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## **PART 1**

### **FIRE AND POLICE ALARM SYSTEMS**

#### **§101. Short Title.**

This Part shall be known and may be cited as the “Borough of Wyomissing Ordinance Regulating Audible/Inaudible Fire and Police Alarm Systems.”

(Ord. 1245, 4/13/2004, §1)

#### **§102. Control of Improper Discharges.**

Because of the increase in false, accidental and improper discharges of audible/inaudible alarm systems it has become necessary to provide a means for regulating and controlling this problem. It is the purpose of this Part to control false, accidental and improper discharges of such systems.

(Ord. 1245, 4/13/2004, §1)

#### **§103. Definitions.**

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

**AUDIBLE ALARM SYSTEM** — any device, bell, horn or siren that is attached to the interior or exterior of a structure or is otherwise erected on a property, including buildings and homes, and emits a warning signal audible outside the structure to attract attention when activated by an intrusion or other emergency requiring fire and/or police response. An audible alarm system may have the feature of an inaudible alarm system in that its warning signal, when activated, is also monitored or received at some other place outside the structure.

**PERSON** — any natural person, partnership, association, firm or corporation, including owners of property, landlords, tenants, lessors, lessees or any other person having responsibility, control or authority over an audible/inaudible alarm system.

**INAUDIBLE ALARM SYSTEM** — any alarm system that is attached to the interior or exterior of a structure or is otherwise erected on a property, including buildings and homes, and emits a warning signal that is monitored or received at some other place outside the structure when activated by an intrusion or other emergency to solicit a fire and/or police response.

(Ord. 1245, 4/13/2004, §1)

**§104. Alarm Systems Subject to Certain Regulations.**

Audible/inaudible alarm systems in existence on the effective date of this Part or hereafter installed shall be subject to the following:

- A. Proper Repair and Condition. All persons shall keep their audible/inaudible alarm systems in good working order and repair.
- B. Automatic Timing Mechanism for Audible Alarms. Any person installing an audible alarm system after the effective date of this Part shall have such system equipped with a timing mechanism that must automatically disengage the audible alarm after 15 minutes.
- C. Secondary Power Source. To prevent premature discharges, any person installing an audible/inaudible alarm system after the effective date of this Part that is or is not connected to central station monitoring, shall have it equipped with a secondary power source that will keep the system operable if a power failure or other event interrupts the system's primary power source.
- D. Testing Prohibited Without Permission. Any test, demonstration or service of an alarm system or any of its components may be performed only after proper notification of the alarm monitoring company to put the system in "test mode" and eliminate unnecessary dispatch of emergency services.
- E. False, Accidental or Improper Discharge of Alarms. Any person owning an audible/inaudible alarm system shall be responsible for providing that where a false, accidental or improper discharge occurs, the system is deactivated within 15 minutes after discharge.
- F. Resetting of Fire Alarms. Fire alarms shall not be reset prior to authorization by the Fire Department, to ensure the location of a signaling device and to minimize reoccurring false alarms.

(Ord. 1245, 4/13/2004, §1)

**§105. Penalties.**

Persons violating §104 of this Part shall be subject to:

- A. A warning.
- B. Required installation of an automatic timing mechanism that must automatically disengage the audible alarm after 15 minutes for police alarms.
- C. Required installation of a secondary power source that will keep the audible/inaudible alarm system operable if a power failure or other event

interrupts the system's primary power source to prevent the causing of premature discharges.

- D. Where a fire and/or police response is involved, a service charge, the amount of which shall be fixed by resolution of Borough Council, may be imposed beginning with the third accidental or improper discharge of an audible/inaudible alarm system involving the same address.
- E. Any person violating any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 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 shall constitute a separate offense.

(Ord. 1245, 4/13/2004, §1)

#### **§106. Rectification of Violations.**

The person or persons responsible for any violation of §104 of this Part shall immediately, upon receipt of notice from the Borough of Wyomissing, take the necessary measures to rectify such condition to conform to the requirements of this Part. Notice may be by:

- A. Certified mail.
- B. Personal service.
- C. Posting such notice on the property.

(Ord. 1245, 4/13/2004, §1)

#### **§107. Designation of Fire Prevention Nuisances.**

When in the sole discretion of the Fire Chief of the Borough of Wyomissing, it is determined that a commercial or industrial building or structure generates an excessive number of false audible/inaudible alarms, because of failure to properly maintain and repair the audible/inaudible alarm system at the location, or because the audible/inaudible alarm system equipment is antiquated and/or improperly installed, he/she may notify the owner and/or occupant of the location, that he/she is declaring the location a "fire prevention nuisance."

