

## CHAPTER 13

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**PART 1**

**AMUSEMENT DEVICES**

**A. Coin-Operated Amusement Devices and Juke Boxes**

**§13-101. License Required to Operate Coin-Operated Amusement Devices and Juke Boxes.**

From after the effective date of this Part, it shall be unlawful for any person or persons, firms or corporations, either as principal or agent (hereinafter called the operator) to have, keep and maintain for the purposes of operation or cause to be available for operation, or permit to be operated within his or their control anywhere within the Borough of Ambler, whether on public or private property, any pinball machine; amusement device which for purposes of this Part is defined as any electronic device, machine or apparatus for the playing of games, amusement or entertainment, whether operated manually or by coin, tokens, slugs, remote control, pins, pegs, balls, electric batteries or other electric current, but shall not apply to any machine or device which reproduces music, nor shall it apply to any machine or device which dispenses tangible personal property or coin machine playing phonographic records; juke box or any other coin machine played for amusement or entertainment if a fee is charged for the privilege of using such machine or game, without first having obtained a license therefor from the Secretary of the Borough of Ambler.

(Ord. 309, 6/14/1943, §1; as amended by Ord. 765, 9/20/1982, §1)

**§13-102. Application for License.**

The operator shall file an application for a license on forms available at the office of the Borough Secretary, on which said application operator shall set forth in detail the type and number of coin device or devices to be installed and the premises upon which the said coin device or devices are to be located, and any other information which may be required by the proper officers of this Borough.

(Ord. 309, 6/14/1943, §2)

**§13-103. License Fee.**

1. The amount of license fee shall be established, from time to time, by resolution of Borough Council.
2. The license fee herein provided for shall be paid to the Treasurer of the Borough of Ambler at the time the license is issued.

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3. The license shall not be transferable from one owner or operator to another, and further, the operator shall not be required to obtain a new license when one machine or device is replaced by another, so long as the operator is licensed to operate a total number of machines or devices he may have under his control for the purpose of the operation.

(Ord. 309, 6/14/1943, §3; as amended by Ord. 741, 7/20/1981, §1; by Ord. 765, 9/20/1982, §2; and by Ord. 785, 11/21/1983)

### **§13-104. Inspection of Machines.**

The Borough police, under the direction of the Mayor, shall make periodical inspections of machines so licensed.

(Ord. 309, 6/14/1943, §4)

### **§13-105. Exhibition of Licenses.**

Licenses granted under this Part shall be exhibited at all times conspicuously in the place or establishment where such machines are kept or maintained.

(Ord. 309, 6/14/1943, §5)

### **§13-106. Suspension of Licensee.**

If the Mayor is convinced that the operator is maintaining the licensed machines or his place of business in a manner to be detrimental to public health, safety or morals, he shall, after due hearing being afforded to the operator, of which said hearing the operator shall have at least 48 hours notice, suspend any license herein authorized, either temporarily or for the balance of the license year. Whenever such license shall be suspended for the balance of the license year, the unearned license fee shall be returned to the operator.

(Ord. 309, 6/14/1943, §6)

### **§13-107. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 309, 6/14/1943, §7; as amended by Ord. 741, 7/20/1981, §2; by Ord. 785, 11/21/1983; and by A.O.

## **B. Mechanical Amusement or Recreational Devices**

### **§13-111. Definition.**

The term “mechanical amusement or recreational device” as used in this Part shall mean and include any device upon which person may ride, either standing or sitting, whether the device or mechanism is self-propelled, moves in conjunction with a vehicle that is moving or upon a vehicle which is stationary, operating for use as a game, entertainment or amusement. Provided, the term “mechanical amusement or recreational device” shall not include any juke box or similar instrument or any device which is permanently stationary and is operated upon the insertion of a coin, slug or token, etc.

(Ord. 498, 5/13/1963, §1)

### **§13-112. License Required.**

From and after the first day of May, 1963, no person may at any time have upon the streets, roads, alleyways or upon property within the Borough of Ambler, to which the public is invited, any mechanical amusement or recreational device, as provided for the terms of this Part, without such person having procured a license therefor from the Borough Secretary.

