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**Part 1**

**Peddling**

**§13-101. Definitions.**

1. The word "peddling" used in this Part, shall mean engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Rutledge. Provided, the word "peddling" shall not apply:
  - A. To farmers selling their own produce.
  - B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
  - C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
  - D. To children under the age of 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.
  - E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
  - F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
  - G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Secretary and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Borough Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons

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engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

[*Ord. 428*]

2. The word "peddler," as used in this Part, shall mean any person who shall engage in peddling as hereinafter defined.

(*Ord. 321, 8/24/1976, §203.1; as amended by Ord. 428, 7/2/2001*)

### **§13-102. License Required.**

No person shall engage in peddling in the Borough of Rutledge without first having taken out a license as herein provided.

(*Ord. 321, 8/24/1976, §203.2*)

### **§13-103. Application.**

Every person desiring to engage in peddling in the Borough of Rutledge shall first make application to the Secretary for a license. If such person shall also be required to obtain a license from any County officer, he shall, when making such application, exhibit a valid County license. Upon such application such person shall give his name, address, his previous criminal record (if any), the name of the person for whom he works (if any), the type of goods, wares and merchandise he wishes to peddle, the length of time for which he wishes to be licensed, the type of vehicle he uses (if any), and the number of helpers he has. Provided, where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and an individual license shall be required for each helper. No license issued under this Part shall be transferable from one person to another.

(*Ord. 321, 8/24/1976, §203.3*)

### **§13-104. Fee.**

No licenses shall be issued under this Part until the proper fee, in an amount as established from time to time by resolution of Borough Council, has been paid to the Secretary for the use of the Borough.

(*Ord. 321, 8/24/1976, §203.4; as amended by Ord. 351, 8/2/1983, §I; and by Ord. 428, 7/2/2001*)

**§13-105. Issuance of License.**

Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times, when engaged in peddling in the Borough, carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Borough officials and citizens. No peddler shall engage in selling any product not mentioned upon such license.

*(Ord. 321, 8/24/1976, §203.5)*

**§13-106. Time Limitation.**

No person licensed as a peddler under this Part shall engage in peddling at any time on Sunday, or upon any other day of the week before 9 a.m. or after dusk.

*(Ord. 321, 8/24/1976, §203.6)*

**§13-107. Suspension of License.**

No person, licensed as a peddler under this Part shall occupy any fixed location upon any of the streets, terraces or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter.

*(Ord. 321, 8/24/1976, §203.7)*

**§13-108. Suspension of License.**

The Mayor or the Chief of Police of the Borough is hereby authorized to suspend any license issued under this Part when he deems such suspension to be beneficial to the public health, safety or morals or for violation of any of the provisions of this Part, or for giving false information upon any application for a license hereunder.

*(Ord. 321, 8/24/1976, §203.8)*

**§13-109. Penalties.**

Any person, firm or corporation who shall cause or help others to violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

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(*Ord. 321*, 8/24/1976, §203.9; as amended by *Ord. 374*, 7/11/1988; and by *Ord. 428*, 7/2/2001)

**Part 2**

**Distribution of Handbills**

**§13-201. Distribution of Handbills.**

No person shall distribute any handbill or other advertising matter whatever in the Borough of Rutledge by casting or scattering the same upon any of the streets, sidewalks, terraces, lawns or public places, in the Borough. Provided, this shall not prevent any person from handling any noncommercial literature or other printed matter, upon any of the streets, terraces, sidewalks or alleys in the Borough, to any person willing to receive the same.

*(Ord. 321, 8/24/1976, §202.1)*

**§13-202. License.**

Any person professionally engaging in the distribution of handbills, advertising matter, etc., and wishing to do the same within this Borough, shall first obtain a license from the Borough by making application to the Borough Secretary, giving name, address and type of matter to be distributed.

*(Ord. 321, 8/24/1976, §202.2)*

**§13-203. Fee.**

No license shall be issued under this Part until the proper fee, in an amount as established from time to time by resolution of Borough Council, shall be paid to the Secretary of the Borough, which shall be for the use of the Borough.

