

DRAFT – Trading Hours Ordinance
9-7-22

§ 13-301 Trading Hours in Commercial Zoning Districts.

All business, commercial and trading activities in the commercial zoning districts of the Borough, as established and designed by the Borough Zoning Ordinance [Chapter **27**], are prohibited between the hours of 2:30 a.m. to 6:00 a.m., prevailing time.

§ 13-302 Outdoor Trading Hours in Commercial Zoning Districts.

All outdoor business, commercial and trading activities in the commercial zoning districts of the Borough, as established and designed by the Borough Zoning Ordinance [Chapter 27], are prohibited between the hours of 10:30 p.m. to 7:00 a.m., prevailing time Sunday through Thursday and Midnight and 7:00 a.m., prevailing time Friday through Saturday.

For purposes of this section 13-302, outdoor shall mean such business, commercial and trading activities that occurs in any location that is not a fully enclosed and secure building and shall include but not be limited to business, commercial and trading activities that occur on sidewalks, outdoor seating areas, porches, patios, gazebos, and any other accessory structures.

§ 13-303 Special Event Permit.

Individuals and entities conducting business, commercial and trading activities in the commercial zoning districts of the Borough my apply for a Special Event Permit to allow outdoor operations beyond the time limits set forth in section 13-302. The Borough Manager is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Section 13-303, including but not limited to: establishing the form of applications, certifications and permits; and limiting the time that business, commercial and trading activities may extend beyond the time set forth in section 13-302. The Borough Manager is charged with the sole discretion to issue or deny a Special Event Permit. Applications for a Special Event Permit must be submitted to the

Borough Manager at least 30 calendar days in advance of the date or dates requested to extend time limits for outdoor operations.

§ 13-3024 **Exception.**

The business, commercial and trading hour restrictions established in § **13-301**, above, shall not apply to any business that is governed by state or federal laws or regulations which specifically preempt the Borough's restrictions.

§ 13-3035 **Purpose.**

The purpose of the business, commercial and trading hour restrictions established in this Part is to promote, protect and safeguard the public health, safety and general welfare.

§ 13-3046 **Violations and Penalties.**

Any person, firm or corporation who violates a provision of this Part, or fails to comply therewith, or with any requirements thereof, shall be upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus all court costs including reasonable attorney's fees incurred by the Borough, ~~and in default of payment of said fines and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.~~ A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. In addition to any other remedy available under law, the Borough may enforce this code by an action in equity. All fines and penalties collected for violation of this code shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector and their designees and to any other officer or agent that the Borough Manager or the Borough Council deems appropriate.