(Ord. 1245, 4/13/2004, §1; as amended by Ord. 1444-2024, 7/9/2024, §5)

#### **§108. Appeal.**

Any owner and/or occupant of a location who has been notified by the Fire Chief of the Borough of Wyomissing, that he/she is designating that location a fire prevention nuisance, may appeal this determination of the Fire Chief by giving written notification of

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appeal to Borough Council, through its Borough Manager. The written notice of appeal shall be postmarked no later than 30 days after receipt of the Fire Chief's written notification of designation of the location as a fire prevention nuisance. Upon receipt of any appeal under this Section, Borough Council shall promptly schedule a hearing at a regular or special meeting of Borough Council, for the purpose of taking testimony to determine whether or not the Fire Chief's designation of the location as a fire prevention nuisance is proper.

(Ord. 1245, 4/13/2004, §1; as amended by Ord. 1444-2024, 7/9/2024, §5)

### **§109. Final Determination of Fire Prevention Nuisance.**

If the owner and/or occupant of a location, which has received notification under §107 above, fails to notify the Borough Manager that he/she is appealing the determination of the Fire Chief or, after hearing before Borough Council, and a determination that the Fire Chief's determination is proper, the location will be designated as a fire prevention nuisance. After final designation of the nuisance, the insurance carrier for the location will be notified of the nuisance by the Fire Chief.

(Ord. 1245, 4/13/2004, §1; as amended by Ord. 1374, 12/8/2015, §5; as amended by Ord. 1444-2024, 7/9/2024, §5)

### **§110. Administrative Fee.**

Following formal designation of a location, as a fire prevention nuisance, the owner or occupant of the location shall be assessed an administrative fee, the amount of which shall be fixed by resolution of Borough Council, for each subsequent false audible/inaudible alarm, generated from the location.

(Ord. 1245, 4/13/2004, §1)

### **§111. Discontinuance of Fire Prevention Nuisance Status.**

If an owner or occupant of a location designated as a fire prevention nuisance, repairs or replaces his/her audible/inaudible alarm system, said owner or occupant may request that the Fire Chief inspect and rescind the location status as a fire prevention nuisance. If the Borough Fire Chief refuses to rescind designation of fire prevention nuisance, the owner or occupant of the location so designated shall have the same appeal rights as stated in §108 above.

(Ord. 1245, 4/13/2004, §1; as amended by Ord. 1374, 12/8/2015, §6; as amended by Ord. 1444-2024, 7/9/2024, §5)

## **PART 2**

### **PEDDLING AND SOLICITING**

**§201. Definitions and Interpretation.**

The following words, when used in this Part, shall have the following meanings:

BOROUGH – The Borough of Wyomissing, Berks County, Pennsylvania.

PEDDLER – Any person with no fixed place of business, who goes from house to house, from place to place, or from street to street, by any means, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries for purchase.

PERSON – Any natural person, partnership, association, corporation, or other legal entity.

SOLICITOR – Any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including but not limited to books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or services, including but not limited to lawn care, alarm system service, or cleaning services. A solicitor is not a peddler.

TRANSIENT RETAIL BUSINESS – Any business conducted in Wyomissing Borough for the sale of goods, wares, or merchandise whatsoever for a period of less than ninety (90) calendar days. Transient retail business includes peddlers and solicitors, and any person engaged in transient retail business from a fixed location on private property.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

**§202. License Required; Conditions of Issuance; Fee.**

A. It shall be unlawful for any person to engage in Transient Retail Business activities within the Borough of Wyomissing unless the peddler or solicitor is within one of the following permitted categories (“Permitted Peddler or Solicitor”):

- (1) Religious proselytizing, political speech, and the distribution of handbills.
- (2) Farmers selling their own produce.
- (3) Sale of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
- (4) To any manufacturer or producer in the sale of bread and bakery

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products, meat and meat products, or milk and milk products.