(Ord. 498, 5/13/1963, §2)

### **§13-113. Application for License.**

Any person desiring to procure a license for a mechanical amusement or recreational device for use within the Borough of Ambler shall apply therefor in writing to the Borough Secretary, at least 10 days prior to the date of the intended use of said device. Such application shall set forth the name of the applicant, the address at which the person conducts his business, the hours during which such device is to be used, the number of persons who can use the device and a general description of the device.

(Ord. 498, 5/13/1963, §3; as amended by Ord. 610, 11/12/1973, §1)

### **§13-114. Evidence of Insurance Required; Gambling Devices Prohibited.**

Any person desiring to procure a license for a mechanical amusement or recreational device shall file with his application as provided in §13-113 hereof, a certificate of insurance evidencing public liability and property damage protection in the minimum amounts of \$500,000 for personal injury per person and up to \$1,000,000 for personal

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injury per occurrence, and property damage insurance in the amount of \$75,000 per occurrence. Said insurance shall be in such form and endorsed in such a manner as to provide protection for the users of such device, and shall be approved by the Borough Solicitor. Nothing in this Part shall be in any way construed to authorize, license, or permit any gambling device whatsoever, or any machine or mechanism that has been judicially determined to be a gambling device, or in any way contrary to law or that may be contrary to any future law of the Commonwealth of Pennsylvania.

(Ord. 498, 5/13/1963, §4; as amended by Ord. 610, 11/12/1973, §2; and by Ord. 631, 7/8/1974, §1)

### **§13-115. Fee for License.**

Upon filing of the application and the evidence of insurability, and after the same has been approved by the Borough Solicitor, a license shall be issued by the Borough Secretary upon the payment of a yearly license fee as established, from time to time, by resolution of Council, for every mechanical amusement and recreational device sought to be licensed. Provided, however, that a daily license may be issued upon the payment of a fee established by resolution, but in all other respects the requirements and provisions of this Part shall apply.

(Ord. 498, 5/13/1963, §5; as amended by Ord. 785, 11/21/1983)

### **§13-116. Renewal of License.**

Prior to the expiration date of any license issued under this Part, the holder of such license shall apply to the Borough Secretary for a license for the following year. The same provisions shall govern the issuance of such license as are set forth in the preceding Sections of this Part.

(Ord. 498, 5/13/1963, §6)

### **§13-117. Inspections of Devices.**

The Borough police, under the direction of the Mayor, shall make periodical inspections of mechanical amusement devices licensed under this Part.

(Ord. 498, 5/13/1963, §7)

### **§13-118. Exhibition of License.**

Any license under this Part shall be exhibited at any time on request of the Mayor or any police officer of the Borough. The Mayor may revoke any license hereunder granted

when he deems such revocation to be necessary for the benefit or protection of the public health, safety or morals.

(Ord. 498, 5/13/1963, §8)

**§13-119. Penalties.**

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 498, 5/13/1963, §9; as amended by Ord. 785, 11/21/1983; and by A.O.



**PART 2**

**HANDBILLS AND OTHER ADVERTISING MATTER**

**§13-201. Unlawful Means of Distributing Handbills and Other Advertising.**

It shall be unlawful for any person, firm or corporation, to throw, cast, distribute, scatter, deposit or place, in or on any premises, porches, drives, sidewalks, in the yards of the residents, in any vehicle standing in the public streets of this Borough, any advertising handbills, circulars, booklets, posters, samples or devices, except that the same are personally delivered to those who are willing to accept the same.

(Ord. 297, 5//17/1940, §2)

**§13-202. Exceptions.**

Nothing herein contained shall apply to the distribution of the United States mail, nor the delivery of any newspaper to any subscriber therefor, or to any person who has requested the delivery of the same, nor to the sale of separate copies thereof.

(Ord. 297, 5/17/1940, §3)

**§13-203. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 297, 5/17/1940, §4; as amended by Ord. 785, 11/21/1983; and by A.O.



**PART 3**

**POSTERS AND PLACARDS**

**§13-301. Permit Required to Place Posters, Placards or Signs Within Public Rights-of-Way.**

It shall be unlawful to affix posters, stickers, placards or signs of any nature to any structures within the rights-of-way of public streets or highways or private alleys within the Borough of Ambler at any time without first obtaining a permit.