*(Ord. 321, 8/24/1976, §202.3; as amended by Ord. 428, 7/2/2001)*

**§13-204. Penalties.**

Any person, firm or corporation who shall cause or help others to violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 321, 8/24/1976, §202.4; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)*





**Part 3**

**Contractors Registration**

**§13-301. Purpose.**

The Borough Council finds it to be in the best interest of the residents of the Borough of Rutledge, Delaware County, Pennsylvania, that persons or firms who engage in construction, repairs, remodeling, rehabilitation or demolition; operating as general contractors, subcontractors, specialty contractors, or home improvement contractors; and contractors and/or repairmen involved in plumbing, heating, ventilating and air conditioning be required to obtain a license from the Borough for such purpose to the end that only responsible and qualified persons shall be permitted to engage in such business in said Borough of Rutledge.

*(Ord. 350, 5/3/1983, §1401.1)*

**§13-302. Compliance Required.**

No person or firm may engage in or transact any construction, repairs, remodeling, rehabilitation or demolition business, or hold themselves out to the public as doing such business or solicit such business as a contractor, subcontractor or repairman as aforesaid in the Borough of Rutledge, Delaware County, Pennsylvania, except in compliance with the applicable provisions of this Part. No person or firm may engage in this Borough in any trade or practice or other act prohibited by any provision of this Part and any person or firm who willfully participates in a prohibited act or violation is subject to the criminal penalty therefore. The provisions of this Part may not be waived by agreement.

*(Ord. 350, 5/3/1983, §1401.2)*

**§13-303. Craft Licenses; Public Officials.**

1. A license issued pursuant to the Part may not be construed to authorize the licenses to perform any particular type of work or kind of business which is reserved to qualified licensees under other provisions of State or local law nor shall any licensee or authority other than as issued or permitted pursuant to this Part authorize engaging in construction, building repairs, remodeling, rehabilitation, demolition or home improvement business in the Borough of Rutledge.
2. This Part shall not apply to the official transaction of an authorized representative of the United States of America or any instrumentality thereof, of any State, District of Columbia, or territory of the United States, any city or County thereof, or any instrumentality of a State or political subdivision thereof.

*(Ord. 350, 5/3/1983, §1401.3)*

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### **§13-303. Definitions.**

For the purpose of this Part:

**PERSONS** - includes an individual, partnership, corporation, trust, association, owner, contractor, salesman or other legal entity.

**OWNER** - any property owner, tenant or other person who orders, contracts for or purchases the services of a contractor, or home improvement contractor, or the person entitled to the work of such pursuant to a contract.

**CONTRACTOR** - any person, other than a bona fide employee of the owner, who undertakes or offers to work, whether or not such person is licensed or subject to the licensing requirements of this subtitle and whether or not such person is a prime contractor or subcontractor with respect to the owner.

**CONTRACT** - an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner for the performance of work, and includes all labor, services and materials to be furnished and performed thereunder.

*(Ord. 350, 5/3/1983, §1401.4)*

### **§13-305. Licensing Applications.**

1. It is the duty of the Building Inspector to administer and provide for the enforcement of all the provisions of this Part and specifically to issue licenses to all applicants who shall be duly qualified under and who comply with the provisions of this Part and to refuse licenses to or suspend or revoke licenses issued to persons who do not so qualify or so comply. The Borough Building Inspector is authorized to issue licenses upon the proper application, the furnishing of a certificate of insurance as required by this Part, §13-309(2) and license fee having been paid.
2. Certificate of insurance acceptable to the Building Inspector shall not be filed with the Borough prior to the issuance of a license. These certificates shall contain a provision that coverages afforded under the policy will not be canceled until at least 15 days prior to written notice having been given the Borough of Rutledge.

*(Ord. 350, 5/3/1983, §1401.5)*

### **§13-306. Fee for Licenses.**

No license shall be issued or become effective until the applicant pays the required fees payable to the Borough of Rutledge, in an amount as established from time to time by resolution of Borough Council.

