

Ordinance #1

Regulating, Licensing, and Prohibiting Certain Uses of Highways and Public Places, and Certain Commercial Uses of Private Property in the Borough of Deer Lake.

Section 1.

Be it enacted and ordained by the Borough of Deer Lake that from and after the passage of this ordinance it shall be unlawful for any person or persons, firms, or corporations, either as principal or as agent, to do, cause to be done, or permit to continue if within their control, anywhere within the borough, whether on public or private property, any of the matters or things herein designated as prohibited, or if designated as permitted (with or without a license), then only upon complying with the terms of this and all other borough ordinances or state laws pertaining to the subject matter, or, to in any manner violate the provisions hereof:

Provision A.

It is prohibited to show, exhibit, or conduct anywhere within the limits of the borough, either on public or private property, any circus, exhibition, entertainment, or amusement, whether educational or otherwise, not herein specifically provided for, provided, that nothing herein contained shall apply to any purely public charity as defined in the tax exemption laws of the state or to church or school functions, but in all such exempt cases where a public highway or public property is used a permit therefore shall be obtained from the Burgess, which permit shall be issued without any fee.

Provision B.

It is prohibited to give, solicit, sell, show, exhibit, demonstrate, conduct, or permit anything tending to injure health, imperil safety of person or property, injurious to good morals, whether the place be on public or private property.

Provision C.

It is prohibited to sell or offer for sale directly or indirectly in any public highway or any public property any article or thing or engage in any commercial enterprise or use in or on any public street or public property, which is not herein definitely permitted either with or without a license fee, -- the purpose of this provision being to prohibit every use of a highway or public property of a commercial nature which is not specifically herein licensed or permitted.

Provision D.

It is permitted without a license fee, but only after obtaining a permit therefore from the Burgess, or from the Borough Secretary after a vote in council, should the Burgess refuse, to do all the things hereafter licensed and subject to a fee, where at least fifty (50) percent of the entire gross proceeds therefore shall endure to the benefit of some purely public charity, as defined in the tax exemption laws of the state. The provisions hereof are subject to the subsequent sections of this ordinance.

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It is temporarily permitted upon payment of a license fee of twenty-five (\$25.00) Dollars for each day's performance, to show, exhibit, or conduct circuses or other form of special amusement, entertainment, exhibition, demonstration, whether on public or private property, which fee shall include all operations usual and necessary to the particular subject licensed.

Provision F.

It is temporarily permitted upon payment of a license fee of ten (\$10.00) Dollars to parade, show, or demonstrate within the highways of the Borough at a time and within a space designated by the Chief of Police or fixed by motion in council.

Provision G.

It is temporarily permitted to sell from a permanent or temporary position in any public highway or on public property, within places and at times definitely restricted by a motion in the council upon payment of a license fee of five (\$5.00) Dollars per day, provided the owners of the abutting premises agree to such use of the highway.

Provision H.

It is temporarily permitted to hawk, peddle, or vend on foot or in vehicles upon payment of a license fee of twenty (\$20.00) Dollars per year the usual articles sold by butchers, bakers, milkmen, hucksters, green grocerymen, and also dealers in ice, ice cream, water, and also other wholesome articles of food, -- the license herein charged to cover a single vehicle, or if the vendor is on foot, then for each single individual. The provisions of this section are intended only house to house canvassing or peddling and are not sidewalk or curb vendors.

Provision I.

It is temporarily permitted to sell articles not enumerated in the foregoing section upon the sidewalks or at the curbs upon the payment of five (\$5.00) Dollars per day, provided any single article sold does not exceed in price the sum of one (\$1.00) Dollar. All articles not enumerated in this or the foregoing sections are forbidden under Article B.

Provision J.

It is temporarily permitted to use vehicles in the highways for the purpose of carrying materials either to or from a point within or without the borough, using the borough highways, upon the payment of a license fee of ten (\$10.00) Dollars per year.

Provision K.

It is temporarily permitted to use the highways for the purpose of gathering junk and other waste material not of a vegetable or an animal character, for the

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purpose of storing the same at a point approved by a vote in council, upon payment of a license fee of ten (\$10.00) Dollars per year for each vehicle used.

Provision L.

It is temporarily permitted to erect and maintain tanks and pumps at curb lines for the sale of gasoline and automobile uses upon the annual payment of ten (\$10.00) Dollars for each individual installment, subject to removal upon thirty days' notice by council and subject to other borough ordinances and state laws, provided, however, that no tanks, pumps, or other structure in or extending on to any public highway be permitted until after a permit has been granted by a vote in council.

Provision M.

It is temporarily permitted upon payment of a license fee of two (\$2.00) Dollars per month or part thereof, to place building materials on the highway when building or repairs are being made at abutting premises, provided a permit is secured from the Borough Secretary, after application has been made, setting forth the details of the request. The permit granted hereunder may be annulled by a vote in council or further instructions added by a vote in council.

Provision N.

It is temporarily permitted to conduct dances for which a fee is charged upon payment of twenty-five (\$25.00) Dollars per year, provided the premises are closed not later than 1:00 AM, and provided further that a permit be issued after application has been made and considered by the Chief of Police and Burgess, and provided further that the premises are open to inspection by public officers and comply with other borough ordinances and state regulations as to health, fire, public morals, etc.

Provision O.

It is temporarily permitted to conduct pool and billiard rooms, tenpin alleys, shooting galleries, and the usual accessories in connection therewith upon the payment of an annual license fee of twenty-five (\$25.00) Dollars, provided that the premises are not opened or occupied between 11:45 PM and 7:00 AM.

Provision P.