(Ord. 760, 5/17/1982, §1)

**§13-302. Permit Deposit.**

A permit to permit affixation of posters, stickers, placards or signs of any nature to any structures within the rights-of-way as aforesaid may be obtained upon application and the payment of a fee established, from time to time, by resolution of Council to the Borough of Ambler.

(Ord. 760, 5/17/1982, §2; as amended by Ord. 785, 11/21/1983)

**§13-303. Removal of Posters and Signs Within 45 Days; Return or Forfeiture of Deposit.**

Within not more than 45 days from the date of obtaining the permit, all posters, stickers, placards or signs affixed in accordance with the permit shall be removed by the permittee, at which time \$140 shall be returned to the permittee. In the event of non-removal within such time, the entire permit fee shall be retained by the Borough of Ambler.

(Ord. 760, 5/17/1982, §3; as amended by Ord. 785, 11/21/1983)

**§13-304. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 760, 5/17/1982, §4; as amended by Ord. 785, 11/21/1983; and by A.O.)



**PART 4**

**USE OF FIRE ALARMS AND SECURITY DEVICES**

**§13-401. Shut-Off Timing Mechanism Required for Fire Alarm and Security Systems; Exceptions.**

Any person, firm or corporation, as owner or lessee of real estate in the Borough of Ambler, who or which installs or causes to be installed any fire alarm or security alarm (hereinafter called alarm or device), must equip the said alarm with a timing mechanism that will disengage the audible alarm after a maximum of 15 minutes, except as provided in Subsection A and B of this Section. Audible alarms without such a timing mechanism shall be unlawful in the Borough of Ambler and must be disconnected by the user within 60 days from the effective date of this Part. The following shall be excepted from the provisions of this section:

- A. Audible fire alarm systems provided for the accurate evacuation of occupants of industries, institutions and similar premises and security alarms for said premises.
- B. Audible signals provided to indicate water flow in an automatic fire sprinkler system.

(Ord. 675, 8/15/1977, §1)

**§13-402. Registration of System.**

1. Within 90 days from the effective date of this Part, every person, corporation, institution or company who has or shall install a fire alarm or security device in the Borough of Ambler shall furnish to the Chief of Police of the Borough of Ambler a registration of such installation which shall include the following information:
  - A. Name, address and telephone number of the user.
  - B. The address where the device is installed and the telephone number of that address.
  - C. Name, address and telephone number of any fire company or other emergency or security agency which is authorized to respond to an emergency and gain access to the address where the device is installed.
  - D. Name, address and telephone number of alarm equipment supplier and the name, address and telephone number of any person other than the alarm equipment supplier who is responsible for the maintenance and repair of the device.

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2. All information furnished pursuant to this Section shall be kept confidential and shall be for the use of the police and fire company only.

(Ord. 675, 8/15/1977, §2)

### **§13-403. Protection Against False Alarm.**

The sensory mechanism used in connection with an automatic protection device must be adjusted to suppress full indications of fire or intrusion, so that the device will not be actuated by impulses due to fleeting pressure changes in water pipes, short flashes of light, rattling or vibrating of doors and windows, vibrations to the premises caused by the passing of vehicles or any other force not related to genuine alarms.

(Ord. 675, 8/15/1977, §3)

### **§13-404. Maintenance.**

All components comprising such a device must be maintained by the user in good repair to assure maximum reliability of operation.

(Ord. 675, 8/15/1977, §4)

### **§13-405. Responsibility of Equipment Supplier.**

Each alarm equipment supplier who leases or sells an alarm device in the Borough after the effective date of this Part shall furnish operating instructions, a circuit diagram and maintenance manual to the user. Said instructions shall be stored at or immediately adjacent to the alarm box.

(Ord. 675, 8/15/1977, §5)

### **§13-406. Responsibilities of Equipment User.**

1. Each alarm equipment user in the Borough shall arrange for a repair service to be available directly or through an agent on a 24 hour per day basis seven days a week to repair such a device or correct any malfunction that may occur.
2. The alarm user shall be responsible for having the device disconnected or repaired as quickly as possible after notice that the automatic protection device is not functioning properly.

