

## CHAPTER 13

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## Part 1

### Coin-Operated Amusement Devices

#### **§101. General Scope.**

The subject matter of this ordinance is the regulation, licensing and fines for the operation of machines operated as games of skill played for amusement in the Borough of Fountain Hill, for which patrons pay a sum of money to use. These coin-operated machines are to include, but not be limited to, pinball machines, electronically operated shuffleboard, bowling, video games, electronically operated tennis, billiards, and other games of amusement. These games of amusement are not to include any coin-operated musical devices. (Ordinance 339, September 2, 1980, §1)

#### **§102. License Required.**

It is the purpose of this law that after the effective date of this ordinance, it shall be unlawful for any person, persons, corporations, companies, or firms to have, keep, lease or maintain for purposes of operation any of the aforementioned coin-operated amusement machines without first having obtained the proper license from the Executive Secretary of the Borough.

This ordinance shall apply only to any place or premise where five or more of these coin-operated machines are located.

This license shall be posted at all times by affixing same in a conspicuous manner so as to be easily seen and read by all parties who visit the premise wherein the machines are operated.

(Ordinance 339, September 2, 1980, §2)

#### **§103. License Application.**

The application for the aforementioned license shall be filed in writing with the Executive Secretary on a form to be provided by the Borough and shall specify:

1. The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses;
2. The name and address of the owner of the machines or the business – one who leases or distributes for the purpose of operation by another – if it be different from the applicant;
3. The address of the premises where the licensed devices are to be operated, together with the general nature of the business as carried on at such place;

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4. The trade name(s), serial numbers, names of the manufacturer, and the number of devices to be licensed along with the general description of the devices to be licensed;
5. The fee that is paid and the effective dates of the application, which shall be from whatever date the applicant starts the business of that year until December 31 of that year.

(Ordinance 339, September 2, 1980, §3)

### **§104. License Fee.**

No license shall be issued under this ordinance for any coin-operated amusement devices until the annual fee shall have been paid to the Executive Secretary. This annual license fee shall be \$50 for each machine located on the premises. For purposes of yearly renewal, the fee shall be paid on or before January 31 of each year.

However, should any device or machine be installed after July 1 of any year and application is made after that date, then the license fee of that machine(s) shall be 1/2 or 50% of the annual license fee provided for in this section.

This license shall not be transferable from one applicant to another. A new owner, proprietor, or operator shall be required to secure a new license and pay the fees thereof. However, it shall not be required to secure a new, or different license when one machine is replaced by another as long as the total number of machines remains the same.

(Ordinance 339, September 2, 1980, §4)

### **§105. Restrictions.**

There shall be no more than 20 machines of any type or types permitted to be operated, maintained, or in use in any one place, location or premises.

It shall be prohibited to license, maintain, place or operate machines as described in this ordinance at any location within 300, feet of an entrance to any house of worship, public school or public playground. The 300 feet shall be measured along the street line.

It shall be unlawful to permit persons to operate or play machines between the hours of 10:00 p.m. and 7:00 a.m.

It shall be prohibited to offer any prize or any other award to any person playing a coin-operated amusement device. Furthermore, it shall be prohibited to permit any said machine to be used for any gambling purpose.

(Ordinance 339, September 2, 1980, §5)

**§106. Inspections.**

The Fountain Hill Police Department, Zoning Officer, or any other duly authorized Borough Official shall make periodic inspections of all premises where machines of amusement and games of skill for amusement are operated for the purpose of enforcing this ordinance. (Ordinance 339, September 2, 1980, §6)

**§107. Violations and Penalties.**

Any person, partnership or corporation which violates any provision of this ordinance shall, upon conviction thereof in a summary proceeding, either be sentenced to pay a fine of not more than \$300 or be liable to imprisonment for not more than 30 days. Each day that a violation is continued shall constitute a separate offense. All fines shall be paid to the Borough for its general use.

Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance 339, September 2, 1980, §7)

**§108. Separability.**

If a court of competent jurisdiction declares any provision of this ordinance unconstitutional or invalid, that decision shall only affect the provision declared to be unconstitutional or invalid. The decision shall not affect the validity of this whole ordinance. (Ordinance 339, September 2, 1980, §8)



## Part 2

### Alarm Devices

#### §201. Short Title.

This Part shall be known as may be cited as the “Fountain Hill Borough Emergency Alarm Ordinance.” (Ordinance 466, May 7, 1990, Section 1)

#### §202. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part:

**ALARM EQUIPMENT SUPPLIER** — any person, firm or corporation who sells, leases and/or installs automatic protection devices.