- (5) To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
  - (6) To a person who has registered with the Department of State for the Commonwealth under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1, et seq., as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania, or who is expressly exempted from such registration under such Act.
  - (7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license and business privilege tax to Wyomissing Borough at their chief place of business.
  - (8) To itinerant vendors and temporary vendors operating in the Borough with a permit pursuant to the Borough of Wyomissing Code, Chapter 10, Section 102, as amended.
- B. Any person claiming eligibility as a Permitted Peddler or Solicitor shall, upon request, provide the Borough with documentation demonstrating that person qualifies for said eligibility.
- C. No Permitted Peddler or Solicitor shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity.
- D. No Permitted Peddler or Solicitor shall occupy any fixed location upon any of the streets, alleys, sidewalks or public grounds, with or without any stand or counter.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

### **§203. Prohibited Acts.**

No Permitted Peddler or Solicitor shall:

- A. Hawk or cry his wares upon any of the streets, alleys, sidewalks or other public grounds in the Borough.
- B. When operating from a vehicle, stop or park such vehicle upon any of the



streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

- C. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material or of any stock or wares or food stuffs which have become unsaleable through handling, age or otherwise.
- D. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

#### **§204. Hours of Operation.**

No Permitted Peddler or Solicitor shall engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday; from October 1 through April 30, at any time before 9:00 a.m. or after 6:00 p.m. on any day; and from May 1 through September 30, at any time before 9:00 a.m. or after 8:00 p.m. on any day.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

#### **§205. Violations and Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of any Section of this Part shall be found to have been violated shall constitute a separate offense.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

#### **§206. Enforcement.**

The Borough of Wyomissing Code Official and any Police Officer of the Borough of Wyomissing shall enforce and administer the provisions of this Part.

(Ord. 1297, 8/29/2009, §1; as amended by Ord. 1445-2024, 9/10/2024, §1)

**PART 3**

**BUSINESS PRIVILEGE LICENSE**

**§301. Short Title.**

This Part shall be known and may be cited as the “Borough of Wyomissing Business Privilege License Ordinance.”

**§302. Definitions.**

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

**BOROUGH** — the Borough of Wyomissing.

**BUSINESS** – any activity carried on or exercised for gain or profit within the Borough of Wyomissing including, but not limited to, (1) the sale of merchandise or other tangible personalty; (2) the performance of services; (3) the rental of personalty and/or realty; and including, but not limited to, (4) those enterprises engaged in by hotel operators, motel operators, parking lot and garage operators, warehouse operators, lessors of real estate, lessors of tangible personal property, physicians and surgeons, osteopaths, podiatrists, chiropractors, veterinarians, optometrists, opticians, pharmacists, lawyers, dentists, engineers, surveyors, architects, chemists, accountant, certified public accountants, funeral directors, promoters, factors, commission merchants, agents, brokers, manufacturer’s representatives, advertising and public relations agencies, real estate brokers, insurance brokers and agents, cable television operators, barber shop operators and beauty shop operators, cleaning, pressing and dyeing establishment operators, laundry operators, shoe repair operators, tailors, upholsterers, electrical, plastering, brick laying, carpentry, heat, ventilation, air condition, plumbing and painting contractors, general contractors engaged in building or construction, remodeling or alteration, repairers of electrical, electronic and automotive machinery and equipment or other machinery or equipment, and other wares and merchandise and all other persons, engaged in any other activity, whatsoever, carried on or exercised for gain or profit within the Borough of Wyomissing.

**LICENSEE** – the person to whom the Business Privilege License was issued.

**PERMANENT LICENSE** – a license issued annually for a business other than a temporary business.

**PERSON** – Any individual, partnership, limited partnership, association, firm, corporation, or other entity engaging in business. As used in Section 313 below “Penalties”, the term “person” shall include the partners or members of an association and the officers of a corporation.

**REVOCATION** – to annul or cancel an act, particularly a statement, document or promise, as if it no longer exists.

TEMPORARY — any business that is conducted at one location for less than 60 consecutive days in a year.

TEMPORARY LICENSE – a license issued for a temporary business for the period provide for herein.

### **§303 License Required.**

Any person desiring to conduct or continue to conduct any business, permanent or temporary, as defined in this Part, within the Borough shall obtain from the Borough a Business Privilege License for each tax year. Except any person required to obtain and obtaining a Solicitation Permit per Chapter 13 License, Permit and General Business Part 2 Peddling and Soliciting or exempted thereby, shall not be required to obtain a Business Privilege License.

