

**Chapter 190**

**TRANSIENT RETAIL BUSINESSES**

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**[HISTORY: Adopted by the Borough Council of the Borough of North Wales 6-20-1973 as Ord. No. 466. Amendments noted where applicable.]**

GENERAL REFERENCES

Business privilege license — *See* Ch. 102.

**§ 190-1. Definitions and 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.

TRANSIENT RETAIL BUSINESS — Includes the following: 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 North Wales; and 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. In this chapter, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

**§ 190-2. License required; fee; exemptions.'**

No person shall engage in any transient retail business within the Borough of North Wales without first having obtained from the Borough Manager a license for which a fee, as shall be set forth from time to time by resolution of the Borough Council, which shall be for the use of the borough. No license fee shall be charged under this section to farmers selling their own produce; for the sale of goods, wares or merchandise donated by the owner 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 exempt hereby from payment of the license fee shall be required to register with the Borough Manager and to obtain a license without fee. Any person dealing in one (1) 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 activity in connection with the sale of goods, wares or merchandise not in such exempted categories. The Borough Manager may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares and merchandise for the sole benefit of any nonprofit corporation. Every license issued under the provisions of this chapter shall

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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, and no such license shall be transferable to any other individual.

**§ 190-3. Application for license.<sup>2</sup>**

Every person desiring a license under this chapter shall first make application to the Borough Manager 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, address, sex, age and previous criminal record; the name and address of his employer; a description of 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 make, model and registration number of the vehicle that he uses.

**§ 190-4. Issuance of license; display.<sup>3</sup>**

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 street, alley, sidewalk or public ground in the borough or shall display such license at the location where he shall engage in such transient retail business if doing so at a fixed location. He shall exhibit such

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

license, upon request, to all police officers, borough officials and citizens or residents of the borough.

**§ 190-5. Prohibited acts by license holders.**

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 street, alley, sidewalk or public ground in the borough.
- 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 any 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 cartons, wrapping material or any stock or wares or foodstuffs which may have become unsalable through handling, age or otherwise.
- E. Engage in such business at any time on Sunday or before 9:00 a.m. or after 5:00 p.m. on any other day of the week.

**§ 190-6. Suspension and revocation of licenses.<sup>4</sup>**

The Borough Manager is hereby authorized to suspend or revoke any license issued under this chapter when he shall deem such suspension or revocation to be in the interest of the public health, safety, morals or welfare or for violation of any provision of this chapter 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

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<sup>4</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

**§ 190-7. Violations and penalties.<sup>5</sup>**

Any person who shall violate any provision of this chapter shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each day's violation of any provision of this chapter shall constitute a separate violation.

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions. Art. I.