PART A

Miscellaneous

Section 101. Licenses Required. All licenses and permits required under the provisions of this ordinance shall, unless otherwise provided herein, be issued by and obtained from the Manager. (Ordinance 141, October 2, 1934, Section 1.)

Section 102. **Parades**. It is temporarily permitted, upon payment of a license fee of $10.00 per day, or fraction thereof, to the Manager or to the Secretary after a favorable vote of Council should the Manager refuse, to parade, show or demonstrate within the highways of the Municipality at a time and within a space designated by the Manager or by the Council, as herein provided. (Ordinance 141, October 2, 1934, Section 1.d, as amended by Ordinance 445, July 12, 1954, Section 5.)

Section 103. Shows. It is temporarily permitted, after payment to the Manager of a license fee of $50.00 for each day's performance, to show, exhibit or conduct a circus or other form of special amusement, entertainment, exhibition or demonstration, whether on public or private property, which fee shall include all operations usual and necessary to the particular subject licensed. (Ordinance 141, October 2, 1934, Section 1.e, as amended by Ordinance 445, July 12, 1954, Section 6.)

Section 104. Dances. It is temporarily permitted to conduct public dances, for which a fee is charged, upon payment of license fee of $5.00 per dance or $100.00 per year, provided that a permit be issued after application has been made and considered by the Chief of Police and the Mayor and, provided further, that the premises are open to inspection by public officers and comply with other municipal ordinances and state regulations as to health, fire, public morals and other relevant matters. (Ordinance 141, October 2, 1934, Section 1.h, as amended by Ordinance 445, July 12, 1954, Section 8.)

Section 105. [repealed][10]

Section 106. [repealed]

Section 107. [repealed]

Section 108. Auctions. It is permitted to conduct auctions by a properly licensed auctioneer, on the payment of $5.00 for each session of the auction where the sidewalks or streets are used. (Ordinance 141, October 2, 1934, Section 1.k.)

Section 109. Gathering Junk and Waste Material. It is temporarily permitted to use the highways for the purpose of gathering junk or other waste material (except garbage) for the purpose of storing the same at a point approved by a vote in Council, upon payment of license fee of $2.50 a year for each vehicle used. (Ordinance 141, October 2, 1934, Section 1.f.)

Section 110. Storage of Building Materials on Highways. It is temporarily permitted, upon payment of a license fee of $10.00 per month or fraction thereof, to place building materials upon a street, alley and/or sidewalk in the Municipality, when a building or buildings is being constructed or repaired at abutting premises, provided that a permit is secured from the Zoning Officer. Protection of pedestrians on sidewalks shall be subject to the direction of the Manager. (Ordinance 141, October 2, 1934, Section 1.g., as amended by Ordinance 445, July 12, 1954, Section 7.)

Section 111. Certain Amusements Prohibited.

a. From and after the passage of this ordinance, it shall be unlawful for any person, firm or corporation, either as principal or as agent, to do, cause to be done, or permit to continue if within his control, anywhere within the Municipality, whether on public or private property, any matter or thing herein designated as prohibited. In this provision, the singular shall include the plural and the masculine shall include the feminine and neuter.

b. It is prohibited to show, exhibit or conduct, anywhere within the limits of the Municipality, either on public or private property, any circus, exhibition, entertainment or amusement, whether educational or otherwise, not herein especially provided for.

c. It is prohibited to give, solicit, sell, show, exhibit, demonstrate, conduct or permit anything intending to injure health, imperil safety of person or property or to be injurious to good morals, whether the place be on public or private property.

d. Exceptions to Prohibitions. Nothing herein contained shall apply to any purely public charity as defined in the tax exemption laws of the State or to church or school functions, but in all such exempt cases where a public property or a public highway is used therefore, a permit therefore shall be obtained from the Manager, which permit shall be issued without any fee.

(Ordinance 141, October 2, 1934, Section 1.a, as amended by Ordinance 445, July 12, 1954, Sections 2 and 3.)

Section 112. Permits for Activities for Benefit of Charity. It is permitted, without payment of a license fee, but only after obtaining permit therefore from the Manager or Secretary after a favorable vote of Council, should the Manager refuse, to do all the things hereafter licensed and subject to a fee, where at least 50 percent of the entire gross proceeds therefrom shall inure to the benefit of a purely public charity, as defined in the tax exemption laws of the State. The provisions hereof are subject to the subsequent sections of this ordinance. (Ordinance 141, October 2, 1934, Section 1.c, as amended by Ordinance 445, July 12, 1954, Section 4.)

Section 113. Responsibilities of License Holders; Limitations; Suspension of Licenses. The payment of a license fee shall not permit the holder of such license to create a nuisance or to do anything dangerous in itself or that may attract children to a danger. Anything done contrary to any of the provisions of this ordinance is hereby declared to be a nuisance and shall be abated as such and, in addition, the holder of such license shall be liable to penalty for violation, as provided in Section 114 of this Chapter.

Nothing may be licensed under this ordinance which is prohibited by state law or by any other municipal ordinance. No license granted under this ordinance shall be transferable. Upon request of the Mayor or of any Police Officer of the Municipality, any such permit or license shall be exhibited to such municipal officer.