(Ord. 350, 5/3/1983, §1401.6; as amended by Ord. 428, 7/2/2001)

**§13-307. License Required.**

Except as otherwise specifically exempted by the provisions of this Part, no person shall act in the capacity of general contractor, subcontractor, speciality contractor or home improvement contractor unless authorized to do so by a subsisting license issued in accordance with the provisions of this Part. A decal, to be supplied by the Building Inspector, indicating the contractor is currently licensed, shall be affixed to all trucks or cars used by the contractor in the course of his work in the Borough. The decal shall be located on the vehicle in accordance with instructions of the Building Inspector.

(Ord. 350, 5/3/1983, §1401.7)

**§13-308. Exceptions to License Requirements.**

No contractors license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this Section:

- A. An individual who performs labor or services for a contractor for wages or salary.
- B. Any person who is required by State or local law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession, and who is acting exclusively within the scope of the craft or profession for which he is currently licensed pursuant to such other law.

(Ord. 350, 5/3/1983, §1401.8)

**§13-309. Issuance, Refusal and Renewal of Licenses.**

1. When an application has been filed with the Building Inspector, in proper form, he must within a period of 30 days from the date following the date the application is received issue or refuse the appropriate contractors licenses to the applicant. If an application for a license is refused, the applicant shall be sent a written statement setting forth the reason for the refusal to grant the license.
2. An applicant for any license required by the provisions of this Part shall file a written application which shall be signed and under oath. The application shall require the names of owners, partners, directors and officers of any applicant and the business addresses and trade names of the applicant together with a certificate of insurance written for not less than any limits or coverage specified under this Part. The contractor shall take out and maintain at his own expense during the life of this license such public liability insurance, property damage, products liability and

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completed operations (single limits (\$25,000)). Blasting and demolition insurance limits shall be determined at the time of application for a permit.

3. Every contractor licensee shall within 10 days after a change in control of ownership, or of management, or of change of address or trade name, notify the Building Inspector of such changes.
4. Licenses of all contractors shall expire on May 31, following the date of issue unless prior thereto the license is revoked or suspended. Upon payment of an annual renewal fee, in an amount as established from time to time by resolution of Borough Council, prior to the expiration date, a license shall be renewed for another year, and the authority to do business shall continue in effect until such time within the year as the Board revoked or suspended the license. If the renewal fee is not paid prior to the expiration of the current license period, application and payment of fees must be made in accordance with §13-306. [*Ord. 428*]

(*Ord. 350, 5/3/1983, §1401.9; as amended by Ord. 428, 7/2/2001*)

### **§13-310. Standards.**

For the protection of the people of this Borough, no license shall be issued or continued if already issued, where:

- A. The person or the management personnel are untrustworthy or not of good character.
- B. The business transactions of the person have been marked by a practice of failure to perform contracts, or the manipulation of assets or accounts, or by fraud or bad faith.

(*Ord. 350, 5/3/1983, §1401.10*)

### **§13-311. Grounds for Refusal, Revocation or Suspension of Licenses.**

1. The Building Inspector shall have the power upon approval of the Borough Council to refuse, suspend or revoke any licenses issued under the provisions of this Part where the Building Inspector or Borough Council finds that the licensee has violated any provisions of this Part or is performing or attempting to perform any act prohibited by this Part or violates the Borough of Rutledge Building Code [Chapter 5, Part 1], the Borough of Rutledge Plumbing Code [Chapter 5, Part 2], or other applicable Borough ordinances.
2. Any condition of a permit is violated.
3. Any violation of any of the provisions of this Part upon the part of any director, manager, partner, officer, salesman, agent or employee of a contractor shall be cause

for suspension or revocation of the license of the contractor unless it shall appear to the satisfaction of the Borough Council and Building Inspector that the individuals engaged in the management of the contractor:

- A. Had no knowledge of the wrongful conduct.
- B. Were unable to prevent the violation.