(Ord. 675, 8/15/1977, §6)

**§13-407. Police May Order Disconnection of System; Borough May Do Work and Collect Costs.**

When alarms are transmitted evidencing failure to comply with the operational requirements set forth in the above paragraph are received by the Wissahickon Fire Company or Police Department and the Chief of Police concludes that the automatic protection device sending such alarm should be disconnected in order to relieve the police and fire company of the burden of responding to false alarms, he is authorized to demand that the user of the device or its representative, disconnect the device until it is made to comply with the operational requirements. If disconnection of the defective device is not accomplished promptly and the Chief of Police or Chief of Fire Company determines that the malfunctioning device is repeatedly sending false alarms without any intermittent valid alarms, they may then take any steps necessary to disconnect the defective device; any expense so incurred by the Borough shall be promptly reimbursed by the owner or lessee of the defective device.

(Ord. 675, 8/15/1977, §7)

**§13-408. Fees.**

User shall pay such connection and annual fees as the Borough shall set by resolution, from time-to-time. The Borough may set permit fees and adopt regulations to implement this Part, from time-to-time.

(Ord. 675, 8/15/1977, §8)

**§13-409. Right of Entry; Inspection of System.**

For the purpose of enforcing this Part, it shall be a condition to installing and maintaining the installation of an alarm, that the Building Inspector, Chief of Police or Fire Marshall of the Borough of Ambler may enter upon a user's premises within the Borough at such reasonable times upon reasonable notice to conduct inspections of said devices. User shall cooperate with such officials in every reasonable manner to permit such inspections.

(Ord. 675, 8/15/1977, §9)

**§13-410. Penalties.**

1. Any person, firm or corporation found guilty of misuse, continual accidental activation or equipment malfunction or false activation of an alarm or device shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part con-

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tinues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. During a period of 30 days after installation of a new alarm or device, the owner thereof shall be permitted five false activations without penalty. Further, after said period an additional three false activations shall be permitted, recognizing the possibility of human error and other unforeseen circumstances.
3. Thereafter, it shall be the duty of the police officer to report to the Chief of Police all violations and to deliver to the owner of the property involved a notice thereof. The notice shall contain instructions that if the owner will report to the Chief of Police and pay the sum of \$25 within 48 hours after the time of notice, that act will save the violator from prosecution and from payment of the fine and costs described in Subsection 1 of this Section. In the event of a second similar offense, the violator shall be given the same option upon the payment of \$50 and the third violation upon the payment of \$100. Thereafter, subsequent violations shall be prosecuted in accordance with Subsection 1.

(Ord. 675, 8/15/1977, §10; as amended by Ord. 785, 11/21/1983; by Ord. 816, 2/17/1986; and by A.O.

**PART 5**

**VENDORS AND SOLICITORS**

**§5-501. Definitions.**

As used in this Part the following words have the meaning indicated:

**CANVASSER** — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or distributing a handbill or flyer advertising a noncommercial event or service.

**HAWKER or PEDDLER** — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A “peddler” does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a “solicitor.”

**SOLICITOR** — a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or distributing a handbill or flyer advertising a commercial event or service.

(Ord. 981, 12/15/2003, §2)

**§5-502. Registration Required for Hawkers, Peddlers and Solicitors, Available for Canvassers.**

No person shall act as a hawker, peddler or as a solicitor within the Borough without first registering with the Borough Manager in accordance with this Part. A canvasser is not required to register, but any canvasser may do so for the purpose of reassuring Borough residents of the canvasser’s good faith.

(Ord. 981, 12/15/2003, §2-1)

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### **§5-503. Fees.**

This Part does not set fees for registration. Fees shall be as adopted and revised, from time to time, by Borough Council in its annual fee resolution. Where a canvasser voluntarily elects to register, but is not required by this Part to do so, there is no filing fee for the registration.

(Ord. 981, 12/15/2003, §2-2)

### **§5-504. Contents of Registration.**

Any person or organization required to register under this Part shall provide the following information:

- A. The name, physical description and photograph of each person required to register. In lieu of this information, a driver's license, State identification card, passport or other government issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken.
- B. The permanent and (if any) local address of the organization or business to be represented by a hawker, peddler, solicitor or canvasser.
- C. The permanent and (if any) local address of each person acting as a hawker, peddler, solicitor or canvasser.
- D. A brief description of the proposed activity related to this registration. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).
- E. The motor vehicle make, model, year, color, vehicle identification number and State license plate number of any vehicle which will be used by each person.
- F. If registering as a hawker or peddler:
  - (1) The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
  - (2) A copy of the principal's sales tax license issued by the Commonwealth, if applicable.
- G. The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information.

