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PART 1
TRANSIENT RETAIL BUSINESS

§ 101. Definitions. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

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, Martin Luther King's Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

PERSON — Any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS —

- (1) 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 Elizabethtown.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough of Elizabethtown, 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.
- (3) Engaging in selling or providing services from house to house within the Borough of Elizabethtown.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 102. Permit Required; Conditions of Issuance; Fee. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

No person shall engage in any transient retail business within the Borough of Elizabethtown without first having obtained from the Police Department a permit, for which a fee, which shall be for the use of the Borough of Elizabethtown, shall be charged, said fee to be in such amount as established, from time to time, by resolution of the Borough Council.

§ 103. Exceptions. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

No permit fee shall be charged:

- A. To farmers selling their own produce.

- 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.

But all persons exempted hereby from the payment of the permit fee shall be required to register with the Borough Secretary and obtain a permit 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 permit fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories; and provided, further, the Borough Secretary may similarly exempt from payment of the permit 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; and provided, further, every permit 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 permit, issued to him in his name, and the permit fee hereby imposed shall be applicable to every such individual permit, except that a representative of a charitable organization may obtain permits for the applicants.

§ 104. Permit Application. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

Every person desiring a permit under this Part shall first make application to the Police Department for such permit. He shall, when making such application, exhibit a valid permit from any state or county officer, if such permit 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 the permit is to be issued.
- E. Type and license number of the vehicle to be used, if any.

§ 105. Issuance of Permit; Custody, Display and Exhibit. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

Upon receipt of such application and the prescribed fee, the Police Department, if it shall find such application in order, shall issue the permit required under this Part. Such permit shall contain the information required to be given on the application therefor. Every permit holder shall carry such permit 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 permit at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such permit, upon request, to all police officers, Borough officials, and citizens or residents of the Borough of Elizabethtown.

§ 106. Prohibited Acts. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his permit.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough of Elizabethtown.
- 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 6:00 p.m. on any day of the week other than a Sunday or legal holiday.

§ 107. Supervision; Records and Reports. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

The Police Department shall supervise the activities of all persons holding permits under this Part. The Police Department shall keep a record of all permits issued hereunder.

§ 108. Denial, Suspension and Revocation of Permit; Appeal. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

The Police Chief is hereby authorized to deny, suspend or revoke any permit 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 permit hereunder. Appeals from any suspension, revocation or denial of a permit 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 permit fee shall be refunded to any person whose permit shall have been suspended or revoked.

§ 109. Penalties. [Ord. 7/25/1928; as amended by Ord. 829, 11/15/2001]

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.

PART 2**BURGLAR, EMERGENCY MEDICAL SERVICES AND FIRE ALARMS****§ 201. Short Title. [Ord. 753, 6/16/1994, § 1]**

This Part shall be known as and may be cited as the "Burglar, Emergency Medical Services and Fire Alarm Ordinance."

§ 202. Purpose. [Ord. 753, 6/16/1994, § 2]

Whereas the Council for the Borough of Elizabethtown has determined that the receipt of false burglary, false emergency medical services and false fire alarms indicating that emergencies exist is detrimental to the health, welfare and safety of the citizens of the Borough of Elizabethtown, the Police Department, emergency medical services and Volunteer Fire Department, it is hereby declared to be the purpose of the Borough of Elizabethtown to safeguard and protect the residents of the Borough and the personnel of the Police Department and Volunteer Fire Department from such hazards and risks.

§ 203. Definitions. [Ord. 753, 6/16/1994, § 3]

The following words, terms and phrases, when used in this Part, shall have the following meanings ascribed to them:

ALARM/ALARM DEVICE — Any assembly of equipment, mechanical, electrical or battery-operated, arranged to signal the occurrence of a police, fire, hazard or medical emergency requiring urgent attention and to which police, emergency medical services (EMS) or fire units could be or are expected to respond.