**ANSWERING SERVICE** — a service whereby trained employees in attendance at all times receive prerecorded voice messages from automatic protection devices reporting an emergency at a stated station and who have the duty to relay immediately by live voice any such emergency message over a designated or direct trunkline to the Emergency Communication Center.

**AUDIBLE ALARM** — any device, bell, horn or siren which is attached to the interior or exterior of a building and emits a warning signal audible outside the building and designed to attract attention when activated by a criminal act or other emergency requiring police, firemen or other emergency personnel to respond. Audible alarms may also be connected, directly or indirectly, to the Emergency Communications Center.

**AUTOMATIC PROTECTION DEVICE** — an electrically operated instrument composed of sensory apparatus and related hardware which automatically transmits a prerecorded voice alarm or other signal over regular telephone line, by direct or indirect connection to the Emergency Communication Center, upon receipt of a stimulus from a sensory apparatus that has detected a physical force or condition inherently characteristic of an intrusion, fire or smoke.

**BOROUGH** — the Borough of Fountain Hill, Lehigh County, Pennsylvania.

**CENTRAL STATION PROTECTIVE SYSTEM** — a protective system or group of such systems, operated privately for customers by a person, firm or corporation which maintains supervisors and accepts recorded messages from automatic protection devices at a central station having trained operators and guards in attendance at all times that have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by designated or direct trunkline to the Emergency Communication Center.

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**DESIGNATED TRUNKLINE** — a telephone line leading into the Emergency Communication Center that is for the primary purpose of handling emergency messages which originate from automatic protection devices and are transmitted directly or indirectly through an intermediary.

**DIRECT TRUNKLINE** — a non-listed, directly connected telephone line leading from an intermediary to the Emergency Communication Center that is for the primary purpose of handling emergency messages on a person-to-person basis.

**EMERGENCY COMMUNICATIONS CENTER** — the Lehigh County Communications Center, 455 Hamilton Street, Allentown, Lehigh County, Pennsylvania, or any successor or subsequent service which dispatches emergency personnel in or to the Borough.

**FALSE ALARM** — any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given to the Emergency Communication Center to which police, firemen or other emergency personnel respond, which is not the result of burglary, fire, robbery or such other incident against which the alarm is designed to protect the property. [Ord. 575]

**INTERMEDIARY** — a central station protective system or an answering service as herein defined.

**KEY** — to use a telephone line and equipment for transmitting a message either directly or indirectly by an automatic protection device.

**PERSON** — any legal entity, including without limitation individual, association, joint venture, partnership, limited partnership, trust or corporation.

**SILENT ALARM** — a protective system that does not emit an audible signal or tone, when activated, at a protected site. This type of system is monitored by an answering service, central station protective system or communication center.

(Ordinance 446, May 7, 1990, Section 2; as amended by Ordinance 575, June 3, 1996, Section 1)

### **§203. Audible Alarms, Silent Alarms and Timers.**

1. Within a 45 days from the effective date of this Part, every owner or lessee of an audible or silent alarm shall furnish to the Borough a current list of such installations which shall include the following information:
  - A. The name, residence and telephone number of the resident, owner or lessee.
  - B. The address where the device is installed and the telephone number of that address.

- C. The names, addresses and telephone numbers of at least two persons who are authorized to respond to an emergency and gain access to the address where the device is installed.
  - D. The name, address, phone number or system installer or repair service.
2. After the enactment of this Part, owners or lessees shall equip audible alarms with a timing mechanism that will disengage the audible alarm after a maximum period of 15 minutes. Audible alarms without such a timing mechanism shall be unlawful in the Borough and shall be disconnected by the owner or lessee within 45 days from the effective date of this Part.

(Ordinance 466, May 7, 1990, Section 3)

**§204. Indirect Keying.**

- 1. Any person who has an automatic protection device in the Borough may arrange to have such device keyed to an intermediary authorized to relay emergency messages to the Emergency Communication Center.
- 2. Automatic protection devices keyed to an authorized intermediary may also be keyed to another telephone which the owner or lessee of the automatic protection device has available to himself or his representative at some other location.

