

**BOROUGH OF EDGEWOOD
ORDINANCE NUMBER 1053
TRANSIENT RETAIL BUSINESSES**

AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 856 PROVIDING FOR THE REGULATION AND LICENSING OF TRANSIENT RETAIL BUSINESS WITHIN THE BOROUGH OF EDGEWOOD; REQUIRING PERSONS DESIRING TO ENGAGE IN TRANSIENT RETAIL BUSINESS TO OBTAIN LICENSE; AND PRESCRIBING PENALTY FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by Council of the Borough of Edgewood, and it is hereby ordained and enacted by the authority of the same;

Section 1. Definitions

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

PERSON - Any natural person, association, partnership, firm or corporation.

TRANSIENT RETAIL BUSINESS – Includes the following:

- (1) 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 or house, within the Borough of Edgewood; 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 holidays.

MOBILE FOOD VENDOR – shall mean a food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food or beverage is cooked, prepared and served for individual portion services, such as a mobile food kitchen.

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

Section 2. License required; fees.

A. No person shall engage in any transient retail business within the Borough of Edgewood without first having obtained from the Police Department a license, for which the following license fees, per day, per week, per month, per year, or part thereof, which shall be for the use of the Borough, shall be charged as set forth in the Fee Resolution.

B. Provided, however, that no license fee shall be charged under this section 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 exempt hereby from payment of the license fee shall be required to register with the Police Department 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 exempted, shall be subject to the payment of the license fee fixed by this section for this activity in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Police Department shall similarly exempt from payment of the license fee, but not from registering with it, persons working without compensation and selling goods, wares and merchandise for the benefit of any nonprofit corporation.

- C. Provided, further, every license issued under the provisions of this article 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.

Section 3. Application for license

Every person desiring a license under this article 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 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 of vehicle to be used, if any.

Section 4. Issuance of license; display of license.

Upon receipt of such application and the prescribed fee, the Police Department, if it shall find such application in order, shall issue the license required under this article. 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, 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 of the Borough.

Section 5. Prohibited acts.

No persons 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 or her wares upon any street, alley, sidewalk 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 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 and merchandise or of disposing

of any cartons, wrapping material or of any stock or wares of foodstuffs which have become unsalable through the handling, age or otherwise;

E. Persist in speaking with a resident that does not wish to speak with that person (solicitor).

Section 6. Supervision by Police Department.

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

Section 7. Suspension of license.

The mayor is hereby authorize to suspend any license issued under this article when he deems such suspension to be beneficial to the public health, safety or morals, or violation of any of the provisions of this article, 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. Council may decide to overturn the suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

Section 8. Rights and privileges; time restrictions.

Any person who has obtained the aforementioned license shall be entitled to all the rights and privileges granted in accordance with this license and that of this article itself. However, let it be known that all such rights and privileges shall only be applicable between the hours of 10:00 a.m. through 6:00 p.m. on Monday through Friday and may not be exercised before or after said hour on weekends and/or holidays.

Section 9. Violations and penalties.

Any person who shall violate any of the provisions of this article shall, for every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days; provided, however, that each day's violation of any of the provisions of this article shall constitute a separate violation.

Section 10. Mobile Food Vendors – Exemptions.

Any properly licensed business which meets the definition of Mobile Food Vendor shall be exempt from the following section of this Ordinance: Section 8.

Section 11. Mobile Food Vendors – Time Restrictions.

Properly licensed Mobile Food Vendors shall be subject to the following time restrictions with respect to their activities: 8:00 a.m. through 8:00 p.m.

ORDAINED AND ENACTED into law this day of , 2015.

ATTEST

Julie P. Bastianini
Borough Secretary

Patricia M. Schaefer
Council President

EXAMINED AND APPROVED by me this day of , 2015.

J. Edward Cook, Mayor