

BOROUGH OF FAWN GROVE  
YORK COUNTY, PENNSYLVANIA

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAWN GROVE, YORK COUNTY, PENNSYLVANIA, REQUIRING A PERMIT FOR THE PEDDLING, CANVASSING, SOLICITING OR TAKING ORDERS FOR THE SALE OF GOODS, WARES, OR MERCHANDISE UPON THE STREETS, ALLEYS, SIDEWALKS, OR PUBLIC GROUNDS OR FROM HOUSE TO HOUSE; OR THE SELLING OR SOLICITING OR TAKING ORDERS FOR GOODS, WARES, OR MERCHANDISE FROM A FIXED LOCATION ON A TEMPORARY BASIS; SPECIFYING FEES THEREFOR; PLACING LIMITATIONS THEREON; AND PROVIDING REMEDIES AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the council of the Borough of Fawn Grove, York County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. TITLE

This Ordinance shall be known as the Fawn Grove Borough Transient Retail Business Ordinance.

SECTION 2. DEFINITIONS

Unless otherwise expressly stated, the following words shall for the purpose of this Ordinance, have the meaning herein

indicated:

A. The term "transient retail business," as used in this Ordinance, shall mean and include the following: (1) engaging in peddling, canvassing, 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 of Fawn Grove; and (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 celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

B. The word "person," as used in this ordinance, shall mean any natural person, partnership, association, firm or corporation.

C. In this ordinance, the singular shall include plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

## SECTION 2. LICENSE

License Required to Engage in Transient Retail Business:

Fee: No person shall engage in any transient retail business within the Borough of Fawn Grove without first having obtained from the Borough Secretary a license, and paying therefor a fee of ten (\$10.00) Dollars per calendar month, or any portion thereof remaining after issuance of such license, for as many months as shall be desired, but for no more than one year at any one time. Provided, no license fee shall be charged under this section :

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 (which latter term shall not include ice cream or similar products);

D. To any person to conduct a garage sale, garage sale to mean and include all sales entitled "garage sale, "yard sale," "lawn sale," "rummage sale," or any similar casual sale of tangible personal property, provided, such sales activity by the person does not exceed four (4) days within a calendar year.

But all persons exempted hereby from payment of the license fee shall be required to register with the Borough Secretary and to obtain a license without fee. Provided further, any person dealing in one or more of the hereinabove mentioned exempted categories, and selling 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 Mayor may similarly exempt from payment the license fee, but not from registering with the Borough Secretary, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation. Provided further, every license issued on an individual basis to persons engaged in such business; and the license fee hereby imposed shall be applicable to such individual license, no such license shall be transferrable to another individual.

### SECTION 3. APPLICATION FOR LICENSE

Every person desiring a license under this ordinance shall first make application to the Borough Secretary 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 license from such state or

county officer. The applicant shall give his name and address, his previous criminal record, if any, the name of the person by whom he is employed, the type of goods, wares and merchandise he wishes to deal with in such transient retail business, the name and address of the supplier of such goods, wares, and merchandise, and the type and license number of the vehicle to be used, if any. Provided, any person who shall hold a valid license from the Borough under this ordinance, and shall only wish to have the same extended for another month, or re-extended thereafter, need not fill out a new application, but shall only be required to give information that shall have changed since the making of his most recent application.

#### SECTION 4 ISSUANCE OF LICENSE

Issuance of License; Custody and Display Thereof: Upon receipt of such application and the prescribed fee, if any, the Borough Secretary, if he shall find such application in order, shall issue the license required under this ordinance. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person, if engaged in a transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or 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 and residents Of the Borough.

#### SECTION 5 PROHIBITED ACTS

No person engaged in any transient retail business shall;

A. Sell any product or type Of product not mentioned upon his license;

B. Hawk or cry his wares upon any street, alley, side-walk or public ground in the Borough, or make any loud or unusual noise or make use of any sound amplification system;

C. When selling from a vehicle, stop or park such vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity;

D. Park such vehicle upon any street or alley 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 age, handling or otherwise; or

E. Engage in such transient retail business at any time on Sunday, or on any weekday before the hour Of nine o'clock A.M. or after the hour of seven o'clock P.M. , except in the case of house to house business only, and then only with specific advance appointment for a different hour.

#### SECTION 6 SUSPENSION OR REVOCATION OF LICENSE

The Mayor is hereby authorized to suspend or revoke any license issued under this ordinance when he shall deem such suspension or revocation to be beneficial to the public health, safety or morals, or for violation Of any provision of this ordinance, or Of any other ordinance Of the Borough, or law of the Commonwealth, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough council at any time within ten (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.

SECTION 7 PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided: each day's violation of any provision of this ordinance shall constitute a separate violation.

SECTION 8 SEVERABILITY

The provisions of this ordinance shall be severable, if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof.

SECTION 9 EFFECTIVE DATE

Enacted and ordained by the Council of the Borough of Fawn Grove, York County, Pennsylvania, into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

Attest:

FAWN GROVE BOROUGH COUNCIL

_____	By _____
Secretary	President
APPROVED this _____ day of _____, 1978.	
	By _____
	Mayor