(Ordinance 466, May 7, 1990, Section 4)

**§205. Registration of Automatic Protection Device.**

- 1. Within 45 days from the effective date of this Part, every alarm equipment supplier who has keyed an automatic protection device in the Borough shall furnish to the Borough a current list of such installations which shall include the following:
  - A. The name, address and telephone number of the resident, owner or lessee.
  - B. The address where the device is installed and the telephone number of that address.
  - C. The name, address and telephone number of a central station protective system or any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed. Where there is not 24 hour service maintained, there shall be at least two other persons listed.
- 2. By the fifth working day of each month following submission of the initial list, every alarm equipment supplier shall furnish the Borough with a supplemental

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list of any additional installations he has keyed, together with any correction to or deletions from the list previously furnished. An alarm equipment supplier who enters into the business after the effective date of this Part shall furnish a list containing the information specified in subsection (1) hereof by the fifth working day of the month following a first installation and shall thereafter furnish the supplemental list as required by this Section.

3. All information furnished pursuant to this Section shall be kept confidential and shall be for the use of the Borough and the Emergency Communication Center.

(Ordinance 466, May 7, 1990, Section 5)

### **§206. Operation of Automatic Protection Devices.**

Automatic protection devices installed in the Borough that are keyed to a direct trunkline or to the designated trunkline in the Emergency Communication Center shall meet the following minimal requirements, as amended from time to time:

- A. The recorded messages shall be specific as to the nature of the emergency and shall contain the following respective language:
  - (1) Burglary. "This is an emergency message. The burglar alarm has been activated at [full street address and, if applicable, designated unit within the premises] in the Borough of Fountain Hill. [Names and telephone numbers of two persons who are authorized to respond to an emergency and gain access to the address where the device is installed.] Respond Fountain Hill Police."
  - (2) Fire. "This is an emergency message. The automatic fire alarm has been activated at [full street address and, if applicable, designated unit within the premises] in the Borough of Fountain Hill. [Names and telephone numbers of two persons who are authorized to respond to an emergency and gain access to the address where the device is installed.] Respond Station 34, Fountain Hill Fire Department."
- B. No more than two calls shall be made over the designated trunkline to the Emergency Communication Center as a result of a single activation of the automatic device.
- C. The message portion may be repeated during one call but the interval between each message shall be no less than three seconds nor more than five seconds.
- D. The sensory mechanism used in connection with an automatic protection device shall be adjusted to suppress false indications of intrusion, so that the device will not be actuated by impulses due to short flashes of light, the rattling or vibrating of doors and windows, vibrations to the premises

caused by the passing of vehicles, aircraft or any other force not related to alarms.

- E. All components comprising such a device shall be maintained by the owner or lessee in good repair to assure maximum reliability of operation.

(Ordinance 466, May 7, 1990, Section 6)

### **§207. Automatic Protection Devices Technical Information.**

Each alarm equipment supplier who sells or leases an automatic protection device in the Borough after the effective date of this Part, which is keyed to the designated trunkline, shall furnish operating instructions, a current diagram and maintenance manual to the buyer or lessee. (Ordinance 466, May 7, 1990, Section 7)

### **§208. Repair Services.**

1. Each alarm equipment supplier who sells or leases an automatic protection device in the Borough, which is keyed to the designated trunkline, shall make service available directly or through an agent on a 24 hour per day basis, seven days a week, to repair such device or to correct any malfunction that may occur. (Such repair service shall be made available to any person using an automatic protection device at such user's election and expense.)
2. At the time of installation, an alarm equipment supplier shall furnish to any buyer or lessee using a repair service written information as to how service may be obtained at any time, including the telephone number of the alarm equipment supplier or agent responsible for service. The buyer or lessee and the alarm equipment supplier or agent supplying a service 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.