### **§304. Application, Notification of Changes.**

Any person desiring to conduct or continue to conduct any business, as defined in this Part, within the Borough shall file with the Borough an application for a business privilege license for each tax year on a form prepared and provided by the Borough. While the person conducting business within the Borough is engaged in the business of leasing or subleasing real estate within the Borough, that person shall provide a list of his or her tenants, along with his or her annual business privilege license application, or a current list, upon request by the Borough. A new business privilege license will not be issued until all information in the application is complete including, if required, a current list of tenants and payment of the requisite fee. All persons leasing real estate within the Borough and who hold a business privilege license are obligated to notify the Borough of any changes of tenancy in their properties during the course of the term of the business privilege license.

### **§305. Term.**

An annual or permanent license shall be effective from January 1 to December 31 of each tax year and shall be renewed annually. A temporary license shall be effective for the period set forth on the permit.

### **§306. Fee for License.**

The license fee, for each initial license and for each renewal license, permanent or temporary, shall be in an amount as established from time to time by resolution of Borough Council. Each person shall, within 30 days of receiving notice from the Borough for the initial license or initial renewal of the license, pay the requisite fee. Failure to pay the license fee within 30 days of receiving notice shall result in a penalty in an amount as

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established from time to time by resolution of Borough Council, which penalty shall be added to the license fee due.

### **§307. Administration.**

The Borough and/or its designee shall be responsible for issuing and collecting the fee for this license.

### **§308. Posting.**

The license shall be conspicuously posted in the place of business for which the license is issued. Where more than one place of business is conducted at a location, a separate license shall be issued for each place of business.

### **§309. Reporting of Business Cessation.**

Upon cessation of business activity within the Borough, the person who had been conducting said business activity shall report said cessation to the Borough in writing within ten (10) days of the cessation of business.

### **§310. License Revocation.**

1. **Basis for Revocation of Business Privilege License.** Any Business Privilege License issued by the Borough pursuant to the provisions of this Part may be revoked for good cause by the Borough as the issuing authority upon a finding that one of the following conditions exist:
  - A. The existence of chronic unsanitary conditions, noise, disturbance or other conditions at, in or attributable to the premises of a licensee which causes or tends to create a public nuisance, which may injuriously affect the public health, safety or welfare of others, or which unnecessarily affects the adequate allocation of public safety resources.
  - B. Repeatedly or purposefully permitting or causing the commission of any act in the operation of the business which is prohibited by any ordinance, rule or law of the Borough, State or Federal government.
  - C. Fraudulent practices and misrepresentations in the operation of the business.
  - D. Concealment or misrepresentation in procuring the Business Privilege License.

- E. The business for which the license was obtained has been or is unlawful or prohibited by any code, ordinance, rule or law of the Borough, State or Federal government.
- F. The license was issued by mistake or is in violation of any of the provisions of this Part.
- G. The premises used to conduct said business has been condemned, declared a fire hazard or declared unsafe for business occupancy pursuant to the applicable code, ordinance, rule or law of the Borough, State or Federal government. Provided that if the premises is being leased and the condition of the property is not the result of the licensee as the lessee, the Business Privilege License shall be placed in abeyance until the business can be relocated and if relocation is in the Borough, the license shall be restated at said time.

**2. Process for Revocation of Business Privilege License.**

- A. Upon receipt of information that action by a licensee has resulted in an action that is a basis for revocation of Business Privilege License, the Borough shall conduct an investigation.
- B. Upon a determination by the Borough pursuant to the policies and regulations established in accordance herewith, that the information is founded, the Borough shall so notify the licensee and schedule a hearing before the Borough Council, which shall serve as the appellant board, to be conducted within twenty (20) days.
- C. Notice of the hearing shall be served by certified mail, return receipt requested and first class mail to the person holding the Business Privilege License at the address shown on the application. A copy of the notice of the hearing shall also be hand delivered to the address shown on the license application. The notice of hearing shall also be posted in a conspicuous place on the property.
- D. The notice shall inform the licensee of the allegations which constitute the basis for the hearing, and shall provide that the licensee will be given the opportunity to appear and be heard at the hearing and has the right to counsel.
- E. The hearing shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §751 et seq
- F. Within ten (10) days of conclusion of the hearing, Council shall make a determination as to whether a basis exists to revoke the Business Privilege License.
- G. In the event Council determines that the Business Privilege License shall be revoked, the revocation will be effective immediately. Notice of the

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determination shall be delivered to the applicant in accordance with the requirements set forth herein for service of notice of the hearing. If the determination is for revocation of the license, the notice of determination shall include a cease operations order notifying the licensee that their license has been revoked and all business activity operating under the license shall cease immediately.

