

PART 2

TRANSIENT RETAIL MERCHANTS

§13-201. Definitions and Interpretations.

1. As used in this Part:

PERSON — any natural person, association, partnership, firm or corporation

TRANSIENT RETAIL BUSINESS –

- A. Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise for any goods, wares or merchandise upon any of the streets or alleys, sidewalks or public grounds or from house to house within the Borough of Philipsburg.
- 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 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.

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

(Ord. 699, 3/7/1969, §1; as amended by Ord. 888, 3/2/1981, §1)

§13-202. License Required.

1. No person shall engage in any transient retail business within the Borough of Philipsburg without first having obtained a license from the Mayor. The license fees shall be established, from time to time, by resolution of the Borough Council.¹
2. No license fee shall be charged under this Section to farmers selling their own produce, for the sale of goods, wares and merchandise 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 Mayor and to obtain a license without fee.
3. 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

¹ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

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subject to the payment of license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories.

4. The Mayor 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 any nonprofit corporation.
5. Every license issued under the provisions of this Part shall be issued on an individual basis to 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.

(Ord. 699, 3/7/1969, §2; as amended by Ord. 888, 3/2/1981, §1; as amended by A.O.

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the Mayor 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 criminal record, if any, the name of the person by whom he is employed, if any, 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.

(Ord. 699, 3/7/1969, §3)

§13-204. Issuance of License; Custody and Display Thereof.

Upon receipt of such application and the prescribed fee, the Mayor, 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. 699, 3/7/1969, §4)

§13-205. Prohibited Acts.

No person engaged 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 selling 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 person 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 or wrapping material or of any stock or wares or foodstuffs which have become unsaleable through handling, age or otherwise.

(Ord. 699, 3/7/1969, §5)

§13-206. Duties of Mayor.

The Mayor 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 to the Borough Council at each regular meeting thereof.

(Ord. 699, 3/7/1969, §6)

§13-207. Suspension of License.

The Mayor is hereby authorized to suspend any license issued under this Part when he shall deem such suspension to be beneficial to the public health, safety or morals or for the violation of any provision of this Part or for giving false information upon any application for a license hereunder. Appeals from any 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.

(Ord., 699, 3/7/1969, §7)

§13-208. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction there, be sentenced to pay a fine of not more than \$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 Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 699, 3/7/1969, §8; as amended by Ord. 888, 3/2/1981, §1; and by A.O.

