

CHAPTER 7
BUSINESS REGULATIONS

ARTICLE I
JUNK YARDS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 12, May 7, 1966.

§7-101 Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Article to have the meanings herein indicated:

- A. **Board:** The Board of Supervisors of Center Township.
- B. **Junk:** Any discarded materials or articles including, but not limited to, scrap, metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, papers, glass, containers and structures of every kind. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
- C. **Junk Dealer:** Any person who engages in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the Township of Center.
- D. **Junk Yard and Automobile Grave Yard:** Shall mean any place where any junk as herein defined, is stored, disposed of, or accumulated.
- E. **License:** The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.
- F. **Person:** Any partnership, association, firm, corporation or individual.
- G. **Township:** Center Township, Butler County, Pennsylvania.

§7-102 License

No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the Board, for which license a fee in accordance with the schedule as may be adopted from time to time by the Board of Supervisors, shall be paid to the Township for the use of the Township.

The license shall be issued for the twelve (12) month period beginning July 1, and ending June 30 of the following year and each license must be renewed annually on or before the first day of July of each year. The facility must pass a safety inspection performed by the Township Zoning Officer before a new license or license renewal can be issued. The Township Zoning Officer may require outside consultants for special circumstances at facility owners expense.

§7-103 Application for License

The license provided for in this Article shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junk yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed hereunder. The written application for a license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

§7-104 Issuance of License

Upon receipt of an application by the Board of Supervisors, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economically and aesthetically. In the event the Board shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Article as may be deemed necessary to carry out the spirit and intent of this Article, and to protect the health, safety and welfare of Township residents.

§7-105 License Limitation

No person licensed under this Article shall by virtue of one (1) license, keep more than one (1) place of business within the Township or maintain more than one (1) junk yard, for the purpose of buying, selling

and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license. No license shall be issued for the use of a tract of land in excess of twenty (20) acres, excluding setback lines or areas.

§7-106 Transfer of License

No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in Section 7-103 of this Article by the transferee. In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee as established by Resolution of the Board of Supervisors.

§7-107 Records

Every person licensed under this Article shall provide and shall maintain an accurate, up-to-date, legible record of every article or material purchased or received by him, the date and time of such purchase, or receipt, and the person from whom such article or material was purchased or obtained shall, at all times be subject to the inspection of any official of the Township.

§7-108 Delay in Disposal

Every person licensed under this Article shall keep and retain upon the licensed premises, for a period of forty-eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed.

§7-109 Regulations

Every person licensed under this Article shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
- B. No garbage or other organic waste shall be

stored on such premises.

- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained from and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards provided the same be placed in containers approved by the Board. All other gasoline which is kept on the premises shall be stored underground, which underground storage must be approved by the Board. All storage of flammable materials must be in accordance with all local and state regulations.
- D. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.
- E. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junk yard as described in the application for license hereunder, and as limited under Paragraph D above.
- F. A person licensed under this Article shall not burn on any day except the last three (3) days of the week; namely, Thursday, Friday and Saturday, between the hours of 8:00 a.m. and 4:30 p.m., and it is further provided that the abandoned and junked automobiles cannot be burned in a pile greater than fifteen feet (15') in height. It is further provided that it shall be unlawful for the aforesaid burning to be done less than fifty feet (50') from the boundary lines of the property. Burning must be attended and controlled at all times.
- G. When the Board shall deem it necessary and desirable, the premises to be licensed shall, at the setback lines, be enclosed by a fence of type and style to be determined by the Board or by evergreen screen plantings, or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of a license.

- H. It shall be unlawful for any person to store any scrap or junked automobile or parts of abandoned or junked automobiles on private or public property within the geographical boundaries of Center Township, Butler County, Pennsylvania, for any portion of a calendar day, without first having obtained a license as herein provided. The storage of any junk scrap, junked automobile, junked automobile parts for more than one (1) day, shall constitute a separate and distinct unlawful act for each and every calendar day, except this shall not apply to farmers who may store used machinery for repair parts, provided, that the same be kept where not visible from any public highway or any residential property.
- I. Such licensed premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on the first day of the week, commonly called Sunday.
- J. Burning, as referred to and defined in Section 7-109 F of this Article shall be permitted only for junked automobiles which are to be sold on the local dealers' premises and it shall be unlawful for any dealer to bring into this Township for burning any vehicles from points outside Center Township which are brought in to be burned and returned to the outside dealer.
- K. Junkyards licensed hereunder also shall comply with all Zoning regulations described in Chapter 20.

§7-110 Violations and Penalties

Any person who shall violate any of the provisions of this Article shall upon conviction thereof, by a summary proceeding be sentenced to pay a fine of a minimum of three hundred dollars (\$300.00) and the costs of prosecution, provided that each day's violation of any of the provisions of this Article shall constitute a separate offense. In addition to the remedies provided herein, any continued violations of this Article which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceedings against the violator in a court of equity for relief.

ARTICLE II

RENTAL PROPERTY TENANT REGISTRATIONS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 97-12-13, December 10, 1997, as amended by Ordinance No. 2023-07-03 dated July 12, 2023.

§7-201 Purpose

The Township of Center recognizes a need for registration of residential units within the Township in order to ensure appropriate identity of various residents of the Township for registration and taxation purposes. The Township recognizes that the most efficient system to provide for these rental occupant's registration is to require the landlord to file periodic notices with the Township identifying its residential lessees.

§7-202 Registration Requirements

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy, any residential rental unit within the Township of Center unless said landlord/lessor notifies the Township within thirty (30) days after said occupancy, the name, address, and number of person(s) occupying each specific unit. (Excluded are Bed and Breakfast, Boarding House, and Short-Term Rental). The registration shall contain the following minimum information:

- A. Name, address and telephone number of the property owner;
- B. Name, address and telephone number of the designated local property manager, if the property owner lives outside the Township and has a property manager;
- C. The street address of the rental property; and
- D. The name, address and place of employment of the tenant(s) and all other occupants of the unit who are over the age of seventeen (17) or employed.

§7-203 Registration Time Period

A registration for each residential unit shall be filed by January 30th of each calendar year and, then throughout the year whenever there is a change of occupants as set forth above.

§7-204 Fees

No fee shall be charged for this registration.

§7-205 Violations and Penalties

Any person, firm or corporation violating any provision of this Article shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be committed for each day during or on which a violation occurs or continues to exist.

ARTICLE III
PEDDLING AND SOLICITING

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 18, June 7, 1969, as amended by Ordinance 2004-12-12, December 8, 2004..

§7-301 Definitions

- A. **Peddler:** Any person who shall engage in peddling as herein below defined or selling.
- B. **Peddling:** The selling of any product along the highway, engaging in peddling, canvassing, soliciting, or taking of orders, either by sample or otherwise, for any goods, wares, merchandise, foodstuffs, and produce, upon any of the streets or sidewalks or from house to house within the Township of Center. Provided: the word "peddling" shall not apply to
 - 1. Farmers selling their own produce, produced in Center Township;
 - 2. The sale of goods, wares, and merchandise donated by the owners thereof, the proceeds thereof are to be applied to any charitable, patriotic, religious, civic, or philanthropic purpose; or
 - 3. Any manufacturer or producer in the sale of baked and bakery products, meat and meat products, or milk and milk products.
- C. **Person:** Any natural person, association, partnership, firm or corporation.