*(Ord. 350, 5/3/1983, §1401.11)*

**§13-312. Hearing Judicial Review.**

1. The Council shall suspend or revoke any license or authority to do business only after a hearing. At least 10 days prior to the date set for the hearing, the Building Inspector shall notify the licensee in writing of any change made and afford said licensee an opportunity to be heard in person and by counsel in reference thereto. Such written notice shall be served by delivery of the same to the licensee by certified mail to the business address of such licensee of record with the Council. The hearing on such charges shall be at such time and place as the Borough Council shall prescribe.
2. If the Borough Council shall determine that any licensee is guilty of any violation of any of the provisions of this Part, the authority of the licensee to do business may be revoked or suspended for such period of time as shall be determined by the Borough Council.
3. If a license is refused, the applicant may within 10 days from the date of notice of refusal is mailed, request a hearing. Said hearing must be held within 30 days from the date of the request, and the Borough Council must render its decision within 20 days following the hearing.

*(Ord. 350, 5/3/1983, §1401.12)*

**§13-313. Prohibited Acts.**

1. The following acts are prohibited:
  - A. Abandonment or willful failure to perform without justification any contractor or project engaged in or undertaken by a contractor; or willful deviation from or disregard of plans or specifications in any material respect without obtaining the consent of the owner in writing, and providing the Borough Building Officials of notification of such changes.
2. Making any substantial misrepresentation in the procurement of a contract or making any false promise of character likely to influence, persuade or induce.

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- C. Any fraud in the execution of, or in the material alteration of any contract, mortgage, promissory note or other document incident to a contractual transaction.
  - D. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a contractual transaction with knowledge that it received a greater monetary obligation than the consideration for the work to be performed, which consideration may be a time sale price.
  - E. Directly or indirectly publishing any advertisement relating to work or services which contain an assertion, representation or statement of fact which is false, deceptive or misleading; provided, that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading, or by any means advertising or purporting to offer the general public any work or service with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
  - F. Willful or deliberate disregard and violation of the building laws of this State or of this Borough, or of the safety of labor, or workmen's compensation insurance laws of this State.
  - G. Doing any business with or through any person who is subject to the licensing requirements of this Part with the knowledge that such person is not licensed as required.
  - H. Misrepresentation of a material fact by an applicant in obtaining a license.
  - I. Willful failure to notify the Council of any change of control in ownership, management or business name or locations.
  - J. Conducting a business in any name other than the one in which the contractor or salesman is licensed.
  - K. Willful failure to comply with any order, demand or requirement lawfully made by the Borough Council under and within the authority of this Part.
2. Violations of any of the prohibitions of this Section:
- A. Shall subject any violator to whom the licensing provisions of this Part apply to the administrative sanctions of this Part.
  - B. Shall subject any violator whether or not required to be licensed by this Part, to criminal prosecution.

*(Ord. 350, 5/3/1983, §1401.13)*

**§13-314. Penalty for Doing Business Without a License.**

Any person who shall knowingly and willfully engage in building construction, repairs, remodeling, rehabilitation or demolition as prescribed aforesaid without obtaining a license as required by this Part and who is not otherwise exempted from said licensing requirements and any person who continues in business as a contractor after revocation or during suspension shall, upon conviction thereof be sentenced to pay a fine not to exceed \$1,000 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 Section continues shall constitute a separate offense.

*(Ord. 350, 5/3/1983, §1401.14; as amended by Ord. 428, 7/2/2001)*

**§13-315. General Penalties.**

Any person, firm or corporation who knowingly and willfully violates any provision of this Part, in addition to any administrative penalty otherwise applicable thereto shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 350, 5/3/1983, §1401.15; as amended by Ord. 428, 7/2/2001)*

**§13-316. Solicitation.**

A license issued under this Part does not supersede the requirements of *Ord. 321, 8/24/1976, §203.1 et seq.* [Part 1] pertaining to soliciting and/or peddling, but is to be enforced in conjunction therewith.

*(Ord. 350, 5/3/1983, §1401.17)*





**Part 4**

**False Burglar and Fire Alarm Control**

**§13-401. Title.**

This Part shall be know as and may be cited as the "False Burglar and Fire Alarm Control Ordinance."