AUDIBLE ALARM — Any device, including, but not limited to, a bell, horn or siren, which is attached to the interior or exterior of a building, structure or facility and emits a warning signal audible outside the building, structure, or facility and is designed to attract attention when activated by a criminal act or other emergency requiring police, emergency medical services (EMS) or Fire Department response.

EMERGENCY — A sudden, unexpected happening, occurrence or condition requiring immediate action by police, fire, hazard or medical services personnel to protect the health, safety and welfare of those affected by the happening, occurrence or condition.

FALSE ALARM/FALSE ALARM SIGNAL —

- (1) An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence or unintentional act, including the malfunction of the alarm system, to which the Elizabethtown Borough Police Department, any fire department and/or any ambulance or emergency medical service responds. The definition excludes alarms

caused by malfunctions of the Lancaster County-wide communications receiving equipment if such alarm is directly connected to the alarm board; testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake, flood, windstorm, thunder or lightening; an attempted illegal entry of which there is visible evidence; a crime in progress; or, in the case of an emergency medical alarm, an actual medical emergency requiring police, fire and/or medical personnel.

- (2) Multiple alarms received by the Police Department or any fire department before the system can be deactivated within a reasonable period of time shall be considered a single alarm, unless such multiple alarms are caused by the act of any person.
- (3) The definition of a false alarm also includes the intentional activation of a holdup alarm for other than a holdup in progress, the intentional activation of a burglar alarm for other than a burglary, the intentional activation of a medical alarm for other than a medical emergency or the intentional activation of a fire alarm for other than a fire or hazard.

FIRE DEPARTMENT — The Friendship Fire & Hose Co. No. 1 of Elizabethtown, Pennsylvania, or any other fire company or department operating within the Borough of Elizabethtown, Lancaster County, Pennsylvania.

FIRE EMERGENCY — A fire.

HAZARD EMERGENCY — An explosion, leak of toxic gas, liquid or solid or a potential explosion.

MEDICAL EMERGENCY — An emergency involving the health of a person requiring prompt response by emergency medical services personnel.

PERSON — Any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

POLICE DEPARTMENT — The Elizabethtown Borough Police Department.

POLICE EMERGENCY — An incident requiring prompt response by the Police Department.

§ 204. Enforcement. [Ord. 753, 6/16/1994, § 4]

The Elizabethtown Borough Police Department shall have the power and duty to enforce the provisions of this Part.

§ 205. Prohibitions. [Ord. 753, 6/16/1994, § 5]

After the effective date of this Part, it shall be unlawful for any person to:

- A. Cause, suffer, allow or permit the accidental or purposeful transmission of a false alarm signal from any public or private place in the Borough of Elizabeth.
- B. Cause, suffer, allow or permit to be made any report or request for police, medical or fire services or assistance by any means of communication wherein the situation, condition or incident which is the subject of the report or request for police, medical or fire services or assistance does not constitute an emergency.

§ 206. System Request to Limit Sounding of Signal. [Ord. 753, 6/16/1994, § 6]

No person shall install or maintain in any building, structure or establishment in Elizabethtown Borough an external audible alarm of any type which does not also contain an automatic cutoff system or feature automatically cutting off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes.

§ 207. Service Charge for False Alarms. [Ord. 753, 6/16/1994, § 7; as amended by Ord. 829, 11/15/2001]

1. The person in possession of the premises where an alarm device is in use shall be assessed and shall pay a service charge for each false alarm in an amount as established from time to time by resolution of Borough Council.
2. Manner of Payment.
 - A. Payment for false fire alarms shall be made to the Elizabethtown Volunteer Fire Department for the use of the Fire Department or ambulance division.
 - B. Payment for all other false alarms shall be made to Elizabethtown Borough.

§ 208. Fire Department's Authority to Enter. [Ord. 753, 6/16/1994, § 8]

When the Volunteer Fire Department responds to an alarm transmitted by an automatic protection device, which alarm indicates a fire in a building or premises where no one is available to provide access, the Fire Department is hereby authorized to enter said building or premises by any means reasonably necessary to conduct an investigation as to the cause of the alarm.