§7-302 Licensing

- A. No person shall engage in peddling in the Township of Center without first having taken out a license as herein provided. Every peddler granted a license as herein provided shall, at all times, when engaged in peddling in Center Township, carry such license upon his person, and shall exhibit such license upon request to all police officers, Township officials and citizens. No peddler shall engage in selling any product not mentioned upon such license.
- B. **Application for License:** Every person desiring to engage in peddling in the Township of Center shall first make application to the Secretary of the Board of

Supervisors of Center Township for a license. Upon such application, such person shall give his name, address, his previous criminal record, if any, the name of the person for whom he works, if any, the type of goods, wares and merchandise he wishes to peddle, the length of time for which he desires to be licensed, the type of vehicle he uses, if any, and the number of helpers he has. Provided, where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. Provided further, that any person making application for a license may obtain an individual license for himself and a maximum of three (3) helpers. No licenses issued under this Article shall be transferable from one (1) person to another.

- C. **License Fee:** No license shall be issued under this Article until the proper fee, as established from time to time by the Board of Supervisors, has been paid to the Secretary of the Board of Supervisors, such license fee to be deposited in an interest bearing account for the use of the Township of Center.
- D. **Suspension:** The Board of Supervisors of Center Township is hereby authorized to suspend any license issued under this Article when it deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this Article, or for giving false information upon any application for a license hereunder.

§7-303 Time Restrictions

No person licensed as a peddler under this Article shall engage in peddling at any time on Sunday, or upon any other day of the week before 9:00 a.m. or after 6:00 p.m.

§7-304 Other Provisions

- A. No person licensed as a peddler under this Article shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

- B. No person licensed as a peddler under this Article shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

§7-305 Violations and Penalties

Any person, firm or corporation who or which shall violate any of the provisions of this Article shall for every such offense, upon conviction thereof before any District Justice of the Township, be sentenced to pay a fine of a minimum one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Prison for not more than ten (10) days. Each day's violation of any of the provisions of this Article, after conviction thereof, shall constitute a separate offense.

ARTICLE IV
CLUBS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 99-8-4, August 4, 1999, as amended by Ordinance No. 2007-02-04, February 14, 2007 and Ordinance No. 2013-03-04, March 13, 2013.

§7-401 Definitions

- A. **CLUB:** The term "club" shall be used herein to refer to B.Y.O.B. Clubs and/or Nightclubs and/or Social Clubs. As used herein, a "club" shall not include churches, granges, or fire departments.
- B. **CLUB, B.Y.O.B.:** A place of assembly, other than a private residence, not having a license to dispense alcoholic beverages issued by the Pennsylvania Liquor Board and in which either food, including but not limited to snack food, prepackaged condiments, candy, sandwiches, or nonalcoholic drinks are served and consumed whether sold or offered gratis and where customers are permitted to bring and/or consume alcoholic beverages. This definition also includes what are commonly referred to as "bottle clubs".
- C. **CLUB, NIGHT:** A place of assembly, other than a private residence facility, offering food and/or drink and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises.
- D. **CLUB, SOCIAL:** A place of assembly, other than a private residence facility, and other than a B.Y.O.B. Club, and other than a Night Club, where alcohol is consumed.
- E. **CUSTOMER:** Any person visiting or patronizing a club with or without the payment of a fee or other compensation there for.
- F. **PERSON:** Any individual, firm, trust, partnership, public or private association or corporation, or other entity.
- G. **TOWNSHIP:** Center Township, Butler County, Pennsylvania.
- H. **ZONING/CODE ENFORCEMENT OFFICER:** The official or any duly authorized

representative of Center Township, who is charged with the administration and enforcement of this Article.

§7-402 Operation

It shall be unlawful for any person or persons, who own, operate, lease, manage or control a club, to operate such club in conflict with the requirements and provisions of this Chapter and the following:

- A. The securing of a club permit.
- B. **Liability:** In the event any of the unlawful activities specified herein is conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association, shall be deemed in violation of this Article, as well as the person or persons engaged in the unlawful activity.
- C. **Separate Offenses:** The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.
- D. **Requirements:** Any and all clubs to which this Article applies, shall, at all times, comply with the following requirements:
 - 1. Obtain broad form general liability coverage, one million dollars (\$1,000,000.00) single limit per occurrence, proof of which shall be filed with the Township Secretary.
 - 2. Possess a valid certificate of occupancy issued by Center Township and prominently display said certificate as required;
 - 3. Obtain an annual fire/safety inspection of the premises by the Township Zoning/Code Enforcement Officer. The Township Zoning/Code Enforcement Officer may require outside consultants for special circumstances at facility owner's expense.
 - a. No Club shall be established, maintained or operated if such action is likely to cause, in the reasonable opinion of the Township Zoning/Code Enforcement Officer, any

structural, fire, safety, health or other hazard. Any existing permitted club deemed likely to cause such hazard shall surrender its permit and cease operation immediately upon receipt from the Township Board of Supervisors written notice of such hazard.

4. Obtain a valid club permit from the Township pursuant to this Chapter and prominently display said permit as required;
5. Conspicuously post the hours of operation at the premises such that customers are sufficiently apprised of the same;
6. Conspicuously post the number of occupants permitted at the premises such that customers are sufficiently apprised of the same.
7. After 10 PM, all clubs where alcohol is consumed shall provide qualified interior security personnel of a number equaling one security person per every 150 occupants, or any portion thereof. For example if the occupancy level is 151, two (2) security personnel are required. If the occupancy level is 50, one (1) security person is required.

§7-403 Application for Permit

- A. Any person or persons desiring to operate or continue to operate a club shall file with the Township Secretary an application for a club permit, which application shall include the following information:
 1. The name and address of the club;
 2. The business address of the lessor or of the business premises, if applicable;
 3. The nature of the ownership of the club, i.e. corporation, partnership, joint venture, association;
 4. The names and addresses of any and all persons who possess an ownership and/or financial interest in the club [Note: physical address and mailing address required for all]; and
 5. A notarized statement that the club will comply with the requirements of this

Chapter and any amendments thereto, along with a detailed description of club activities.

- B. The Township Zoning/Code Enforcement Officer shall determine whether the club fully and completely complies with the provisions and requirements of this Chapter and all other Township ordinances within thirty (30) days following the date on which the application is received. If the Township Zoning/Code Enforcement Officer determines that the applicant fully and completely complies with the provisions hereof, he shall issue a club permit; if the Township Zoning/Code Enforcement Officer determines that the applicant does not fully and completely comply with the provisions hereof, he shall deny the issuance of the club permit and shall furnish written evidence of the same to the applicant and the Township Board of Supervisors together with the reason(s) for the denial.
- C. The club shall pay a permit fee in the amount set forth from time to time by resolution of the Center Township Board of Supervisors. Club permit shall be effective for a period of one (1) year following the date of issuance; provided, that in the event club fails to fully and completely comply with the provisions hereof during the term Club permit so issued, the Township Zoning/Code Enforcement Officer shall have the authority to revoke the club permit due to club's lack of compliance.
- D. The Township Zoning/Code Enforcement Officer shall not be required to act on any application not received in proper form as described herein.