The Mayor is hereby authorized to suspend any license herein granted when he deems such suspension to be for the benefit of public health, safety or morals. When any such license shall be suspended, there shall be refunded to the holder of such license the pro rata share of the license fee represented by that portion of the license period which shall not have expired.

(Ordinance 141, October 2, 1934, Section 2, as amended by Ordinance 445, July 12, 1954, Section 11.)

Section 114. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction before the District Magistrate[20] of the Municipality, be liable to a fine of not less than $1.00 and not more than $50.00 for each offense and costs of prosecution and, in default of payment thereof, shall be imprisoned in the County Jail for a period not exceeding 30 days. (Ordinance 141, October 2, 1934, Section 3, as amended by Ordinance 445, July 12, 1954, Section 12.)[30]

Section 115. Festival of the Arts.[31]

a. Area Designated. The Arts Festival area is hereby designated to consist of the area (including public areas contained within the aforesaid boundaries) bounded by Hiester Street on the east, College Avenue on the north, South Atherton Street on the west, and East Prospect Avenue on the south. Any street which serves as a boundary shall incorporate both sides of any such boundary street as a portion of the Arts Festival area.

b. Time Designated. The time period for the conduct of the Central Pennsylvania Festival of the Arts shall be from 1:00 o'clock a.m., prevailing time, Tuesday, July 7, 2009, through 12:00 midnight, prevailing time, Sunday, July 12, 2009.

c. All corresponding ordinances utilizing the term "Central Pennsylvania Festival of the Arts" and/or "Arts Festival" shall have the meaning of and apply to the area designated herein under Subsection A and shall refer to the time period established by Subsection B herein, unless otherwise defined or implied by the specific ordinance.

d. Temporary Retail Permits. Each vendor, other than food vendors, approved by the Central Pennsylvania Festival of the Arts to operate within the area and during the time designated for the Festival of the Arts, shall obtain a temporary retail permit from the Borough for each 10 foot by 10 foot sales booth prior to conducting business at the Festival. The fee for the permit shall be set by resolution of Council from time to time. A temporary retail permit shall not be required for vendors participating solely in approved Children's Day sales activities at the Festival.

e. Temporary Retail Food Permits. Each food vendor approved by the Central Pennsylvania Festival of the Arts to operate within the area and during the time designated for the Festival of the Arts, shall obtain a temporary retail food permit from the Borough for each food booth prior to conducting business at the Festival. The fee for the permit shall be set by resolution of Council from time to time. Food vendors who do not have a currently valid Eating and Drinking Place license issued by the Borough of State College shall, in addition to the temporary retail food permit, obtain a temporary Eating and Drinking Place license as specified in Section 205 a. of Chapter IX of the State College Code of Ordinances.

(Ordinance 1810, April 5, 2005, and amended by Ordinance 1842, April 4, 2006, Ordinance 1867, February 20, 2007, Section 2, and by Ordinance 1870, April 2, 2007, Section 1, and by Ordinance 1895, April 21, 2008, and by Ordinance 1914, December 15, 2008, Section 13.)[32]

Section 116. First Night.[37]

a. Area Designated. The First Night area is hereby designated to consist of the area (including public areas contained within the aforesaid boundaries) bounded by Pugh Street on the east, College Avenue on the north, Fraser Street on the west, and Nittany Avenue on the south. Any street that serves as a boundary shall incorporate both sides of any such boundary street as a portion of the First Night area.

b. Time Designated. The time period for the conduct of First Night activities shall be from 1:00 o'clock a.m., prevailing time, Tuesday, December 30, 2008, through 12:00 midnight, prevailing time, on Thursday, January 1, 2009.

c. All corresponding ordinances utilizing the term "First Night" shall have the meaning of and apply to the area designated herein under Subsection A and shall refer to the time period established by Subsection B herein, unless otherwise defined or implied by the specific ordinance.

d. **Temporary Retail Permits.** Each vendor, other than food vendors, approved by the Central Pennsylvania Festival of the Arts to operate within the area and during the time designated for First Night, shall obtain a temporary retail permit from the Borough for each 10 foot by 10 foot sales booth prior to conducting business at the Festival. The fee for the permit shall be set by resolution of Council from time to time.

e. **Temporary Retail Food Permits.** Each food vendor approved by the Central Pennsylvania Festival of the Arts to operate within the area and during the time designated for First Night, shall obtain a temporary retail food permit from the Borough for each food booth prior to conducting business at First Night. The fee for the permit shall be set by resolution of Council from time to time. Food vendors who do not have a currently valid Eating and Drinking Place license issued by the Borough of State College shall, in addition to the temporary retail food permit, obtain a temporary Eating and Drinking Place license as specified in Section 205 a. of Chapter IX of the State College Code of Ordinances.

(Ordinance 1819, October 20, 2005, and amended by Ordinance 1851, October 16, 2006, Section 1., Ordinance 1867, February 20, 2007, Section 3, and by Ordinance 1914, December 15, 2008, Section 14.)