

PART 2
TRANSIENT RETAIL BUSINESS

§13-201. Definitions and Interpretation.

1. As used in this Part, the following words and phrases shall have the meaning ascribed to them herein:

LEGAL HOLIDAY – New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON – Any natural person, partnership, association, corporation or other legal entity.

SALESPERSON –

- (1) Engaging in peddling, soliciting, purchasing, or taking orders, either by sample or otherwise, for any goods, wares, merchandise or services upon any street, alley, sidewalk or public ground, or from house to house, within the City.
- (2) Selling, soliciting, purchasing or taking orders for any goods, wares, services, or merchandise from a fixed location within the City, 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 in advance of specific yearly holidays.

Provided, “transient retail business” shall not include any permanent business conducted from a fixed location in the City.

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

(Ord. 20B, 3/7/1977, §1)

§13-202. License Required; Fee; Conditions Thereof.

1. No person shall engage in any transient retail business within the City of Lock Haven without first having obtained from the Chief of Police a license, for which a fee, in an amount as established from time to time by resolution of Council, which shall be for the use of the City, shall be charged. 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.
 - 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.

[Ord. 670]

2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Chief of Police and obtain a license without fee. Provided, further, 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 Chief of Police 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. Provided, further, every covered by a license issued under the provisions of this Part shall be issued to cover up to four persons engaging in such business; 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 the licenses for the applicants therein.

(*Ord. 20B, 3/7/1977, §2; as amended by Ord. 670, 2/24/2003, §1*)

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the Chief of Police 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 state:

- A. His criminal record, if any.
- B. The name and address of the person by whom he is employed.
- C. The type of goods, wares, merchandise or services he wishes to deal with in such transient retail business.
- D. The length of time for which the license is to be issued.
- E. The type and license number of the vehicle to be used, if any.

(*Ord. 20B, 3/7/1977, §3*)

§13-204. Issuance of License, Custody, Display, or Exhibit.

Upon receipt of such application and the prescribed fee, the Chief of Police, 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. A license shall be required for every four sales persons who engage in any of the activities hereunder within the City. Every license holder shall carry such license upon his person if engaged in 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, City officials and citizens or residents of the City.

(*Ord. 20B, 3/7/1977, §4*)

§13-205. Prohibited Acts.

No person 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 City, excepting municipal parking lots provided that all fees are paid.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the City 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 City 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 handling, age or otherwise.
- E. Engage in any business activity prohibited in the City by general or special law applicable thereto.
- F. Engage in any house-to-house activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 8 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 20B, 3/7/1977, §5)

§13-206. Supervision; Records and Reports.

The Chief of Police shall supervise the activities of all persons holding licenses under this Part; he shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the City Council.

(Ord. 20B, 3/7/1977, §6)

§13-207. Suspension and Revocation of License; Appeal.

The Chief of Police is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this Part or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the City 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. 20B, 3/7/1977, §7)

§13-208. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50.00 and not more than \$500.00 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 shall constitute a separate offense.

(Ord. 20B, 3/7/1977, §8; as amended by Ord. 670, 2/24/2003, §1)