(Ordinance 466, May 7, 1990, Section 8)

### **§209. Disconnection Orders.**

When messages evidencing failure to comply with the operational requirements set forth in §206 are received by the Emergency Communication Center, or when audible alarms are heard which do not comply with the operational requirements set forth in §203, and the Chief of Police of the Borough concludes that the automatic protection device sending such messages or the audible alarm not in compliance should be disconnected in order to relieve the Borough Police Department and/or the Borough Fire Department from responding to false alarms, he is authorized to demand that the owner or lessee of the device, or his representative, disconnect the device until it is made to comply with the operational requirements. If disconnection of the defective device is not ac-

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complished promptly, and the Chief of Police determines that the malfunctioning device is repeatedly sending false alarms without intermittent valid alarms, or audible alarms fail to comply with §203(2), then the Borough may pursue any remedy provided hereunder, or at law or in equity, and shall not be required to elect a single remedy. One such remedy shall be for the Chief of Police, or his authorized representative, to disconnect such device without liability to the Borough, the members of Council thereof, its and their elected and/or appointed officials and officers, its and their agents, employees, and its and their respective successors, heirs, executors, administrators and assigns. (Ordinance 466, May 7, 1990, Section 9)

### **§210. Registration Permit.**

1. Any person who desires to own, operate, lease or maintain an alarm system in the Borough shall obtain a registration permit. This permit shall be obtained from the Borough of Fountain Hill, 843 North Clewell Street, Bethlehem, Pennsylvania 18015. The permit shall be completed and a copy made available upon request or clearly posted at the alarm control site.
2. The Borough shall issue a registration permit for the ownership, operation and maintenance of an alarm system to any person desiring to own, operate, lease or maintain an alarm system, if the Police Department is satisfied that the registration information is complete and the alarm system in question is capable of being operated in conformity with this Part. The permit may be granted subject to any special conditions stated thereon, if this is deemed necessary by the Police Department. All applications for a permit will be reviewed by the Police Department. No new installations will be effected without first obtaining a permit.
3. All existing security systems in the Borough shall obtain a registration permit within 45 days of the effective date of this Part. All required information will be provided by the applicant who shall abide by all terms and conditions hereof.
4. A registration permit will automatically terminate upon change in ownership, occupancy or usage or the premises for which originally issued.
5. Any permit granted hereunder shall be accepted upon the express condition that the registrant shall indemnify and hold the Borough harmless from and on account of any and all damages arising out of the activities of the registrant, alarm contractor or supplier.
6. The issuance of any permit shall not constitute acceptance by the Borough of any liability to maintain any equipment, to answer alarms, nor otherwise render the Borough liable to any person for any loss or damage relating to any alarm system or procedure.

(Ordinance 466, May 7, 1990, Section 10)

**§211. Registration Fee.**

A registration fee of \$10 shall be charged for all security systems in existence at the effective date of this Part. This registration shall be obtained within 45 days of said effective date. All new system installations, which includes installation of a new control panel and sensors, at existing alarm sites, shall be registered within 30 days prior to installation. This fee shall be \$25. New installation shall be those registered and installed after the effective date of this Part. A late registration fee of \$25 shall be charged those persons who are found owning and/or operating a security system without a registration permit after the effective date of this Part and after the 45 day registration period. (Ordinance 466, May 7, 1990, Section 11)

**§212. Remedies and Penalties.**

1. In the event a violation of this Part occurs, in addition to such other remedies as may be available under existing law, the Borough may institute an action in equity to prevent, restrain, correct, abate or enjoin such violation.
2. In the event that three or more false alarms, as defined in §202 hereof, are received within any given six consecutive months from any automatic protection device, alarm or other alarm system, the owner, lessee or user of such device or alarm shall be charged a fee of \$100 for the first offense, \$200 for the second offense, \$300 for the third offense and all thereafter. Each false alarm in excess of three within six months shall constitute a separate violation and shall be deemed a separate violation. A violator hereunder shall be sent a bill from the Borough Secretary and the same shall be due 30 days thereafter. In addition to the charges as described herein, any person who fails, refuses or neglects to pay to the Borough the appropriate charge shall, upon summary conviction thereafter, be sentenced to pay a fine of not more than \$500 and/or be sentenced to imprisonment for not more than 90 days for each offense. [Ord. 575]
3. Any person who violates or fails to comply with the provisions of this Part (other than in connection with false alarms) or any order, notice, rule or regulation made in connection herewith shall, upon conviction thereof, pay a fine of not more than \$300. Each day that a violation continues shall constitute a separate violation, punishable as a separate offense.