§ 209. Alarm Device Operation. [Ord. 753, 6/16/1994, § 9]

1. The sensory mechanism of an alarm device shall be equipped and adjusted so as to suppress false indications of fire and so that the device will not be activated by impulses due to normal pressure changes in water pipes,

variations in voltage due to electrical storms and power failures or any other forces not related to actual fire conditions.

2. False alarms transmitted from alarm devices are unlawful.

§ 210. Testing Alarm Devices. [Ord. 753, 6/16/1994, § 10; as amended by Ord. 829, 11/15/2001]

1. No person shall conduct any test or demonstration of an alarm device without first notifying the Fire Department or Police Department and obtaining the Department's permission.
2. If any test or demonstration of an alarm device results in a false alarm due to the failure of the person conducting such test or demonstration to notify and obtain proper permission from the appropriate department, a service charge in an amount as established from time to time by resolution of Borough Council, payable to the Volunteer Fire Department or Borough, will be assessed against the person responsible for the test or demonstration, regardless of whether such false alarm is the first or second false alarm originating from the building or premises.

PART 3
SPECIAL EVENTS

§ 301. Purpose. [Ord. 950, 8/15/2013]

The purpose of this Part 3 is to provide for the permitting of special events, including public facility use/rental and the temporary closure or redirection of pedestrian and/or vehicular traffic on Borough streets and alleys in a safe manner to allow for such activities.

§ 302. Definitions. [Ord. 950, 8/15/2013]

As used in this Part 3, certain terms are defined as follows:

APPLICANT — The person/group sponsoring, organizing, and responsible for an event and applying for the permit.

BLOCK PARTY — A one-day outdoor public event organized by residents of a neighborhood and held upon a Borough street and/or right-of-way for social/entertainment purposes. A block party can only be held between the hours of 7:00 a.m. and 9:00 p.m.

COMMUNITY EVENT — A community or neighborhood event organized for the purpose of celebrating community arts, recreation, or culture or to commemorate a holiday, seasonal, or special day to the community.

FIRST AMENDMENT ACTIVITY — Includes all expressive and associative activity protected by the United States and Pennsylvania Constitutions, including speech, press, assembly, and/or the right to petition. Commercial advertising regulated by the Zoning Ordinance or elsewhere in the Elizabethtown Borough Code of Ordinances is excluded from this definition.

PARADE — A march, procession, organized movement, or motorcade, consisting of persons, vehicles, or a combination thereof, that:

- A. Is held with an intent to attract attention;
- B. Takes place upon streets or public property within the Borough; and
- C. Interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or does not comply with normal and usual traffic regulations or controls.

SPECIAL EVENT — A parade, public assembly, performance, meeting, contest, exhibit, athletic competition or presentation, community event, block party, or ceremony, which event is to be held wholly or partially on property owned or maintained by the Borough which is designated by the Borough for First Amendment activity or is in a traditional public forum; on a street/alley/sidewalk within the Borough and will likely result in obstruction of such streets/alleys/sidewalks or will likely compromise the ability of the

Borough to respond to a public safety emergency; or on any other property, but requires for its successful execution the provision and coordination of Borough services to a degree over and above that which the Borough routinely provides. A special event is not intended to include:

- A. An activity held solely on private property;
- B. Programmed activities provided/managed by the Borough and/or GEARS;
- C. Any event which falls within the definition of a special event held in a Borough park but which does not interfere with regular use of the park by the general public; and
- D. First Amendment activity on Borough streets/alleys/sidewalks, including within the park, which will not result in obstruction of streets/alleys/sidewalks nor compromise the ability of the Borough to respond to a public safety emergency.

SPONSORING ORGANIZATION — An individual or group applying for the special event permit.

STATE HIGHWAY — A highway or bridge on the system of highways and bridges over which the Pennsylvania Department of Transportation has assumed or has been legislatively given jurisdiction.