*(Ord. 411, 3/2/1998, §1)*

**§13-402. Determination and Policy.**

The Council for the Borough of Rutledge has determined that the receipt of false burglary and false fire alarms indicating that emergencies exist is detrimental to the welfare and safety of the citizens of the Borough of Rutledge, the Police Department and the Volunteer Fire Department. It is hereby declared to be the policy to safeguard and protect the residents of the Borough of Rutledge and the personnel of the Police Department and the Volunteer Fire Department from such hazards or risks.

*(Ord. 411, 3/2/1998, §2)*

**§13-403. Definitions.**

The following words, terms and phrases, when used in this Part, shall have the following meanings ascribed to them:

**ALARMS** - any mechanical or electronic signals reporting by means of telephone cables or other means of transmissions, which signals are monitored by the Police Department at its headquarters, or audible alarms which are heard and/or called in by another and which signals, upon receipt or upon activation, indicate to the Police Department that an emergency exists at the sending location. Said "alarms" shall include those types installed to indicate burglaries or fires at the sending location.

**BURGLARY** - the attempt to break into, the act of breaking into or the intrusion on a property of a person, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

**FALSE NOTIFICATION** - any report or request for police or fire service directed to the Police Department or the Fire Department by any means of communication wherein the situation, condition, incident or emergency, as subject of the report or request, does not exist.

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**PERSON** - any individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

**POLICE DEPARTMENT** - the Police Department contracted by the Borough of Rutledge.

*(Ord. 411, 3/2/1998, §3)*

### **§13-404. Enforcement.**

The Police Department shall have the power and duty to enforce the provisions of this Part.

*(Ord. 411, 3/2/1998, §4)*

### **§13-405. Unlawful Acts.**

After the effective date of this Part, it shall be unlawful for any person who is the owner, lessee or occupant of any structure in which a burglar or fire alarm has been installed to:

- A. Cause, suffer, allow or permit the accidental or purposeful transmission of a false burglar or fire alarm signal from any public or private place in the Borough of Rutledge to the Police Department or the Fire Department.
- B. Cause, suffer, allow or permit to be made any report or request for police or fire service or assistance by any means of communication wherein the situation, condition, incident or emergency, as subject to the report or request for police or fire service or assistance did not and does not exist.

*(Ord. 411, 3/2/1998, §5)*

### **§13-406. Automatic Cutoff Required.**

No person shall install or maintain in any building, structure or establishment in the Borough of Rutledge an external audible alarm of any type which does not also contain an automatic cutoff system or feature automatically cutting off the source of power to the alarm after it has sounded for a period of no longer than 15 minutes.

*(Ord. 411, 3/2/1998, §6)*

### **§13-407. Violations and Penalties.**

Any person who is the owner, lessee or occupant of any structure in which a burglar or fire alarm has been installed who violates the provisions of this Part shall be subject to the following fines which shall be paid directly at Borough Hall within 24 hours:

- A. First offense, written warning of violation.
- B. Second offense, \$50.
- C. Third offense and thereafter, \$100.

Should said fines not be paid within 24 hours at the Borough Hall, any person who violates the provisions of this Part shall, upon conviction thereof be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each instance of a violation shall constitute a separate offense.

*(Ord. 411, 3/2/1998, §7; as amended by Ord. 428, 7/2/2001)*



**Part 5**

**Utility Poles and Installation of Anchor Guys**

**§13-501. Permit Required.**

No utility pole shall be hereafter erected, renewed or removed within the Borough of Rutledge unless a permit shall first be taken out for which the applicant shall pay \$1 to the Borough Secretary for use of the said Borough. Poles shall be erected at such points and of such character only as shall be approved by the Highway Committee.

*(Ord. 321, 8/24/1976, §201.1)*

**§13-502. Anchor Guy Permits.**

No anchor guy shall be hereafter installed within the Borough of Rutledge unless a permit shall first be taken out. There, shall be no fee charged for this permit. Anchor guys shall be installed at such points and of such character only as shall be approved by the Highway Committee.

*(Ord. 321, 8/24/1976, §201.2)*

**§13-503. Penalties.**

Any person, firm or corporation who shall cause or help others to violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$600 plus costs and, in default of violation of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 321, 8/24/1976, §201.3; as amended by Ord. 428, 7/2/2001)*

