

## Chapter 74

### CIRCUSES, CARNIVALS AND TRANSIENT MERCHANTS

**[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights 4-5-1976 by Ord. No. 74. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Peace and good order — See Ch. 130.

#### **§ 74-1. Permit required; fee.**

From and after the passage of this chapter, no circuses or carnivals shall be held and no transient retail business or house-to-house merchandising of any kind, by peddlers, hawkers, transient merchants or others, shall be carried on within the Borough except upon the payment of a license fee and the granting of a permit therefor, as hereinafter provided.

#### **§ 74-2. Nuisances.**

No permit shall be issued for any activity mentioned in § 74-1 hereof, or for any of like character, where it shall reasonably appear that such activity would be a nuisance or detrimental to the health, morals or safety of the citizens of the Borough, or where the purpose for which the permit is sought may adversely affect the general welfare of the Borough's residents.

#### **§ 74-3. Hours.**

No permit shall be issued for any activity hereinbefore mentioned which is to be carried on in whole or in part after 6:00 p.m., prevailing time on any day, except by prior invitation of the property owner or tenants. Approved circuses and carnivals may not be carried on after 12:00 midnight.

#### **§ 74-4. Exceptions.**

Nothing herein contained shall be construed to require the obtaining of a license by or for any of the following:

- A. Activity conducted by a civic association located within the Borough, charitable or benevolent organization.
- B. Activity conducted by or under the supervision of the school system serving the Borough.
- C. Activity exempt by law from payment of a license fee.
- D. Any farmer selling exclusively produce grown by him.

#### **§ 74-5. Permit fees; deposit.**

A minimum permit fee of \$150 per day shall be charged for approved circuses and carnivals. In addition thereto, the applicant shall deposit with the Borough the sum of \$300 to be returned at the conclusion of the circus or carnival upon satisfying the Borough that the premises have been restored to the condition existing prior to the circus or carnival. All other fees for permits hereunder shall be \$5 per person per calendar year or fractional part thereof.

**§ 74-6. Application procedure.**

All applications for permits hereunder shall be in writing and shall be filed with the Borough Secretary, who is hereby authorized to issue the permit in each instance if, after due investigation, he is satisfied as to the proper and lawful purpose for which the permit is sought, and upon receiving the prescribed license fee, and upon receiving the approval of a Councilman of the Borough. The applicant shall supply his or her name, sex, age, address; the business to be engaged in and the food, goods, wares, amusement services, merchandise or other articles to be sold; the name and address of the firm or company represented; the number of days the applicant proposes to carry on said activity; the registration number of the applicant's motor vehicle; and whether the applicant has been convicted of any crime and the details of such crime. A recent photograph of the applicant shall be filed with said application.

**§ 74-7. Display of permit.**

Every licensee shall carry his license with him at all times while engaged in the activity permitted by the license issued under this chapter and shall exhibit the same upon request. Every licensee shall display outwardly on his or her person the permit number issued by the Borough.

**§ 74-8. Revocation of permit.**

The Borough Secretary is authorized to revoke any permit granted hereunder when the activity covered thereby shall prove to be a nuisance or detrimental to the public health, safety or morals of the citizens of the Borough, and when a permit is thus revoked it shall be promptly returned to the Secretary.

**§ 74-9. Appeals.**

Should any applicant for a permit hereunder deem himself aggrieved by reason of the Secretary's refusal to issue such permit, or by the terms and conditions under which the same is allowed, or by a revocation of such permit, such applicant may appeal to the Borough Council by filing with the Secretary a written notice of an intent to appeal; such notice to be filed within one week following the action of the Secretary complained of.

**§ 74-10. Violations and penalties.**

Any person, firm, association or corporation violating any provision of this chapter shall be subject to a fine of not less than \$10 nor more than \$300 for each offense, and, in default of payment thereof, may be imprisoned for a term not to exceed five days for each such offense. Each day of violation shall be a separate offense.