(Ord. 981, 12/15/2003, §2-3)

**§5-505. No Visit List.**

The Borough Clerk shall maintain a list of persons within the Borough who restrict visits to their residential property (including their leasehold, in the case of a tenant) by hawkers, peddlers, solicitors and canvassers. A copy of the no visit list shall be provided to each hawker, peddler, solicitor or canvasser. It shall be the responsibility of all canvassers to obtain a copy of the current no visit list.

(Ord. 981, 12/15/2003, §2-4)

**§5-506. Distribution of Handbills and Commercial Flyers.**

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- A. No handbill or flyer shall be left at, or attached to, any sign, utility pole or other structure within the public right-of-way.
- B. No handbill or flyer shall be left at, or attached to, any privately owned property in a manner that causes damage to such privately owned property.
- C. No handbill or flyer shall be left at, or attached to, any of the property listed on the Borough “No Visit List,” or having a “No Solicitor” sign of the type described herein.
- D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police. This is for the purpose of knowing the likely identity of the perpetrator if the Borough received a complaint of damage caused to private property during the distribution of handbills or flyers.

(Ord. 981, 12/15/2003, §2-5)

**§5-507. General Prohibitions.**

1. No peddler, solicitor or canvasser shall:
  - A. Enter upon any private property where the property is clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as “No Soliciting” or “No Solicitors” and which is clearly visible to the peddler, solicitor or canvasser.

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- B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “No Soliciting” or “No Solicitors” and which is clearly visible to the peddler, solicitor or canvasser.
  - C. Enter upon any private property where the current occupant has posted the property on the Borough’s “No Visit List” (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.
  - D. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
  - E. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
  - F. Canvass, solicit or peddle between the hours of 9:00 p.m. and 7:00 a.m.
2. It shall be an affirmative defense to any violation of this Section that the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

(Ord. 981, 12/15/2003, §2-6)

### **§5-508. Exceptions.**

This Part shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

(Ord. 981, 12/15/2003, §2-7)

### **§5-509. Violation.**

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 less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 981, 12/15/2003, §2-8; as amended by A.O.)

**PART 6**

**EATING AND DRINKING SALES; LICENSES**

**§13-601. License Required.**

It shall be unlawful for any proprietor or street vendor to conduct and operate a public eating or drinking place or stand without first having obtained a license for doing so from the Board of Health. The fee for this license shall be in an amount as established, from time to time, by resolution of Borough Council payable to the Borough of Ambler and said license shall be renewed annually. Upon the original application for a license, and also on any renewal, inspection of the premises, facilities and equipment shall be made by the Board of Health or its representative. If found adequate for the protection of public health and comfort, the license shall be issued or renewed, otherwise a license shall be refused.

(Ord. 777, 6/20/1983, §1; as amended by A.O.)

**§13-602. Adoption by Reference of Department of Environmental Protection Regulations.**

The rules and regulations of the Pennsylvania Department of Environmental Protection of the Commonwealth of Pennsylvania, as found in 25 Pa.Code, Chapter 151.1, et seq., as from time to time amended, are hereby adopted by reference as the rules of the Board of Health of the Borough of Ambler.

(Ord. 777, 6/20/1983, §2; as amended by A.O.)

**§13-603. Inspections of Licensee.**

An inspection testing may be made by the Board of Health, or its representatives, of public eating and drinking places at any time in its discretion. In any event, such inspection and tests shall be made on any original application for a license and at least two weeks before the expiration of any license granted. This test shall include an inspection of general sanitary conditions and bacteriological tests of cooking equipment, plates, knives, forks, spoons, cups and glasses and all other utensils used in the preparation and serving of unwrapped or unpackaged foods, foodstuffs or drink intended for consumption by the public.

(Ord. 777, 6/20/1983, §3)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§13-604. Correction of Unsatisfactory Conditions.**

If unsatisfactory conditions are backed by bacteriological tests showing unsatisfactory conditions, then the Board of Health, or its representative, shall recommend immediate improvements or changes as may be required in order to correct such unsatisfactory conditions and it shall be the duty of the licensee to immediately correct such conditions as recommended.