§ 303. Application. [Ord. 950, 8/15/2013]

1. Written applications for public gatherings shall be submitted to the Elizabethtown Police Department 60 days prior to the first day of public promotion/advertisement or commencement of the event, whichever occurs first. The application shall be submitted 90 days prior if the event includes a proposal to close a state highway.
2. No applicant shall be less than 21 years of age. If an applicant is other than an individual, it shall be a legally constituted and created entity.
3. Applications shall be submitted on the forms specified by the Borough and shall include the following, when applicable:
 - A. Full legal names, addresses, telephone numbers, and e-mail addresses of all sponsors and, if an organization, proof of its legal existence.
 - B. Full legal names, addresses, telephone numbers, and e-mail addresses of all persons in charge.
 - C. The location and address of the property to be utilized for the event.
 - D. The program for the event or, if no program is prepared, a narrative statement as to the purpose for which the event is to be conducted.

- E. A diagrammatic plan of the proposed site for the event showing locations and dimensions of the area where the programmed entertainment, amusement, or recreation is to be conducted; areas for spectators or persons attending the event; all structures existing and to be constructed; proposed parking area; electricity source; potable water facilities; sanitary facilities; sewage disposal facilities; medical service facilities; facilities for and distribution of security personnel; facilities for food and beverage storage, preparation, and service; camping facilities; and projected plans for enclosure, if necessary, of the proposed site.
- F. Evidence that all permits and licenses as required by state and local statutes, ordinances and regulations enacted thereunder have been obtained or will be obtained. Such permits/licenses include but are not limited to the following:
 - (1) Pennsylvania Department of Transportation Form TE-300.
 - (2) Pennsylvania Department of Agriculture (retail food license)
 - (3) Pennsylvania Liquor Control Board.
 - (4) Elizabethtown Borough transient retail business permit.
- G. Evidence that approvals have been secured from emergency responders as appropriate.
- H. A statement of the number of persons expected to attend said event and the duration of the event.
- I. A statement regarding the first day upon which public announcement, promotion, or advertising is to be made.
- J. Specific details relating to:
 - (1) Sanitary and waste disposal facilities and providers thereof.
 - (2) Food and drink facilities and providers thereof.
 - (3) Transportation and parking facilities.
 - (4) Security and protection relating to the event, with specific reference to the number of security personnel assisting in the control of traffic and supervision of those attending, and providers thereof.
 - (5) Traffic control, to include a map of detour routes and proposed signage, staffing, and required traffic control equipment; i.e., barricades and cones.
 - (6) On-site medical facilities and providers thereof.

- (7) Janitorial services and post-gathering trash and recycling removal and site restoration and providers thereof.
- K. Certificates of insurance issued by an insurance company licensed to do business in Pennsylvania, evidencing comprehensive general liability, or special event public liability, in an amount of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate for property damage, which policies shall name the Borough as an additional insured specifically for purposes of the event.
- L. Examples of proposed advertising of the event, if any.
- M. The applicant's statement that he/she/it shall abide by the terms and provisions of this Part 3 and all laws, rules and regulations of the United States, Commonwealth of Pennsylvania, County of Lancaster, and Borough of Elizabethtown.
- N. An application fee may be charged, said fee to be in such amount as established, from time to time, by resolution of the Borough Council.

§ 304. Conditions of Approval. [Ord. 950, 8/15/2013]

1. The Chief of Police and Borough Manager shall either grant or deny the application for a permit. In case of denial, the applicant has the right of appeal to the Borough Council. Appeals must be filed within 10 days of the date of denial for consideration.
2. Failure to satisfy the following conditions no later than seven days prior to the event shall constitute grounds for the immediate revocation of the permit by the Borough and cancellation of the event:
 - A. Food preparation: a permit from the appropriate agency of the Commonwealth of Pennsylvania indicating the applicant's plan for food preparation conforms with applicable rules, regulations, and laws relating to public health.
 - B. Security: Applicants must provide a plan and means to implement the plan to provide for traffic control and crowd control. Identification of the security personnel or company or persons supplying this service must be provided, and proof of traffic control training and safety certification shall be submitted with each application.
 - C. Medical services: The applicant must provide a plan and means to implement the plan to provide sufficient medical services to the event. Identification of the company or person supplying this service must be provided.
 - D. Parking facilities: The applicant must provide a plan for parking facilities appropriate to the anticipated number of persons in

attendance. Adequate ingress and egress to and from parking areas must be maintained to facilitate the movement of any vehicle at any time to or from the parking area and to permit access by emergency vehicles.