§7-404 Hours of Operation

- A. Prohibited Hours . It shall be unlawful for any person to operate, or for any customer to visit or patronize a Club between the following hours;

Exception: Nothing herein shall be deemed to prohibit the owner or operator or employees of the owner or operator of a Club from preparation of food or drink during prohibited operating hours provided such food or drink is not served or sold between such hours.

1. 11PM Monday and 8 AM Tuesday.
 2. 11PM Tuesday and 8 AM Wednesday.
 3. 11PM Wednesday and 8 AM Thursday.
 4. 11PM Thursday and 8 AM Friday.
 5. 2AM Saturday and 8 AM Saturday.
 6. 2AM Sunday and 8 AM Monday.
 7. All day Christmas Day.
- B. Certificate of Waiver : The Township MAY permit, by certificate of waiver, the operation of a club for a special event during prohibited hours provided ALL of the following requirements are met;
1. The club operator makes written request detailing activity to take place including but not limited to;
 - a. Name and address of club
 - b. Name, address and contact phone number of event organizer.
 - c. Name and explanation of event.
 - d. Approximate attendance.
 - e. Date and hours event to be held.
 - f. Security arrangements for the event.
 - g. Other applicable information requested by the Township.
 2. Written request for waiver must be made at least 60 days prior to the event. Written request for waiver shall in no way be construed as approval and/or issuance of a certificate. The Township shall NOT issue a certificate to any club with a past history of neighbor complaints and/or past ordinance compliance deficiencies.
- C. Liquor Control Board Hours of Operation : Nothing in this chapter shall be deemed to regulate the hours of operation of any establishment which is a licensee of the Pennsylvania Liquor Control Board and whose hours and other aspects of operation are regulated by that Board. To the extent that clubs are not regulated by the laws of the Commonwealth of Pennsylvania, and to the extent that such regulation is not

preempted by the law of the Commonwealth of Pennsylvania, the provisions and regulations contained in this chapter shall apply.

§7-405 Prohibited Activities

The following activities are expressly prohibited unless specifically stated otherwise in this Chapter:

- A. Any activity considered adult entertainment by the Township's Zoning Ordinance.
- B. Any noise or sound which annoys or disturbs a reasonable person of reasonable sensitivities.
- C. Any activity which causes a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public. As used herein, a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public means a noise or sound which annoys or disturbs a reasonable person of reasonable sensitivities.
- D. Any activity which exceeds occupant limits of the structure.
- E. Any activity which exceeds parking limits of the site.

§7-406 Penalty

Any person, persons, or entity violating the provision of this Article shall, upon conviction thereof, be sentenced to a fine not exceeding six hundred dollars (\$600.00) and/or to imprisonment not exceeding ninety (90) days or both. Each day during which a violation of this Article continues shall be construed as a separate violation of this Article.

ARTICLE V
MOBILE HOME PARKS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2007-02-04, February 14, 2007, as amended by Ordinance No. 2008-06-02, June 11, 2008 and Ordinance No. 2010-11-05, November 10, 2010.

§7-501 Definitions

- A. **BOARD:** The Board of Supervisors of Center Township.
- B. **MANUFACTURED HOUSING:** Any factory-built single-family structure, including mobile and modular homes, manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in sections, or built on a permanent chassis and titled, and is used as a place of human habitation.
- C. **MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- D. **MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
- E. **MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
- F. **MOBILE HOME PARK MANAGEMENT:** Any person or persons who own, operate, lease, manages or controls a mobile home park.
- G. **NET ACREAGE:** That land remaining on a parcel or tract following the subtraction of areas identified as rights-of-way, easements, stormwater management facilities and systems, and land classified as a wetland.

- H. **NET DENSITY:** The maximum number of dwelling units which can be built on a parcel or tract of land after subtracting land used for rights-of-way, easements, stormwater management facilities and systems, and land classified as a wetland, floodplain or in excess of twenty-five percent (25%) slope.
- I. **ZONING/CODE ENFORCEMENT OFFICER:** A person retained by the Township to enforce township ordinances (codes), with power to issue permits, and halt illegal construction.

§7-502 Operation

It shall be unlawful for any person or persons, who own, operate, lease, manage or control a mobile home park to operate such park in conflict with the requirements and provisions that follow:

- A. The mobile home park management shall operate the park in compliance with this section and all other applicable codes and ordinances, and shall maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.
- B. The mobile home park management shall be responsible for maintaining all private infrastructure in the park, including but not limited to snow removal, storm water facilities, water distribution and sanitary sewer collection.
- C. The mobile home park management shall supervise and be responsible for the placement of each mobile home on its lot, including all utility connections. No mobile home shall be placed except on an approved lot.
- D. Mobile Home Park Permits issued by the township shall be valid for a one (1) year period, and shall be renewed annually upon application by the mobile home park management. Permit renewal is contingent upon compliance with all applicable regulations.
- E. Securing zoning/building permits as required by township codes and the Uniform Construction Code are the responsibility of park management.
- F. The mobile home park management shall maintain a Mobile Home Park Register containing the following:

1. Mobile home lot number.
2. Mobile home owner's name, owner's physical address, owner's mailing address and owner's phone number.
3. All mobile home occupant(s) name(s), all occupant(s) physical address(es), all occupant(s) mailing address(es) and all occupant(s) phone number(s).

A copy of such register must be available to the Zoning/Code Enforcement Officer during reasonable hours and included with the annual permit renewal application.

- G. Each annual renewal application shall be accompanied by an application fee as is established by Resolution of the Board of Supervisors. Completed mobile home park renewal applications shall be submitted to the Center Township Secretary along with applicable fees and Mobile Home Park Register before June 30th of each year.
- H. All mobile home parks shall have an annual fire/safety inspection approved by the Zoning/Code Enforcement Officer before an annual permit can be issued. The Township Zoning/Code Enforcement Officer may require outside consultants for special circumstances at facility owner's expense. Scheduling this inspection before annual license expiration is the responsibility of the mobile home park management.
- I. The Township Zoning/Code Enforcement Officer and/or appointed representative(s) shall not be denied access to any mobile home park at reasonable hours.
- J. No mobile home may be removed, either to another location in the township or from the township, without the mobile home park management first obtaining a "no lien" letter from the township.

remedies provided herein, any continued violations of this Article which shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceedings against the violator on a court of equity for relief.

§7-503 Violations and Penalties

Any person(s) who shall violate any of the provisions of this Article shall upon conviction thereof, by summary proceeding be sentenced to pay a fine of not more than five hundred dollars (\$500) and the cost of prosecution, provided that each day's violation of any of the provisions of this Article shall constitute a separate offense. In addition to the

ARTICLE VI
FIRE SERVICE FEATURES

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2008-06-02, June 11, 2008.

§7-601 Purpose

The purpose of this Article is to require building features that enhance response time and/or reduce risk to emergency responders.

§7-602 Key Box

- A. A key box shall be supplied by the owner of buildings considered non-residential as defined by the Pennsylvania Uniform Construction Code (see Chapter 2). Exception: Buildings not occupied by persons and/or animals that, as determined by the Township Zoning/Code Enforcement Officer, are not to be considered a source of combustion by the nature of their construction and contents, and are not combustible nor contain a means of ignition.
- B. The key box shall be installed at a location approved by the Township.
- C. The key box shall be of a type approved by the Township and shall contain keys to gain necessary building access for life saving of fire-fighting purposes as required by the Township Zoning/Code Enforcement Officer.

