

Chapter 198

TRANSIENT RETAIL MERCHANTS

§ 198-1. Definitions; word usage.

§ 198-5. Prohibited acts.

§ 198-2. License required; fee; exemption.

§ 198-6. Suspension of licenses; appeals therefrom.

§ 198-3. Application for license.

§ 198-4. Issuance of license; custody and display thereof.

§ 198-7. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Dallastown 5-10-1982 by Ord. No. 343. Amendments noted where applicable.]

GENERAL REFERENCES

Secondhand Dealers-- See Ch. 155.

§ 198-1. Definitions; word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any natural person, association, partnership, firm or corporation, except that the definition shall not include any person working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit, charitable, civic or service organization.

TRANSIENT RETAIL MERCHANT — Includes the following:

- (1) Engaging in peddling, selling, canvassing soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets, alleys, sidewalks or public grounds, or from house to house, within the Borough of Dallastown; or [Amended 6-13-2005 by Ord. No. 529]
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the borough on a temporary basis, which may include but not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of particular yearly holidays.

B. In this chapter, the masculine shall include the feminine and the neuter; the singular shall include the plural; and the plural shall include the singular.

§ 198-2. License required; fee; exemption.

A. No person shall act as a transient retail merchant in the Borough of Dallastown without first obtaining from the Borough Manager a license, for which a particular fee is imposed

and established and will be set by resolution of the Borough Council, which shall be for the use of the borough.

- B. No license fee shall be charged under this section to farmers selling their own produce; or for the sale of foods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products; but all persons exempted hereby from payment of the license fee shall be required to register with the Borough Manager and to obtain a license without fee.
- C. 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.
- D. Every license issued under the provisions of this chapter shall be issued on an individual basis to persons engaged in such business; every such 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.

§ 198-3. Application for license.

Every person desiring a license under this chapter shall first make application to the Borough Manager. 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 length of time for which such license is to be issued; and the type and license number of the vehicle to be used, if any.

§ 198-4. Issuance of license; custody and display thereof.

Upon receipt of such application and the prescribed fee, the Borough Manager, if he shall find such application in order, shall issue the license required under this chapter. 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 from a fixed location. He shall exhibit such license, upon request, to all police officers, borough officials and citizens and residents of the borough.

§ 198-5. Prohibited acts. [Amended 6-13-2005 by Ord. No. 529]

- A. No transient retail merchant shall sell any product or type of product not mentioned in such merchant's license.

- B. If a transient retail merchant is issued a license for engaging in business as defined in § 198-1A(1) hereof,¹ such merchant shall not engage in such retail business before 9:00 a.m. or after 7:00 p.m. nor any time on Sunday, except by permission from the Borough Manager for special events. In the event the Borough Manager is absent or unavailable, then the responsibility for such permission for an exception for special events shall rest with the President of Borough Council, and if such person is absent or unavailable, it shall rest with the Vice President of Borough Council, and if such person is absent or unavailable, it shall rest with the President Pro Tem of Borough Council.
- C. A transient retail merchant engaging in a business from a fixed location within the Borough on a temporary basis may hereafter operate such transient retail business, during the term of the license issued for the same, without restriction as to operating hours. **[Amended 7-11-2005 by Ord. No. 530]**

§ 198-6. Suspension of licenses; appeals therefrom.

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

§ 198-7. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. Each day's violation of any provision of this chapter shall constitute a separate violation.

1. Editor's Note: Section 198-1A(1) refers to Subsection (1) under the definition of "transient retail merchant."