(Ord. 777, 6/20/1983)

### **§13-605. Noninterference with Inspectors.**

Each licensee shall permit the inspection and bacteriological tests to be made at any time without prior announcement or notice. If such inspection and tests are not permitted by the licensee, or if, after the recommendations for improvement are made they are not corrected within a period of two weeks, the license shall be revoked and shall no longer be of any force and affect.

(Ord. 777, 6/20/1983, §5)

### **§13-606. Effective Date/Existing Licenses.**

This Part and the fees provided for herein shall take effect immediately as to all new licenses or renewal licenses. Existing licenses shall continue until the end of the current year.

(Ord. 777, 6/20/1983, §6)

### **§13-607. Penalty.**

Any person, firm or corporation who does not comply with any order or regulations of the Board of Health, or its representatives, or who shall resist or interfere with any officer or agent thereof in the performance of his duties shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 777, 6/20/1983, §7; as amended by Ord. 785, 11/21/1983; and by A.O.

**PART 7**

**ANNUAL REGISTRATION**

**§13-701. Registration and Penalty.**

1. Any person, corporation, firm or entity who are conducting any type of activity in the Borough of Ambler in which a means of value is exchanged for this performance or activity, must register by January 30 of each year on forms provided by the Borough of Ambler.
2. Any person, firm or corporation failing to file this form shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days and may have any other permits issued by the Borough of Ambler revoked. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 924, 12/30/1996)



**PART 8**

**OUTDOOR VENDING MACHINES**

**§13-801. Definitions.**

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

VENDING MACHINE — any machine that dispenses any good or commodity, generally but not necessarily in exchange for money inserted into the machine. Newspapers are not within the scope of this definition and are not regulated by this Part. Machines that distribute food or beverages are permitted when they comply with the other terms of this Part. Machines that dispense anything other than food or beverages are prohibited entirely. For the remainder of this Part, “vending machine” is a reference to a machine dispensing food or beverages. This Part regulates vending machines located outside of the walls of the principal building on a lot and it does not regulate indoor vending machines.

(Ord. 1056, 5/18/2011)

**§13-802. Amusement Tax Inapplicable.**

For purposes of this Part, vending machines are not to be considered amusement devices and are not subject to any state or local tax upon coin-operated amusement devices.

(Ord. 1056, 5/18/2011)

**§13-803. Permissible Zoning Districts.**

Vending machines are permitted in any zoning district which allows the sale of merchandise as a by-right use. Vending machines are prohibited in all residential zoning districts and in any nonresidential zoning district that does not allow the sale of merchandise as a by-right use. Existing vending machines may remain where they are currently positioned but, upon the obsolescence or removal of the machine, any new vending machine must be in compliance with this Part.

(Ord. 1056, 5/18/2011)

**§13-804. Setback.**

Vending machines must have a setback of 100 feet measured from the front of the machine to the closest curbline.

(Ord. 1056, 5/18/2011)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§13-805. Appearance.**

Vending machines must be kept in generally good repair. Internal illumination shall remain covered by the plastic or other material that is a part of the outer shell of the machine (no bare or exposed bulbs). Machines shall be properly grounded and pose no threat of shock or similar injury. Machines shall be positioned on a flat, firm surface and shall be level. Machines shall not have any interior lighting or exterior lighting added to them beyond the lighting that is a part of their original construction. Machines shall not incorporate any video screen or audio recording for purposes of advertising the machine, the products it dispenses, or any other products. Only one machine is permitted per tax parcel except that, in the case of a business operating on more than one contiguous tax parcel, only one machine is permitted for that business.

(Ord. 1056, 5/18/2011)

### **§13-806. Permit Required.**

An annual permit for the installation of a vending machine shall be obtained from the Borough Code Officer and the annual fee for such permit shall be paid at that time. Initially such fee is set at \$25 per year.

(Ord. 1056, 5/18/2011)

### **§113-807. Penalty.**

A machine placed in violation of this Part subjects the owner or tenant, as applicable, to a fine of \$300, enforceable by the Code Officer as a summary offense.

(Ord. 1056, 5/18/2011)