§7-603 Maintenance

The owner of the building shall immediately notify the Township Zoning/Code Enforcement Officer and provide the new key anytime a lock is changed or rekeyed. The key to such lock shall be secured in the existing approved box.

§7-604 Violations and Penalties

Any person(s) who shall violate any of the provisions of this Article shall upon conviction thereof, by summary proceeding be sentenced to pay a fine of not more than five hundred dollars (\$500.00) and the cost of prosecution, provided that each day's violation of any of the provisions of this Article shall constitute a separate offense. In addition to the remedies provided herein, any continued violations of this Article which shall constitute a nuisance in fact or which shall in the opinion of the Board

constitute a nuisance may be abated by proceedings against the violator in a court of equity for relief.

ARTICLE VII
CABLE FRANCHISE

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2013-02-02 dated February 13, 2013.

§7-701 Purpose

The Center Township Board of Supervisors has determined that it would be in the public interest for Armstrong Utilities, Inc. to have, in accordance with the terms hereof, the right, license and privilege of constructing and operating a cable television and telecommunication system within the Township. Armstrong Utilities, Inc. has determined, so long as it is economically and technically feasible, that it is desirous of obtaining, in accordance with the terms hereof, the right, license and privilege of constructing and operating a cable television and telecommunications system within the Township. Armstrong Utilities, Inc. and the Center Township Board of Supervisors have agreed to be bound by the terms and provisions herein set forth and have further agreed that such terms and provisions may be modified or amended only by written agreement of both parties.

§7-702 Definitions

For the purpose of this Article, each of the following terms shall have the meaning ascribed below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. Grantee: Armstrong Utilities, Inc. or its assignees.
- B. Cable System or System: A system of poles, wires, cables, fibers, lines, underground conduits, converters, equipment, appliances and/or facilities designed, constructed or used for the purpose of producing, receiving, amplifying, transmitting and distributing radio, television, telephone, data and two-way interactive impulses and energy and other information, related services, products or matters to residential and commercial customers of the Grantee within the Township.
- C. Cable Service: The one-way or two-way transmission to or from subscribers of video

programming or other programming services (including music), and subscriber interaction, if any, which is required for the selection of such video programming or other programming service, and the installation and rental of equipment necessary for the receipt to transmission thereof.

§7-703 Grant of Franchise

- A. In consideration of the within undertakings by the Grantee, the Center Township Board of Supervisors agrees that the Grantee shall have, and hereby confirms and grants unto the Grantee, the right, license and privilege to construct and reconstruct, to install, maintain, repair, replace and remove, and solicit and sell customers, subscribers, users and advertisements for, and otherwise to own, promote and operate, a Cable System throughout the Township.
- B. The right, license and privilege hereby granted shall not be exclusive, and the Center Township Board of Supervisors reserves the right to grant a similar franchise to any person at any time. The Center Township Board of Supervisors will not enter a franchise agreement, permit, license, authorization or any other agreement with another person or entity to construct a similar System or provide cable, internet or telecommunication services in any part of the franchise area which grants more favorable terms and conditions.
- C. The right, license and privilege herein granted and confirmed shall be deemed to include a continuing right to enter upon and to use and occupy the surface, subsurface and space above or below any public streets, lanes, alleys, paths, ways, bridges and viaducts within the Township, when and to the extent necessary to carry out the intent and purposes of this Article, subject, however, to limitations and qualifications herein contained.
- D. In exercising the right, license and privilege granted and confirmed hereby, the Grantee shall be and remain subject to and shall comply with all federal, state and local laws, rules and regulations applicable to it in the

conduct of the activities contemplated hereby.

§7-704 Construction and Maintenance Activities

- A. In cases where existing poles or other structures, conduits or other facilities owned or leased by public utilities or other third parties having the right to permit attachment thereto or location therein or thereon of the System by the Grantee are not available or are impractical for that purpose, then the proposed means of attachment, construction or conduit shall be submitted to the Township representative or designated person by drawings, plans and explanatory addenda at least thirty (30) days before such proposed attachment, installation or construction, and shall be subject to his approval in writing before commencement of such attachment, installation or construction, and such approval shall not be reasonably withheld and the Township representative or designated person shall advise the Grantee of its determination within twenty (20) days after receipt of the Grantee's proposed means of attachment, construction or conduit.
- B. Grantee shall extend the Cable System into all areas of the Township where there is a minimum of twenty (20) dwelling units per linear mile of aerial cable, and thirty (30) dwelling units per linear mile of underground cable, calculated from the nearest trunk line. To be counted for purposes of this Section 7-504B, dwelling units must be located within two hundred (200) feet of the to-be-built Cable System extension.

§7-705 Conditions on Use and Occupancy of Streets

- A. Pole attachments and the construction, installation, repair and replacement of basic System hardware and the operation and removal of the System and all parts thereof by the Grantee within the Township shall be conducted in such manner as to cause minimum interference with the proper use of streets, lanes, alleys, bridges and viaducts and other public places, and to cause minimum interference with the rights

or reasonable convenience of the property owners, tenants or occupants who adjoin any said streets, lanes, alleys, bridges, viaducts and other public places.

- B. In the event of any disturbance caused by the Grantee's activities hereunder to the pavement, sidewalk, driveway or other surfacing as to which the Township is responsible, the Grantee, at its own cost and expenses, shall replace and restore all such paving, sidewalk, driveway or surface so disturbed in a good and workmanlike manner and to as functionally sound a condition as before said activities were commenced, and shall be completed within sixty (60) days of the disturbance or such longer period as may be approved by the Township. All such replacement and restoration by the Grantee shall be subject to the approval of the Township engineer or designated person and such approval shall not be unreasonably withheld.
- C. In the event that, at any time during the existence of the within right, license and privilege to the Grantee, the Township elects to alter or change the grade, alignment or paved width of any street, lane alley, bridge or viaduct or other public way, the Grantee, upon notice by the Township, at its own expense, shall remove and relocate any affected part of the System within thirty (30) days of the date of notice or such reasonable extension thereof as may be granted by the Township representative considering the circumstances of the case.
- D. The Grantee shall not place the System or any part thereof where the same will interfere with any gas, electric, telephone or telegraph line or fixture, water hydrant or main, nor in such manner as would interfere with the usual travel on the streets, lanes, alleys, bridges and viaducts and other public places of the Township.
- E. Upon the request of any person, firm or corporation holding a moving permit issued by the Township or other governmental regulatory agency having jurisdiction of the matter, by which permit any building or buildings, large pieces of equipment or structural materials or the like are to be

moved from place to place, the Grantee shall temporarily raise or lower its System as and to the extent necessary to permit the moving of such buildings, equipment, structural materials and the like, provided the expense of such temporary raising or lowering of the System or any part thereof shall have been paid or tendered by the person, firm or corporation requesting the same. The Grantee shall be given not less than fifteen (15) days advance notice to arrange for such temporary changes to its System.

