paving, or any laws or ordinances pertaining to or regulating the activities engaged in. Such revocation may be in addition to any fine imposed for violating this Part.

(Ord. 2-1998, 7/6/1998, §9)

**§510. APPEAL.**

Any contractor or subcontractor whose registration has been revoked by the Borough Manager shall have the right of appeal to the Portage Borough Council within 30 days after notice of the revocation.

(Ord. 2-1998, 7/6/1998, §10)

**§511. PENALTY.**

Any contractor or subcontractor who shall fail to comply with the registration provisions of this Part or who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of at least \$50 for the first offense; of at least \$100 for the second offense; of at least \$200 for the third offense. The maximum penalty shall be 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 occurs shall constitute a separate offense.

(Ord. 2-1998, 7/6/1998, §11; as amended by Ord. 3-1999, 4/5/1999)

**§512. ABATEMENT OF VIOLATION.**

The imposition of penalties herein prescribed shall not preclude the Solicitor of Portage Borough from instituting appropriate action to restrain the unlawful construction, alteration or repair of a building or structure or site preparation, excavation or paving in Portage Borough.

(Ord. 2-1998, 7/6/1998, §12)