

CHAPTER 13

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PART 1

TRANSIENT RETAIL BUSINESSES

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PART 1

TRANSIENT RETAIL BUSINESSES

§13-101. Definitions and Interpretation.

1. As used in this Part, the following terms shall have the meaning ascribed thereto, as follows:

LEGAL HOLIDAY — includes: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

TRANSIENT RETAIL BUSINESS — includes the following:

- (1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebration, for seasonal purposes, or for or in advance or specific yearly holidays.

PERSON — any natural person, partnership, association, corporation or other legal entity.

2. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 12-1977, 2/10/1977, §1)

§13-102. License Required; Fee; Conditions of Issuance.

1. No person shall engage in any transient retail business within the Borough without first having obtained from the Police Department a license, for which a fee, which shall be for the use of the Borough, shall be in an amount as established from time to time by resolution of Borough Council. [A.O.]
2. Exceptions.
 - A. No license fee shall be charged under this Section:
 - (1) To farmers selling their own produce.

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- (2) 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.
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- (4) 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 as a fund raiser for any charitable organization.
- (5) To any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, as amended, and who procures from the Prothonotary a certificate in pursuance of the Act of Assembly.
- (6) To the seeking or taking or orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- (7) To any person who has complied with the provisions of the Solicitation of Charitable Funds Act, 1963, August 9, P.L. 628.

but all persons exempted hereby from the payment of the license fee shall be required to register with the Police Department and to obtain a license without fee.

- B. 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.
 - C. The Police Chief may similarly exempt from payment of the license fee, but not from registering with the Department, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation.
 - D. Every license issued under the provisions of this Part shall be issued on an individual basis to individuals 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 the licenses for the applicants therein.
3. The current transient license fee in an amount as established from time to time by resolution of Borough Council will continue to be applied to all vendors as set forth in §13-102(1) except in cases of special events which the Borough Council de-

termines it to be appropriate to charge a rental fee to a sponsoring organization with an additional fee in an amount as established from time to time by resolution of Borough Council per vendor participating in the special event, plus a charge to compensate the Borough for the expenses incurred by the Borough as a result of the special event being held.

4. The Millersburg Borough reserves the right to deviate from the standard transient fee in an amount as established from time to time by resolution of Borough Council at such time as a sponsoring organization makes a request to hold a special event on Borough parks or streets. At the time the Millersburg Borough acts on the request by a sponsoring organization, Council at that time may waive the current transient license fee in an amount as established from time to time by resolution of Borough Council and impose a rental fee on the sponsoring organization, an additional fee in an amount as established from time to time by resolution of Borough Council per vendor for the vendors who participate in the event and a charge designated to cover the expenses incurred by the Borough as a result of said event.

(Ord. 12-1977, 2/10/1977, §2; as amended by Ord. 2-1991, 7/11/1991; by Ord. 4-1993, 5/13/1993, §§1, 2; and by A.O.

§13-103. Application for License.

Every person desiring a license under this Part shall first make application to the Police Department for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid driver's license on other acceptable means as determined by the Chief of Police. The applicant shall state:

- A. His criminal record, if any.
- B. The name and address of the person by whom he is employed.
- C. The type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. The length of time for which license is to be issued.
- E. The type of license number of the vehicle to be used, if any.

(Ord. 12-1977, 2/10/1977, §3)

§13-104. Issuance of License; Custody, Display, or Exhibit Thereof.

Upon receipt of such application and the prescribed fee, the Police Department, if such application is found to be in order, shall issue the license required under this Part. Such

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shall contain the information required to be given on the application therefor. Every license holder shall display such license on his person. When engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, and shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials, and citizens or residents or the Borough.

(Ord. 12-1977, 2/10/1977, §4; as amended by A.O.)

§13-105. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
- C. 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 in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise, or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become unsaleable through handling, age, or otherwise.
- E. Engage in any business activity prohibited in the Borough by general or special law applicable thereto.
- F. Engage in any house-to-house activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 8:00 p.m. on any day of the week other than a Sunday or legal holiday.
- G. Occupy any fixed location upon any of the alleys or streets of the Borough.

(Ord. 12-1977, 2/10/1977, §5)

§13-106. Supervision; Records and Reports.

The Police Chief shall supervise the activities of all persons holding licenses under this Part, and he shall keep a record of all licenses issued hereunder, and shall make a report thereof each month to the Borough Council.

(Ord. 12-1977, 2/10/1977, §6)

§13-107. Suspension and Revocation of License; Appeal.

The Mayor or Chief of Police is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 12-1977, 2/10/1977, §7)

§13-108. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$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 continues shall constitute a separate offense.

(Ord. 12-1977, 2/10/1977, §8; as amended by A.O.)