- F. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of the installation, operation, maintenance or removal of equipment, structures, facilities, apparatus and appurtenances shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding or as otherwise directed by the Township representative. Whenever it is deemed necessary by the Township, the Grantee shall install steel plates to allow a public way to remain usable while openings or obstructions exist.
- G. The Grantee shall have the authority to trim trees which are located on or overhang streets, alleys, sidewalks and public places of the Township to the extent that such trimming activities are minor in nature or required to be performed without delay due to the risk of danger to personal or property damage arising by reason of the location of such trees. The Grantee shall have the authority to perform all other tree trimming activities only with the prior approval of the Township and such approval shall not be unreasonably withheld. All trimming shall be at the expense of the Grantee.
- H. In such sections, if any, of the Township in which all cables, wires and other like facilities of public utilities are required to be and are placed underground, the Grantee shall place its cables, wires and other like facilities underground.
- I. The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate

the same street or other streets or remove from the street any property of the Grantee when required by the Township by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, power lines, signal lines and tracks and other types of improvements by the Township or public agencies.

- J. The Township shall have the right to inspect all pole attachments, installation, construction, repair and replacement of basic System hardware, and the removal of the System or any part thereof to ensure compliance with Section 7-505A of this Article.

§7-706 Safety Measures

- A. Construction and maintenance of the System shall be in accordance with the provisions of the National electric Safety Code of the National Board of Fire Underwriters, and such other applicable laws of the Commonwealth of Pennsylvania, Butler County, and regulations of the Township which may be lawfully in effect from time to time.
- B. All structures, lines, equipment and connections in, over, under and upon the streets of the Township, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition and in good order and repair.

§7-707 Voluntary Subscriptions

All subscriptions for services under any franchise shall be on a voluntary basis, and may be terminated at any time by the customer except in circumstances whereby agreed upon contract has been executed.

§7-708 System Services

- A. The Grantee, at all times, shall provide all subscriber service as and to the extent required to be provided by applicable federal and state rules and regulations from time to time in effect.
- B. Additional services may, at the sole discretion of the Grantee, be provided by the Grantee, including services for which a per-program, per-service or per-channel

charge is made consistent with applicable federal and state rules and regulations.

§7-709 Operation and Maintenance of System

Grantee shall make reasonable efforts to assess subscriber need and viewing preferences. If any existing service becomes unavailable, or the Grantee decides to discontinue a service, Grantee shall endeavor to provide substitute programming. Grantee may combine programming into composite channels to improve efficiency of channel utilization or to attract a larger viewing audience.

§7-710 Service Standards

- A. The Grantee will investigate and resolve all subscriber complaints regarding the quality of service, equipment malfunctions and similar matters expeditiously and in accordance with the following procedure:
 1. The Grantee shall have qualified personnel available during normal working hours to investigate and resolve subscriber complaints;
 2. Upon notification of a service complaint, the Grantee shall dispatch a qualified employee to investigate the complaint and adjust, repair or replace Grantee equipment as necessary to resolve the complaint. The Grantee shall not be responsible for malfunctions of any television receivers or other equipment owned or operated by any subscriber;
 3. All complaints shall be investigated and resolved in accordance with the Cable Television Consumer Protection Act of 1992; and
 4. The Grantee shall maintain a service log in which an entry shall be made of each complaint, the date of notification thereof, the nature of the complaint and the means by which it was resolved.
- B. In the construction, maintenance and operation of the System, the Grantee shall, at a minimum, at all times, fully comply with technical standards which have been or which hereafter may be adopted by the Federal Communications Commission ("FCC"), including (without limitations), if

applicable, requirements relating to channel capacity, bandwidth and periodic testing. Further, should any federal, state or local governmental unit with jurisdiction establish technical standards that exceed those of the FCC, the Grantee will comply therewith when and to the extent required by such governmental unit, unless to require the Grantee to do so would be held invalid by the FCC or a court of administrative tribunal of competent jurisdiction. The technical quality of the service provided by the Grantee shall be sufficient to provide subscribers with uniform quality television reception. The Grantee shall maintain the System in good repair and working order at all times.

§7-711 Subscriber Rates and Changes

- A. Installation charges, monthly service rates and any other residential rates charged by the Grantee related to the basic service tier, as defined by the FCC, may be regulated under this franchise only to the extent permitted by the Communications Act of 1934, as amended in 1984, 1992 and 1996 and applicable FCC rules and regulations. Commercial installation charges and monthly service rates are negotiable and not covered by federal regulations.
- B. The Grantee shall offer the services of the System within the Township on terms and conditions, which are uniform and nondiscriminatory to the fullest extent practicable. The provisions of Section 7-711B will not apply in any area of the Township in which another multi-channel video distributor provides cable, internet or telecommunication services, whereby the parties agree such action constitutes effective competition.
- C. The rates and charges for all services of the System (specifically including but not limited to basic subscriber service, any additional service provided pursuant to Section 7-708, or any connection, maintenance or similar service) and equipment shall be subject to adjustment from time to time, at the sole discretion of the Grantee.

§7-712 Discrimination Practices Prohibited

The Grantee shall not, as to rates, charges, service, service facilities, or in any other respect, make or grant unlawful undue preference or advantage to any person, nor subject any person to any unlawful prejudice or disadvantage, provided that nothing in this Article shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled. Connection and/or service charges may be waived or modified during promotional; campaigns of the Grantee. The Township acknowledges that the offering of different programming and service rates by Grantee in portions of the Township also served by another multi-channel video distributor shall not constitute an act of discrimination prohibit by this Section.

§7-713 Insurance

The Grantee shall, at all times during the term of this Article, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy protecting its representatives, officials and employees, against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of the Grantee under this Article with minimum liability limits of :One Million Dollars (\$1,000,000.00) for personal injury or death of any one person, and One Million Dollars (\$1,000,000.00) for personal injury or death of two (2) or more persons in any one occurrence. Such policy of insurance, and any certificate evidencing same, shall name the Township, its representatives, officials and employees as additional insureds and shall also provide that thirty (30) days prior written notice of intention not to renew or cancel be given to the Township.

§7-714 Effective Date and Term of Franchise

The right and privilege herein granted shall take effect and be in force for a period of ten (10) years from the Effective Date and shall continue in force and effect for a period of ten (10) years from the Effective Date of Agreement. Upon the expiration of said period and provided that the Grantee has complied with the terms and conditions hereof, the grant and provisions hereof shall be renewed under the provisions of the Cable Communications Act of 1984, Section 626. In the event the term expires without a renewed agreement, the parties agree

hereto that Grantee shall be permitted to continue to operate the Cable System and collect franchise fees until a formal agreement is reached.

§7-715 Federal Regulations

In the event and to the extent that the terms and provisions hereof shall be superseded and preempted by or become inconsistent with state law or federal law (including rules and regulations promulgated by the FCC), then and in each such event, it shall be the right of Grantee to take such action within sixty (60) days after such event as shall be reasonably necessary and may be reasonably requested to so amend or modify in writing this Article and to preserve the written contract for rights and benefits of the Grantee and fulfill the intent and purposes of this Article.

§7-716 Separability

Subject to the provisions of Section 7-715 hereof, if any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or administrative tribunal of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

§7-717 Interpretation

Notwithstanding any provision of this Article to the contrary, the Township agrees that in the event of any ambiguity with respect to the terms and conditions of this franchise, or dispute as to meaning, the Township shall, in conjunction with the Grantee, make a good faith effort to establish the meaning of such terms and conditions in a manner consistent with the parties' original intent of the language.