It is temporarily permitted to allow on the highways and public property of the borough dogs that are licensed under the statutes of the state, between sunrise and dusk, upon the payment of an annual license fee of three (\$3.00) Dollars, and dogs permitted on the highways shall not be more than a block from the premises of the owner unless the dog is within calling distance of the owner or other person in charge. This license may be revoked by the Burgess or Chief of Police whenever he is of the opinion that it is unsafe to have the dog at large.

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It is permitted to open and operate theaters, moving picture houses, and (upon approval of council) indoor and outdoor golf courses and other public amusements, upon the payment of an annual license fee of twenty-five (\$25.00) Dollars, provided the premises are not open between 11:35 PM and 7:00 AM. (See Acts of 1931.)

Provision R.

It is permitted to place and maintain on the highways of the borough telephone, electric light, telegraph, and other poles, upon the annual payment of twenty-five (\$0.25) Cents per pole, provided that a franchise therefore has been obtained, and subject to other Borough ordinances and state laws.

Provision S.

It is permitted to place and maintain on the highways of the borough wires, upon the annual payment of one (\$1.00) Dollar per mile, provided that a franchise therefore has been obtained, and subject to other Borough ordinances and state laws.

Provision T.

It is permitted to place and maintain on the highways of the borough street cars, upon the annual payment of fifteen (\$15.00) Dollars per car, provided that a franchise therefore has been obtained, and subject to other Borough ordinances and state laws.

Provision U.

It is permitted to place and maintain on the highways of the borough water pipes, gas pipes, steam pipes, etc., upon the annual payment of ten (\$10.00) Dollars per mile, provided that a franchise therefore has been obtained, and subject to other Borough ordinances and state laws.

The foregoing clauses pertaining to poles, wires, pipes, and street cars, the committee and officers having in charge the public safety and public streets shall arrange for periodical inspections of the subject matter licensed in order to provide for the public health, safety, comfort, and confidence. No right, etc. (copy as in Section 7 of Form 76).

Provision V.

It is permitted to conduct auctions by a properly licensed auctioneer, on the payment of five (\$5.00) Dollars for each session of the auction. (Philadelphia and Allegheny Counties have special Acts.)

Provision W.

To enter into, begin, or desire to begin a transient retail business in the borough for the sale of any goods, wares, or merchandise whatsoever, and to hire, lease, or occupy a room, apartment, store building, or structure for the exhibition and sale of such goods, wares, or merchandise, except upon payment of a license

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fee of two hundred (\$200.00) Dollars per month or fractional part thereof, said fee of two hundred (\$200.00) Dollars per month or fractional part thereof, said fee to be paid to the treasurer of the borough, and the license shall be renewed monthly during the continuance of the sale, and upon failure to secure the license herein provided for, he, she, or they shall be fined not less than one hundred (\$100.00) Dollars or more than two hundred (\$200.00) Dollars and in default payment thereof committed to the jail of the county for a period not exceeding thirty days, provided that nothing herein contained shall apply to farmers selling their own produce, or to any sale of goods, wares, or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purposes, unless restricted by this or any other ordinance. (See Acts of 1931.)

Section 2.

The matters or things contained in Section 1, either as permitted without fee or license, entirely prohibited, or temporarily or permanently permitted under a license, are descriptive and not exclusive, and every other matter or thing of a similar nature is subject to the same fees, permissions, and restrictions as though it were specifically mentioned, the Borough Secretary is hereby given authority to classify all such unmentioned matters according to the classifications outlined in Section 1, which classification if not accepted by the applicant will be considered as being in the prohibited class, -- it being the intent hereof to provide for such new or temporary uses of highways or private property as can not well be anticipated as well as to provide a general rule necessitated by the impossibility of enumerating all the possible uses which may be requested.

Section 3.

This ordinance does not authorize the use of highways for the purpose mentioned in Section 1 hereof, in any case where such uses are prohibited or restricted by any other ordinances of the borough, the intention hereof being to charge a license fee for a use which is permitted and not restricted or prohibited. The payment of a license fee does not permit the holder to create a nuisance, to do anything dangerous in itself, or that may attract children to a danger. Anything done contrary to this ordinance is a nuisance and shall be abated as such, in addition to the fine imposed.

Nothing may be licensed under this ordinance which is prohibited by state law or other borough ordinances. Licenses granted to individuals are not transferable. Licenses which are personal do not permit the employment of unlicensed agents. Every vehicle is required to have a license tag conspicuously placed or where designated by the Chief of Police. Permits and licenses shall be exhibited on request of the Burgess or any police officer. Licenses to be issued for a period one year beginning January first. Any fractional part of any unit of time or space or number requires the license fee as the whole unit.

The Burgess may suspend any license herein granted when he deems it to be of benefit to the public health, safety, or morals, or the license may be suspended

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upon motion in council. Where the license is suspended on the ground of public health, safety, or morals without cause by the licensee, then the unearned license fee shall be returned.

No right or privilege granted, and no duty imposed on the borough or received by it, shall impose on or result in any liability to the borough, or relieve the licensee or grantee therefrom, with the same force and effect as if no municipal sanction were received.

The provisions of this ordinance shall be retroactive as well as prospective and shall extend to all matters and things now or hereafter coming within its scope; and further, any change, increase, or addition in or to any item or matter shall be prohibited, regulated and licensed according to the intent or terms of this ordinance.

Section 4.

Except as herein otherwise provided and except as provided in other ordinances not inconsistent herewith, persons violating the provisions of this ordinance shall be subject to a fine of not less than ten (\$10.00) Dollars or more than fifty (\$50.00) Dollars for each offense, and in default of payment thereof shall be imprisoned in the Schuylkill County Prison for a period not exceeding thirty days.

Approved: July 8th, 1937