- E. Barricades and obstacles: Any area blocked off with barricades and obstacles for a special event shall not obstruct emergency and hazard vehicles responding to an emergency.
- F. Structures: All facilities, including temporary and semipermanent structures, stages, lighting facilities, sanitary facilities and other utilities to be specially assembled, constructed, installed or erected for the public gathering must be in place and be approved by appropriate state and federal regulatory agencies, if such regulations apply, and by the Borough or its duly appointed agent.
- G. Cleanup after the event: The applicant shall be responsible for removal of all litter, debris, and other material from the areas or portions thereof used for the event which is attributable to or caused by the event.

§ 305. Conduct of Public Assembly. [Ord. 950, 8/15/2013]

1. The event permittee must maintain the sanitary and sewage facilities, parking facilities, security and traffic control personnel, and medical service facilities, and other facilities and utilities provided, in accordance with the plans submitted and approved and in a safe and healthful manner.
2. No permittee or person having control of the event shall condone any illegal conduct on the premises, including but not limited to disorderly conduct or illegal possession, sale or use of intoxicating beverages or drugs. Open alcoholic containers are not permitted on public property as per Elizabethtown Borough Code, Chapter 6, Part 4.
3. The burden of event security is solely upon the permittee. Any violations of the laws of the Commonwealth of Pennsylvania, or its rules and regulations, or of the terms and conditions of this Part 3, or other Borough ordinances, or of the conditions of the permit granted hereunder may be cause for immediate revocation of the permit, upon notification to the person in charge that a violation exists and the failure of the person in charge to take immediate action to correct the violation. Upon revocation of any permit, the permittee of the event shall immediately terminate the assembly and provide for the orderly disbursal of those in attendance.
4. Elizabethtown Borough, its authorized agents, representatives, and the Elizabethtown Borough Police Department shall be granted access to the public gathering at all times for the purpose of inspection and enforcement of the terms and conditions imposed herein.

5. No programmed entertainment, amusement, or recreation or use of sound-amplification equipment shall be provided or permitted between the hours of 9:00 p.m. and 7:00 a.m. in accordance with Elizabethtown Borough Code, Chapter 10, Part 2.
6. At the conclusion of the event, the permittee shall terminate the assembly or gathering and shall supervise the orderly dispersal of those in attendance. No one shall be permitted to remain overnight on the event site, with the exception of permanent residents, unless overnight camping or other facilities were approved by the Borough pursuant to the application process and this Part 3.

§ 306. Conformance with Other Requirements. [Ord. 950, 8/15/2013]

This Part 3 shall in no way be a substitute for, nor eliminate the necessity of, complying with any and all federal and state laws, rules and regulations, and county and Borough ordinances, which are now, or may be in the future, in effect which pertain to the conduct of special events.

§ 307. Violations and Penalties. [Ord. 950, 8/15/2013]

Any person who initiates, organizes, promotes, permits, conducts or causes to be advertised a special event without obtaining the permit provided in this Part 3, or who knowingly conducts, permits or allows a special event with a permit but in violation of the terms and provisions of this Part 3 and of the permit granted, or who shall counsel, aid or abet such violation or failure to comply, shall be subject to a fee of \$300 and all Borough-related expenses to support the event. Should the applicant fail to pay said fee within 30 days, the matter will be remanded to the District Justice, and the applicant shall be subject to a fine of not more than \$600, plus court costs, and all Borough-related expenses to support the event.