§7-718 Defaults - Arbitration

- A. In the event that the Township determines that Grantee is in violation of the terms and conditions of this Article, the Township shall provide the Grantee with written notice, which describes the violation for which such notice is being issued, of such determination. The Grantee shall have sixty (60) days from the date of the Township's written notice to either cure the violation or, for violations which cannot reasonably be cured within such sixty (60) day period, demonstrate to the Township that the

Grantee using its reasonable best efforts to cure such violation. If the Township provides the Grantee with written notice under Section 7-718A and the Grantee fails to either cure or demonstrate that it is using its reasonable best efforts, the Township shall have the right to invoke the arbitration procedure set forth in Section 7-718B.

- B. In the event of any dispute arising under this Article, as the same may be amended or supplemented, such dispute shall be submitted to arbitration upon request of any one or more of the disputants, who shall notify each of the other disputants in writing of such request. Each of the disputants shall confer with the other disputants for the purpose of selecting by unanimous agreement and independent arbitrator. Failing such agreement within thirty (30) days of the earliest such notice, upon request of any one or more of the disputants, such selection shall be made through the services and facilities of the regional office of the American Arbitration Association located, geographically, nearest to the Cable System and in accordance with the rules thereof. The decision and award of the arbitrator shall be final and binding upon the disputants. The costs of the arbitration proceeding, including the fees of the arbitrator, shall be borne non-prevailing party in such arbitration.

Grantee's Inability to Perform

In the event Grantee's performance of any of the terms, conditions, obligations or requirements of this Article is prevented or impaired due to any cause beyond its control or not foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof, provided Grantee has notified the Township in writing within thirty (30) days of its discovery of the occurrence of such an event. This Section shall not be construed to relieve Grantee of the obligation for adjustments contained in Section 7-516. Such causes beyond Grantee's control or not foreseeable shall include, but shall not be limited to, acts of God, civil emergencies and possible labor unrest or strikes including by telephone or power company owners of said poles.

§7-719 Binding Effect

This Article shall bind and inure to the benefit of the Township and the Grantee, and their respective successors and assigns; provided, however, that without written consent of the Township, which consent shall not be unreasonably withheld or delayed, the Grantee shall not assign the right, license or privilege herein granted to any person, firm or corporation other than a person, firm or corporation affiliated with it. Township consent shall not be required for the collateral assignment of a grant of security interest in this Article for purposes of securing indebtedness. The terms and provisions of this Article may not be amended or modified, by ordinance or otherwise, except as agreed upon in writing by both parties hereto.

§7-720 Community Service

Grantee will, at no charge to the Township, provide basic cable service to the Township buildings, public school buildings, public library, police stations and fire stations located in the Township and which are also located within one hundred fifty (150) feet of Grantee's existing Cable System. The buildings into which Grantee shall provide basic cable service under this Section are identified as:

- A. Center Township Maintenance Building located at 150 Henricks Road.
- B. Unionville Volunteer Fire Company located at 102 Mahood Road.
- C. Center Township Elementary School located at 950 Mercer Road

ARTICLE VIII
BYOB ESTABLISHMENTS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2020-04-03 dated April 8, 2020.

§7-801 Short Title

This Article may be cited as the " Center Township BYOB Article."

§7-802 Purpose

BYOB Establishments, if not properly regulated/operated, present grave health, safety and welfare concerns for the Township. Improperly regulated/operated BYOB establishments have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. Improperly regulated/operated BYOB establishments are a financial burden to the Township by the repeated calls for service to the properties. This Article is enacted to direct, regulate and provide provisions relating to bring-your-own-bottle (BYOB) activities. This remedy is not an exclusive remedy available under any state or local laws, and may be used in conjunction with such other laws.

§7-803 Definitions

For purposes of this Article, the following words or phrases shall have the meaning prescribed below:

Alcoholic Beverages - the term shall include liquor, malt or brewed beverages, or any other intoxicating substances as further defined in Chapter 47, §1-102 of the Pennsylvania Liquor Code, which are defined as follows:

1. Liquor - includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered, or redistilled denatured alcohol usable or taxable for beverage purposes, which contain more than 0.50% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.
2. Malt or Brewed Beverages - Any beer, lager beer, ale, porter or similar fermented malt beverage containing 0.50% or more of alcohol by volume, by whatever name such beverage may be called.

Business - as defined in Chapter 18 Section 18-201(A) of the Center Township Codification of Articles, shall include any enterprise, activity, profession or any other undertaking conducted for profit or ordinarily conducted for profit including but not limited to dealing into vending, at wholesale and /or retail goods wares and merchandise and engaging in conducting restaurants or other places where food, drink or refreshments are sold; financial businesses; those enterprises engaged in by hotel operators motel operators, office and / or residential apartment building operators and any other entity or person listed in the for profit person, partnership, facility or corporation engaged in commerce, manufacturing, or a service that is not licensed by the Pennsylvania Liquor Control Board (PLCB)and has a valid Township Business License.

Business License - A permit to operate an enterprise that is typically required by a government authority before operation commences. Obtaining a business license usually involves paying a small fee along with submitting an application to the appropriate federal, state, county or local government agency.

BYO and/or BYOB - the term is meant to stand for "bring your own bottle," "bring your own beer," "bring your own beverage," "bring your own bag," or "bring your own booze." The practice of an individual bringing any alcoholic beverage to an establishment or property from another location for the purpose of consumption by either themselves or others.

BYOB Business Operation Permit - a permit issued by the Township authorizing a business to operate as a BYOB within the Township in accordance with the regulations set forth herein.

BYOB Establishment - any business facility, such as a dance hall, club, restaurant, meeting room or association, not licensed by the PLCB, wherein patrons 21 years of age and older may consume alcoholic beverages, which said patrons or others have carried onto the premises. Such may or may not require payment of any entry fee, cover charge, or membership fee, or associated with the purchase of non-alcoholic beverages or food.

BYOB Facility - any properly licensed BYOB within the Township.

BYOB Special Event Permit - a permit issued by the Township authorizing a non-profit, charitable organization, religious entity, or other community organization to hold a BYOB special event within the

Township in accordance with the regulations set forth herein.

CLUB, B.Y.O.B.: A place of assembly, other than a private residence, not having a license to dispense alcoholic beverages issued by the Pennsylvania Liquor Board and in which either food, including but not limited to snack food, prepackaged condiments, candy, sandwiches, or nonalcoholic drinks are served and consumed whether sold or offered gratis and where customers are permitted to bring and/or consume alcoholic beverages. This definition also includes what are commonly referred to as “bottle clubs”.

Control - means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property;

Patron - an individual who is a customer, client, paying guest, or the like.

Person - means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them;

Person Responsible for the Property or Person Responsible - means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this Article, an occupant in control of the property or structure which is subject to this Article, a developer, builder, or business operator or owner who is developing, building or operating a business on the property or in a structure which is subject to this Article and/or any person who has control over the property to include a manager or employee.

Premises and Property - may be used by this Article interchangeably and means any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as a residential or commercial property and or any structure either permanently affixed or temporarily placed to include vehicles, trailers and the like;

Residential District - for the purposes of this Article Residential District shall mean any area of the Township that is zoned any type of residential in accordance with Center Township Chapter 20 to include R1,R1A, R2 and R3.

