

**PART 2**

**TRANSIENT RETAIL BUSINESS**

**§201. DEFINITIONS AND INTERPRETATIONS.**

**TRANSIENT RETAIL BUSINESS** - shall mean and include the following:

- A. 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 Wrightsville.
- B. 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.

**PERSON** - any natural person, partnership, association, firm or corporation.

**YARD SALE** - the sale or offering for sale of new, not purchased for resale, used or secondhand items of personal property at any one residential premises at any one time. The term shall include all sales entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property. [Ord. 98-4]

In this Part, the singular and the masculine shall include the feminine and neuter.

(Ord. 254, 12/6/1971, §1; as amended by Ord. 98-4, 9/14/1998)

**§202. LICENSE REQUIRED TO ENGAGE IN TRANSIENT RETAIL BUSINESS; FEE.**

1. No person shall engage in any transient retail business within the Borough of Wrightsville without first having obtained from the Borough Secretary a license, and paying therefor a fee in an amount as established from time to time by resolution of Borough Council 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 1 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.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- 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.
  - H. The first three yard sales held on a property during a single calendar year.  
[Ord. 98-4]
2. 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 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. 254, 12/6/1971, §2; as amended by Ord. 77-5, 10/24/1977, §1; by Ord. 83-3, 9/12/1983, §1; by Ord. 93-2, 7/12/1993, §1; and by Ord. 98-4, 9/14/1998)

### §203. APPLICATION FOR LICENSE.

Every person desiring a license under this Part 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 Part, and shall only wish to have the same extended for another month, or reextended thereafter, need not fill out a new application, but shall only be required to give any information that shall have changed since the making of his most recent application.

(Ord. 254, 12/6/1971, §3; as amended by Ord. 77-5, 10/24/1977, §2)

#### **§204. 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 Part. 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.

(Ord. 254, 12/6/1971, §4; as amended by Ord. 77-5, 10/24/1977, §3)

#### **§205. 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, sidewalk 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 unsalable through age, handling or otherwise.
- E. Engage in such transient retail business at any time on Sunday or on any weekday before the hour of 9:00 a.m. or after the hour of 7:00 p.m., except in case of house to house business only and then only with specific advance appointment for a different hour.
- F. Hold a yard sale exceeding 2 calendar days in duration. [Ord. 98-4]

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

(Ord. 254, 12/6/1971, §5; as amended by Ord. 98-4, 9/14/1998)

### §206. SUSPENSION OR REVOCATION OF LICENSE.

The Mayor is hereby authorized to suspend or revoke any license issued under this Part 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 Part 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 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. 254, 12/6/1971, §6)

### §207. PENALTY FOR VIOLATION.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not 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 of this Part shall continue shall constitute a separate offense.

(Ord. 254, 12/6/1971, §7; as amended by Ord. 86-4, 11/17/1986, §1; and by Ord. 98-4, 9/14/1998)