

BUSINESS PRIVILEGE LICENSES

Chapter 102

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§ 102-1. Annual license required.

§ 102-2. Definitions.

§ 102-3. Filing of application and questionnaire; fee.

§ 102-4. Licensing two or more businesses or locations.

§ 102-5. Licensing new businesses.

§ 102-6. Changes in businesses or locations.

§ 102-7. Licensing period; renewals.

§ 102-8. Display of license.

§ 102-9. Exemptions.

§ 102-10. Violations and penalties.

§ 102-11. Confidential nature of application and questionnaire.

§ 102-12. Institution of suit; liability for costs and penalties.

§ 102-13. Limitation of authority.

§ 102-14. Responsibility of licensee.

[HISTORY: Adopted by the Borough Council of the Borough of North Wales 1-28-1992 as Ord. No. 643.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Public activities — See Ch. 162.

¹ Editor's Note: Section II of this ordinance provided that it shall continue in full force and effect on a calendar-year basis without the necessity of annual reenactment.

§ 102-1. Annual license required.

An annual business privilege license is hereby required for all persons conducting a commercial business or practicing a profession in the Borough of North Wales.

§ 102-2. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOROUGH — The Borough of North Wales.

BUSINESS — All persons and/or commercial, wholesale and/or retail establishments engaged in the buying, selling, storing and/or transferring of properties, merchandise, goods, moneys, services and/or other items who do so for a fee, price, retainer, percentage and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit and/or other gains.

BUSINESS APPLICATION AND QUESTIONNAIRE — The business privilege registration application and questionnaire.

CALENDAR YEAR — The period from January 1 to December 31, inclusive.

LICENSE — The business privilege license.

LICENSE YEAR — The period from January 1 to December 31, inclusive, or as otherwise stated.

PERSON — Any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations, the officers thereof.

§ 102-3. Filing of application and questionnaire; fee.

- A. Any person with or without a fixed business location within the borough desiring to conduct or to continue to conduct any business, as herein defined, within the Borough of North Wales shall file with the Manager of the borough a completed business application and questionnaire as below set forth for a business privilege license and shall pay a fee as shall be set forth from time to time by resolution of the Borough Council² for each renewal thereof.³
- B. The application and questionnaire shall be as follows.⁴

§ 102-4. Licensing two or more businesses or locations.

- A. In the event that two (2) or more businesses occupy the same location, each business shall be required to obtain a separate license and complete a separate business application and questionnaire. The test in this regard shall be that one (1) license shall be obtained for each separate Pennsylvania sales tax permit.
- B. In the event that the same person conducts businesses at two (2) or more locations, a separate license and business application and questionnaire shall be required for each location even though the business is covered under a single Pennsylvania sales tax permit.

§ 102-5. Licensing new businesses.

Each new business in the borough and each new person without a fixed business location within the borough must obtain a license and complete a business application and

² Editor's Note: A schedule of fees is on file in the office of the Borough Secretary.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: The application form is on file in the office of the Borough Secretary.

questionnaire prior to commencing activities. Businesses which apply for and receive a license within sixty (60) days of the end of the license year need not apply for a license renewal for the following license year. Such license will be considered as a valid license for that license year.

§ 102-6. Changes in businesses or locations.

Every business which ceases to operate, changes the principal activity in which it is engaged, changes its location and/or locations in the borough, moves out of the borough or changes owners and/or managers must so notify the Manager of the Borough within thirty (30) days of such change. In the event of cessation of business or moving out of the borough, such business must provide the name, address and personal telephone number of the principal officer of such business to the Manager of the borough within thirty (30) days of such event.⁵

§ 102-7. Licensing period; renewals.⁶

Every business having a fixed address in the borough, as well as all businesses located outside the borough but intending to do business in the borough, shall be required to obtain a business privilege license. Said license shall be effective until December 31 of the current year. Thereafter, a new license will be required annually. All licenses shall be renewed no later than January 31 of each license year. It shall be the responsibility of each business, whether new or old, to apply for a license at the Borough Manager's office. In addition, every person desiring to conduct business in the borough must, prior to receiving a business privilege license, complete the business application and questionnaire above-mentioned, which shall remain on file at the borough building. A license shall not be

⁵ Editor's Note: Original Section 57, which immediately followed this section, regarding licensing existing businesses, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

issued to any business if said business has not completed and filed with the borough the business application and questionnaire.

§ 102-8. Display of license.

The license shall be conspicuously posted in the place of business for which such license is issued and/or prominently displayed for the nonresident person, such as a repairman, when doing business in the borough. The license shall remain in effect for the license year or fraction of the year for which said license was issued, or as otherwise stated herein.

§ 102-9. Exemptions.

- A. Persons. Individuals employed for a wage or salary, provided that their principals have obtained a license; activities conducted by nonprofit organizations or associations organized for religious, charitable or educational purposes; agencies of the government of the United States or of the Commonwealth of Pennsylvania; the business of any political subdivision or of any municipal authority created or organized under and pursuant to any Act of Assembly; and children under eighteen (18) years who reside with their parents within the borough, doing part-time business, are exempt from the provisions of this chapter.
- B. Utilities. A license shall not be required from any utility service of any person whose rates for services are fixed and regulated by the Pennsylvania Public Utility Commission or from any public utility service rendered by any such person or from any privilege or transaction involving the rendering of any such public utility service.
- C. Agriculture. Persons engaged in the growing, caring, collection or storing of farm products, including but not limited to livestock, vegetable and fruit products, are exempt from the provisions of this chapter. This does not

apply to those persons engaged in the retail sale of such products.

§ 102-10. Violations and penalties.

Any person, firm or corporation who violates any provision of this chapter shall, upon conviction in a summary proceeding before any District Justice of Montgomery County, be punishable by a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each and every offense or, upon default in payment of the fine and costs not caused by indigence or lack of sufficient assets, by imprisonment in the Montgomery County prison for a period not to exceed thirty (30) days. Each day that such violation is continued after notice shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment; and further notices to the offender shall not be necessary in order to constitute such continuance as an additional offense or offenses.

§ 102-11. Confidential nature of application and questionnaire.

Any information gained by the Manager of the borough or any other official, agent or employee of the borough as a result of any application and questionnaire, investigations, hearings or verification required or authorized by this chapter shall be confidential and shall not be disclosed unless authorized by judicial order or as otherwise provided by law.

§ 102-12. Institution of suit; liability for costs and penalties.

The Manager of the borough or his/her duly appointed deputies shall have the power in the name of the borough to institute proceedings against any and all persons who violate the provisions of this chapter. If for any reason the fee is not paid when due and suit is brought for the recovery of any such

fee, the person liable therefor shall, in addition, be liable for the costs of collection and penalties herein imposed.

§ 102-13. Limitation of authority.

Nothing contained in this chapter shall be construed to empower the borough to levy and collect the fee or fine hereby imposed on any person or any portion of that business not within the regulation power of the borough under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

§ 102-14. Responsibility of licensee.

The business privilege license now adopted does not excuse any person or business from its obligation to obtain any or all other necessary permits, licenses or other papers or to pay any fees as are now or may in the future be required, nor does the issuance of a license authorize the conduct of any business in violation of any laws of the United States of America, the Commonwealth of Pennsylvania or any of its political subdivisions.