Township - shall mean Center Township or its agents such as Police, Fire, Code and or any other duly appointed official working for the Township.

Wine - an alcohol drink made from fermented grapes/fruit juice.

§7-804 Authorization of BYOB Operations via BYOB Operations Permit

BYOB Operations, as herein defined, shall be permitted in the Township subject to the following conditions:

- A. Any person or business who/which desires to operate as a BYOB facility must apply to the Township for a BYOB Business Operation Permit pursuant to policies promulgated and fees established by the Township Board of Supervisors from time-to-time, and administered by the Township Code Enforcement Office License and Permit section.
- B. The BYOB Business Operation Permit shall be prominently displayed at or near the main entrance to the business in which the BYOB Operation is to occur. Lamination or Framing is acceptable but at no time shall the permit be displayed in a fashion that it is not readily and completely visible by any member of the public or any Township official who arrives at the facility and is at or near the entrance.
- C. Any and all BYOB facilities and any and all perspective BYOB facilities shall obtain and keep in force broad-form general liability insurance coverage, in the amount of one million (\$1,000,000) dollars, naming the Township as an additional insured.
- D. Proof of this insurance shall be filed with the Center Township Building Department at the time of the application for a BYOB Business Operation Permit.
- E. Should the BYOB facilities insurance carrier change throughout the year, it shall be the responsibility of BYOB facilities person who is responsible for the property to provide an updated copy to the Center Township Building Department within seventy-two (72) hours of the change.
- F. A BYOB Operation must be in compliance with all applicable federal, state and municipal laws and codes, including, but not limited to the Pennsylvania Uniform Construction Code, as administered by the Township, the Property Maintenance Code,

as adopted by the Township, and Township Zoning Code.

- G. Any business in which or property on which a BYOB Operation is to take place must obtain and display a valid Township Business License.
- H. Any business that desires to be a BYOB Operation shall apply and successfully obtain a Township BYOB Business Operation Permit prior to such operation taking place.
- I. Any business that desires to be a BYOB Operation and any person responsible for the property shall be in good standing with all monies owed to the Township.
- J. Any business that desires to be a BYOB Operation or have one take place shall have to be in good standing with any and all federal, state and municipal inspections;
- K. Any business that desires to be a BYOB Operation and any person responsible for the property shall not have been deemed a nuisance property or the person responsible for the property deemed a nuisance as defined by Township Ordinance within the past two (2) years.
- L. All BYOB Operations must post the BYOB Business Operation Permit at or near the main entrance of any facility in which or property on which a BYOB Operation is
- M. BYOB Operations License shall not be issued to any applicant, entity, non-profit, charitable organization, religious entity, or other community organization were the license would be located within any Residential District.

§7-805 Authorization of BYOB Operations via BYOB Special Event Permit

- A. A permit issued by the Township authorizing a non-profit, charitable organization, religious entity, or other community organization to hold a BYOB special event within the Township shall be granted to eligible organizations.
- B. Any and all BYOB Special Event Permit requests shall obtain and keep in force broad-form general liability insurance coverage, in the amount of one million (\$1,000,000) dollars

naming the Township as an additional insured covering the time of the event.

- C. Proof of this insurance shall be filed with the Township License and Permit Clerk at the time of the application for a BYOB Special Event Permit.
- D. A BYOB Special Event Permit shall be valid for up to forty-eight (48) hours running consecutively (two (2) day event), during which time, alcoholic beverage consumption shall be restricted to the hours allowed by this Article.
- E. A BYOB Special Event Applicant shall be authorized to host up to one special event per month.
- F. Each and every special event where BYOB is to take place shall require a separate permit and application process.
- G. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB Special Event must apply to the Township for a BYOB Special Event Permit pursuant to policies promulgated and fees established by the Center Township Board of Supervisors from time-to-time, and administered by the Township Code Enforcement Office License and Permit section.
- H. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB Special Event must be in compliance with all applicable Federal, State and Municipal laws and codes, including but not limited to the Pennsylvania Uniform Construction Code as administered by the Township, the Property Maintenance Code as adopted by the Township and the Township Zoning Code.
- I. A Township Business License shall not be required for a BYOB Special Event Permit.
- J. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB special Event shall apply and successfully obtain a Township BYOB Special Event Permit prior to such operation taking place.
- K. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event and any BYOB Special Event facilitator

shall be in good standing with all monies owed to the Township.

- L. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event and any BYOB Special Event facilitator shall have to be in good standing with any and all Federal, State and Municipal inspections.
- M. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event shall not have been deemed a nuisance property or the Person responsible for the property a nuisance was declared upon as defined by Township Ordinance within the past two (2) years.
- N. All BYOB Special Events must post the BYOB Special Events Permit at or near the main entrance of any facility in which or property on which a BYOB Special Events is taking place, fully visible to patrons from outside the facility. Should the Special Events be in an open air environment, the BYOB Special Events Permit shall be placed in a window of a building and or a window of a vehicle owned by the BYOB Special Event facilitator and on location. The BYOB Special Event Permit must at all times be readily visible and readable to the public or any Township official who arrives at the facility and is at or near the entrance.

§7-806 Performance Standards

- A. No alcohol may be consumed in the permitted premises between the hours of 10:00 P.M. and 10:00 A.M.
- B. Entertainers are prohibited from coming into physical contact with any patron while performing. Entertainers in the interior of a BYOB establishment's building shall not be visible from outside that building.
- C. Gambling of any type, lotteries, and gambling devices are prohibited on the premises.
- D. Alcoholic beverages may not be consumed by persons under twenty-one (21) years old.
- E. No alcoholic beverages may be served to any adult in a booth or table where a minor is seated, unless the minor is accompanied by a parent or legal guardian, and is properly supervised.

- F. The consumption of alcoholic beverages on the premises by visibly intoxicated persons shall be prohibited.
- G. Business owners and employees shall not be visibly intoxicated on the premises.
- H. Alcoholic beverages shall not be offered as a prize for any activity conducted on the premises.
- I. All employees/staff/members of Applicant shall be Pennsylvania RAMP (Responsible Alcohol Management Program) certified. The Applicant must submit copies of all RAMP certifications for all employees to Center Township. Applicant will be allowed 30 days to submit same as to any new employee who is training for and seeking such certification, provided that each such new employee shall work only under the direct supervision of a RAMP certified employee until the new employee is so certified and a copy of the certification received by the Township.
- J. Alcoholic beverages are limited to wine and beer. No liquor shall be permitted. If a patron brings any liquor product, the manager must refuse service until the liquor is removed from the premises.
- K. No Alcoholic Beverages may be personally served by the applicant or employee(s).
- L. No Alcoholic Beverages may be purchased/provided from within or on the premises
- M. A patron/persons appearing to be under the influence of alcohol or any other drug may not be allowed to consume Alcoholic Beverages on the establishment's premises.
- N. A valid driver's license with a photograph or other acceptable form of identification; a valid passport or passport card issued by the United States government, or a valid passport issued by a government of a foreign country recognized by the United States government; or a valid United States issued military identification card must be provided by any patron upon request by the service staff if age is in question. (The Applicant should use a peripheral age as a guideline for "carding" a customer. For

example, anyone who appears to be under the age of 27 must be carded)

- O. The Licensee shall monitor alcohol consumption so as to maintain the same control as would be found in a full service establishment licensed under Pennsylvania Liquor Control Board (example: if someone brings in a six pack, it doesn't mean that person should be allowed to consume it all).
- P. Partially empty or open containers shall not be permit to leave the establishment/tenant space/premises. All partially empty or open containers must be disposed of onsite.
- Q. Each B.Y.O.B. establishment must undergo an annual inspection by the Center Township Department of Building Safety which involves an inspection of the premises and for the Licensee or manager to provide a current employee roster and each employee's respective RAMP Certification to ensure that each such certification is current prior to the Township Zoning Department renewing the BYOB. license.
- R. Food, water and restrooms must be available for patrons.
- S. Performance Standards must be posted at or near the main entrance of all facilities.