- H. Any person whose license has been revoked that continues to conduct business in violation of said determination shall be subject to the penalties set forth herein for operation of a business without a license and other remedies at law or equity available to the Borough.
- I. No business having a Business Privilege License revoked pursuant to this Part shall be eligible for another license to operate a similar business at that or any location in the Borough until approval is received from Council.

### **3. Process Immediate Revocation Necessary**

Where it is determined that an overriding public or private interest warrants the revocation of a Business Privilege Licensee prior to the undertaking of notice and an opportunity to be heard, a prompt post-revocation hearing must be provided to the licensee, and a prompt final adjudication must be rendered by the local agency within thirty (30) days of the revocation.

### **4. Appeals to Court.**

Appeals of any decision of Council regarding revocation of a Business Privilege License shall be in accordance with the Local Agency Law, 2 Pa.C.S.A. §751 et seq. Such an appeal shall not serve as a stay in the revocation of a Business Privilege License or other action at law or equity undertaken by the Borough.

### **§311. Cease Operations Order.**

- 1. Whenever business is being conducted in or on any premises without a required Business Privilege License the Borough may issue a cease operations order directing that business activity to cease immediately until the required Business Privilege License is obtained.
- 2. Whenever a Business Privilege License is revoked pursuant to this Part, the Borough shall issue a cease operations order directing that business activity shall cease immediately.
- 3. The cease operations order shall describe the business that is being conducted, if known, without the required Business Privilege License and shall state that such business activity and any other business activity that requires a Business Privilege License must cease.

4. The cease operations order shall be served on the licensee as set forth herein for notices of hearing and posted conspicuously at every entrance to the premises in a place clearly visible to the public and shall remain posted until removed by the Borough.
5. The Borough shall promptly notify the Borough Police Department of the issuance of a cease operations order. Upon request, the Borough Police Department may render assistance in the service and enforcement of any cease operations order.
6. Prohibited Conduct. No person with knowledge of a cease operations order shall:
  - A. Continue to conduct any business for which a Business Privilege License is required in or on any premises for which a cease operations order has been issued.
  - B. Remove, damage, deface or cover any cease operations order.
  - C. Resist or interfere with any inspection or other official in the performance of their duties or the enforcement of any provision of this Part.
7. Removal of Cease Operations Order. A cease operations order shall only be removed by the Borough upon compliance with the applicable requirements including payment of a fee if established by Resolution of the Borough.

### **§312. Injunctive Relief.**

In the case of a violation of this Part, the Borough may cause to be instituted an appropriate proceeding at law or in equity to obtain penalties or to restrain, correct, remove or abate such violation, including but not limited to, the closure of any business which is not in compliance herewith.

### **§313. Penalty.**

Any taxpayer who is in default in payment of Business Privilege Tax due under Chapter 24 Part 1, shall be refused a license until this tax is paid in full. In addition, any person who shall conduct, transact or engage in any of the businesses subject to the license imposed by this Part, who shall fail to obtain a license as required by this Part or who shall operate a business for which a license has been revoked, shall upon being found liable in a civil enforcement action pay a penalty of not more than \$600 plus costs, including court costs and reasonable attorneys' fees, incurred by the Borough. Each day that a violation of this Part continues shall constitute a separate offense.

### **§314. Collections.**

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Nothing in this Part shall preclude the Borough from directing all bills or accounts and business privilege license not paid or renewed by March 31 of each year to be turned over to a collection agency for receipt.

### **§315. Non-Exclusive Remedies.**

The penalty, injunctive relief and collection provisions of this Part and the license denial and revocation procedures provided herein shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough Code or Ordinance, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of violation of this Part.

### **§316. Regulations.**

The Borough is hereby authorized to promulgate rules, regulations and policies to implement this Part.

### **§317. Right of Entry.**

Whenever it is necessary for an official of the Borough of Wyomissing to make an inspection to enforce the provisions of this Part, or whenever the official has reasonable cause to believe that there exist upon any premise violations of this Part, the official shall have the authority to enter the premises at all reasonable times to inspect the premises. The official shall present credentials to the occupant and request entry. If entry is refused, the official has recourse to every remedy provided by law to secure entry.

(Ord. 1346, 10/09/2012, §2)