(Ordinance 466, May 7, 1990, Section 12; as amended by Ordinance 575, June 3, 1991, Section 2)



**Part 3**  
**Solicitation**

**§301. Definitions.**

The following terms shall have the following meanings unless otherwise expressly set forth in the text.

APPLICANT — a person who desires to secure a license for solicitation.

APPROVED — acceptable to Borough Council.

BOROUGH — the Borough of Fountain Hill.

BOROUGH COUNCIL — the Borough Council of the Borough of Fountain Hill.

LICENSE — the license issued by the Borough pursuant to the terms, conditions and provisions thereof.

LICENSEE — any person, individual, association, organization, corporation, partnership, co-partnership, firm, joint venture or similar business entity that secures a license.

LICENSE PERIOD — the period of time for which a license has been issued and is valid.

PERSON — any individual, association, organization, corporation, partnership, copartnership, firm, joint venture or similar business entity that applies for a license.

TRANSIENT RETAIL BUSINESS — any of the following events or practices: peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares, merchandise, magazines, periodicals, books or other personal property, or services to be furnished or performed now or in the future, or solicitation of contributions for various causes and organizations including, but not limited to, charitable, religious, political, educational or philanthropic organizations upon or from:

- (1) Any street, alley, sidewalk or public place, or from house-to-house within the Borough.
- (2) A fixed location within the Borough, on a temporary basis, which shall include, but is not limited to, any activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

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(Ordinance 651, October 2, 2000, §301)

### **§302. License Required.**

1. No person shall engage in any solicitation or transient retail business in the Borough without registering with and obtaining a license from the Borough. With respect to nonprofit corporations or other charitable organizations, only the organization is required to register with the Borough and obtain a license. Individual members are exempt from the requirements of this Section.
2. Pursuant to 73 P.S. §2011 et seq., no person shall solicit the subscription of any magazine by the use of door-to-door salespersons without first obtaining a license from the Attorney General and complying with the applicable requirements of 73 P.S. §2011 et seq.; provided that these provisions of 73 P.S. §2011 et seq., shall not apply to any charitable or nonprofit organization which solicits the subscription of magazines by the use of door-to-door salespersons.

(Ordinance 651, October 2, 2000, §302)

### **§303. Application for License; Investigation.**

1. An applicant for a license shall file with the Borough Executive Secretary an application, in writing, on a form to be provided by the Borough for that purpose, which form shall be approved by resolution of Borough Council. If such person is also required to obtain a license from the Attorney General pursuant to 73 P.S. §2011 or from any County Treasurer pursuant to 60 P.S. §21, such person shall exhibit said valid license(s) when making the application to the Borough.
2. The application shall be accompanied by the required license fee as prescribed below in §305 and a photograph of the applicant(s).
3. A list of any and all solicitors of an applicant shall accompany all applications for a license.
4. All applications for a license shall be submitted to the Borough at least 15 days in advance of the date an applicant plans to commence the solicitation or transient retail business.
5. Within five days after a complete application is filed, the Borough Executive Secretary shall direct the Borough Police Department to conduct an investigation of the applicant and the information set forth in the application. Said investigation shall be completed within 72 hours and the results reported to the Borough Executive Secretary.

(Ordinance 651, October 2, 2000, §303)

**§304. Issuance of License.**

1. Within two days of receiving the investigation results from the Borough Police Department, the Borough Executive Secretary shall issue a license to the applicant, provided the application conforms to the requirements of this Part and all applicable laws and regulations, and the applicant has paid the required license fees.
2. The Borough may attach any reasonable conditions to an issued license. The issued license must include the date(s) the license is valid or provide for a 30 day period, whichever is shorter, and any time restrictions as to when a person may solicit.

(Ordinance 651, October 2, 2000, §304)

**§305. License Fee; Waiver of License Fee.**

1. A fee shall be charged for each license issued in an amount to be established by resolution of Borough Council and as amended by resolution from time to time by Borough Council.
2. In the event a license is denied, the Borough shall return the license fee less \$5. Any fees retained shall be used to partially reimburse the Borough for the expenses of the investigation.
3. No license fee shall be charged to the following:
  - A. Farmers selling their own produce.
  - B. The sale of donated goods, wares and merchandise, the proceeds of which are to be applied to any bona fide charitable or philanthropic purpose.
  - C. Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products, provided the term “milk or milk products” shall not include or apply to ice cream or other frozen deserts.
  - D. Any nonprofit organization whose registered office is in the Borough and whose activities benefit the Borough community.
4. Any person in any or all of these excepted categories is required to register with the Borough and is subject to all other provisions of this Part except pertaining to the payment of a license fee.
5. Any person conducting transient retail business in one or more of the excepted categories and also selling other goods, wares and merchandise not excepted shall

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be subject to the license fee for the activities in connection with the sale of goods, wares and merchandise not in any of the excepted categories.