§7-807 Inspections

Prior to the Township issuing any type of BYOB permit, the Township Building Department shall conduct a proper inspection to include verifying the building is up to all proper standards. At the time of the inspection the Building Department shall set the occupancy limit for the BYOB permit. This occupancy limit shall be properly and prominently displayed at the entrance to the place being permitted as a BYOB.

§7-808 Term

BYOB Business Operations Permits shall be effective for a period of one (1) year, and, regardless of date of issue, shall end on December 31st of the issuing year.

§7-809 Fees

The fee for permits may be established, from time to time, by Resolution of the Board of Supervisors.

§7-810 Violations and Penalties

- A. Any person or entity who violates any provision of this Article, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars, plus costs of prosecution per violation, and, in default of payment of the same, to undergo imprisonment for not more than thirty (30) days. This shall include the individual operator, manager, owner or patron as appropriate.
- B. Multiple offenses occurring on the same day shall constitute separate violations with regard to prosecution and/or administrative proceedings. The fact that multiple violations occurred at or on the same day shall not allow for said violations to be combined and counted as one single offense.
- C. Enforcement shall be by the Township Code Enforcement Office and/or designee.

§7-811 Grandfathering

This Article applies to any and all existing BYOB establishments in the Township, which are fully bound by all provisions regulating same herein, upon adoption of this Article. All permits required by this Article shall be obtained by any and all existing BYOB establishments in the Township within 30 days of adoption of this Article

§7-812 Revocation

- A. In the event the BYOB Operation fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities as defined in this article during the term of the BYOB Permit so issued, the Township Code Enforcement Office shall have the authority to revoke the BYOB Permit for a period of six (6) months.
- B. Permit and revocation decisions shall be made by the Township Code Enforcement Office and/or designee. Any person aggrieved by such a decision may appeal to the Board of Supervisors. The Township shall, upon filing such appeal, consent to any request by a permit applicant or a person whose permit has been revoked expedited review to such appeal.
- C.

§7-813 Summary Closure

Nothing in this Article prohibits the Township from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety.

ARTICLE IX

OUTDOOR ENTERTAINMENT

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 2021-09-06 dated September 8, 2021.

§7-901 Purpose and Findings

Center Township intends to preserve the health, safety and welfare of the residents and neighborhoods within its boundaries by regulating the utilization of sound systems so as to help alleviate disturbances of the general peace and tranquility of Center Township.

- A. Events and gatherings which utilize sound systems, whether held on private or public property, can, if misused, create neighborhood disturbances and other conditions which result in a general disturbance of the peace and can impact the health, safety and welfare of the surrounding community. As such, sound systems will require permits so as to allow the Township, law enforcement officials and/or emergency responders to properly plan for, respond to and/or abate potential misuse.
- B. The event host, organizer, management entity and/or property owner are deemed to be responsible for the proper use of sound systems in a manner so as to be a responsible neighbor.
- C. Stand up routines, comedians etc. must be broadcast into vehicles using the system to broadcast to vehicles.

§7-902 Definitions

- A. **Amplified Event:** Any gathering of fifty (50) or more people or a place of gathering promoted in such a fashion to attract fifty (50) more people, for the purposes involving sound systems.
- B. **Promoter:** Any person, firm, association, or corporation which shall promote, book, produce, or otherwise arrange for any form of outdoor entertainment.
- C. **Sound System:** Any portable electric or electronic sound systems for amplifying live or recorded music or live or recorded speaking, as the case may be), by utilizing amplifiers, microphones, amplified acoustic musical instruments and the like.

§7-903 Location

No permit for outdoor entertainment shall be granted unless said assembly is to be held in the following zoning districts of Center Township:

- A. "C-2", Highway Commercial District
- B. "M-1" Light Industrial District
- C. "M-2" Heavy Industrial District

§7-904 Permits Required

The use of sound systems or an amplified event shall require a permit from the Township. The permit will be required for event or gatherings with fifty (50) or more people in attendance. The permit shall be requested from and issued by the Center Township Zoning Officer. The applicant shall apply for a permit at least thirty (30) days prior to utilizing a sound system. All permits shall be conspicuously posted at the site of the amplified event. Permit fees shall be determined by Resolution of the Board of Supervisors from time to time enacted.

Note: 501(c)(3) IRS tax exempt charitable organizations or other entities recognized by IRS § 501(c) as tax exempt are exempt from the permit fee but must comply with Section 7-905.

§7-905 Setback

The sound system equipment used shall not be oriented toward a single family residence located within one thousand (1000) feet of the sound system equipment. Further, to the extent possible, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property. The sound emitted shall not exceed seventy-five (75) decibels at twenty-five (25) feet outside of the event with property owner's permission (level to be measured by a professional company at Center Township's discretion which will be paid by the Promoter).

§7-906 Hours of Operation

Sound systems shall be utilized only between 3:00 p.m., which includes sound checks, all music/loud noise is to cease no later than 10:00 p.m. Sundays through Thursday and 11:00 p.m. Friday and Saturday. A request to extend time shall be filed in writing at the same time as the application is filed. An application to extend time may be granted by the Board of Supervisors only upon good cause.

Note: Rain delays will not affect start/stop times.

§7-907 Fees

The fee for permits may be established, from time to time, by Resolution of the Board of Supervisors.

§7-908 Revocation of Permit

The Pennsylvania State Police and/or the authorized Township Zoning Officer or designee shall have the authority to enter upon the property to revoke the Sound System event permit upon the violation of any of the terms and conditions of the use permit or of the provisions of this Section. Upon such revocation, the use of any and all sound amplification shall cease and desist immediately. No property or person in violation of this Article shall be eligible for a use permit under this Section within forty-five (45) days that the violation occurs, except on permission of the Board of Supervisors for good cause.

§7-909 Penalty

Any person who violates or permits a violation of this Article shall, upon being found liable therefore in an enforcement proceeding commenced by the Township before the Magistrate District Judge, shall pay a fine of not less than Seven Hundred-Fifty Dollars (\$750.00) and not more than One Thousand Dollars (\$1,000.00), plus all Court costs, including reasonable attorney's fees and decibel testing costs, incurred by the Township in the enforcement of this Article; and in the failure to do so, undergo imprisonment for a term not to exceed thirty (30) days. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice, enter upon the property to abate the violation and/or seek equitable relief, including injunction, to enforce compliance herewith. A person who violates this Article shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and Court costs associated with enforcement.

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