(Ordinance 651, October 2, 2000, §305)

### **§306. Exhibition of License.**

Every licensee shall carry a valid and unexpired license on their person or display it on their vehicle or from a fixed location, as applicable. The licensee shall exhibit the license, immediately upon request, to any police officer, Borough official, or any citizen or resident of the Borough. (Ordinance 651, October 2, 2000, §306)

### **§307. License Nontransferable; Reporting Lost License.**

1. No license shall be transferable from one person to any other person.
2. If a license is lost or stolen, the licensee shall immediately report it to the Borough Executive Secretary, who shall reissue the license, at no cost, for the duration of the license period.

(Ordinance 651, October 2, 2000, §307)

### **§308. Expiration of License.**

Every license shall terminate automatically at the time of 6:00 p.m. on the day the license period expires. (Ordinance 651, October 2, 2000, §308)

### **§309. Rules and Regulations; Violations; Penalties.**

1. No person engaged in any transient retail business shall:
  - A. Sell any goods, wares, merchandise or service other than that provided for in the license.
  - B. Hawk or cry the licensee's wares upon any street, alley or public ground in the Borough or use any loudspeaker or horn or other device for announcing the licensee's presence, which device may annoy the public.
  - C. When selling from a vehicle, stop or park the vehicle upon any street, alley or public ground in the Borough for longer than necessary to make a sale.
  - D. Be guilty of any false pretense or misrepresentation and particularly, shall not represent the licensee's license to be an endorsement of the goods or services.

- E. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and/or refuse to leave any premises upon request of the occupant.
  - F. Engage in any house-to-house activity, except by prior appointment, before 9:00 a.m. or after 6:00 p.m..
  - G. Transfer or attempt to transfer or permit any other person to have possession of the license or cause or permit the license to be altered or defaced in any way.
2. Any violation or failure to comply with any provision of this Part shall constitute a summary offense. Any person found guilty thereof shall, upon conviction, pay a fine of not more than \$600, plus costs and attorney's fees. In the event of non-payment of said fine, the person may be imprisoned for a period not to exceed 30 days; provided a court shall not commit a person to prison for failure to pay a fine or costs unless it appears after a hearing that the person is financially able to pay the fine or costs. Each section of this Part found to have been violated shall constitute a separate offense. Each day that a violation of a license or this Part continues shall constitute a separate offense. In addition to the aforementioned penalties, all other actions are reserved to the Borough, including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation shall not excuse the violation or noncompliance or permit further violations or noncompliance.

(Ordinance 651, October 2, 2000, §309)

**§310. Denial, Suspension and Revocation of License; Appeal.**

- 1. After the licensee receives notice and an opportunity to be heard (to occur within five days of the date of the notice), the Borough Executive Secretary may immediately suspend or revoke a license (i) for the giving of any false statement, information or misrepresentation of fact in the license application, (ii) for violation of any Part provision(s), or (iii) when deemed to be in the interest of the public health, safety, welfare or morals. Any notice of suspension or revocation shall include the reasons therefor.
- 2. Appeals from any suspension or revocation of a license must be made to the Borough Council within 10 days of said suspension or revocation. Appeals from the Borough Council's subsequent decision may be made to the Lehigh County Court of Common Pleas pursuant to the provisions of the Local Agency Law, 2 P.A. C.S.A. §752.
- 3. In the event a license is suspended or revoked, no portion of the license fee shall be refunded to any person.

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(Ordinance 651, October 2, 2000, §310)

### **§311. Applicability.**

This Part shall not apply to any person who is beyond the legal power of the Borough under either the Constitution of the United States or the Constitution or laws of the Commonwealth of Pennsylvania. This Part shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Ordinance 651, October 2, 2000, §310)