

Chapter 230

TRANSIENT RETAIL BUSINESS

§ 230-1. Definitions.

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

BUSINESS — The sale, display or taking of orders by sample or otherwise of goods, wares or merchandise and such activities commonly known as "huckstering," "peddling," "vending," "soliciting" and "canvassing."

OFFICE or PLACE OF BUSINESS — A place, other than a motel, hotel or other similar premises, owned or leased for a period in excess of six weeks and occupied by a person in or employed by a business.

TOWNSHIP — York Township.

TRANSIENT — For a period of not more than six continuous weeks.

§ 230-2. License required.

It shall be unlawful for any person, firm or corporation to engage in a transient retail business in the Township without first having secured a license therefor.

§ 230-3. Application.

Every person, firm or corporation desiring to engage in a transient retail business in the Township shall first make application to the Township Manager for a license. The person making such application shall give his name and address, the name and address of the firm or corporation which he is representing, the type of goods, wares or merchandise with which the business will be involved, the length of time the license is being applied for, the type of vehicle or vehicles which will be used, if any, and the names and addresses of all those persons who will be participating in such business in any manner within the Township.

§ 230-4. Fee.

The fee for such license shall be as established from time to time by the Board of Commissioners for each person who sells, displays, takes orders or otherwise contacts Township residents for the purposes stated in the definition of "business" in § 230-1 herein. No fee shall be charged to charitable, religious or nonprofit civic organizations.

§ 230-5. Regulations.

The following shall apply to all persons, firms or corporations engaging in a transient retail business:

- A. There shall be no calls made from within the Township by telephone or by physical presence upon a premises except Monday through Saturday between the hours of 9:00 a.m. and 9:00 p.m., prevailing time.
- B. Any person calling by appearing upon a premises shall carry a license upon his person and shall exhibit such license, upon request, to all police officers, Township officials or citizens occupying said premises.
- C. There shall be no business transacted which shall concern any goods, wares or merchandise other than those specified in the application for license or which shall consist of fraud, cheating or material misrepresentation.
- D. Physical presence upon a premises prominently posted with a "No Soliciting," "No Salesmen," "No Trespassing," "No Vendors" or similar sign shall be prohibited.
- E. Physical presence upon a premises for a period exceeding five minutes after being asked to leave by anyone in possession thereof shall be prohibited.

§ 230-6. Presumption of transience.

Any person, firm or corporation who or which does not have an office or place of business within the Township shall be presumed to be transient, notwithstanding any representations to the contrary. Should such person, firm or corporation continuously engage in a retail business within the Township for a period of time in excess of six weeks, he or it shall, upon providing proof thereof to the Township, be entitled to a refund of the license fee.

§ 230-7. Registration card.

Upon depositing the sum as established from time to time by resolution by the Board of Commissioners, each person for whom a fee has been paid, as established from time to time by the Board of Commissioners, shall be given a card indicating that he is licensed under this chapter. Upon returning said card, the deposit shall be returned. Said deposit shall not be required of charitable, religious or nonprofit civic organizations.

§ 230-8. Exceptions.

Nothing in this article shall be construed to apply to transient retail businesses excepted by statute from the regulations of this article.

§ 230-8.1. Activities within a public right-of-way. [Added 12-14-2004 by Ord. No. 2004-16]

It shall be unlawful for any person, firm or corporation to engage in a transient business or any activities associated therewith within any public right-of-way. Included in such activities shall be the peddling, soliciting or

seeking of donations, contributions or gifts to not-for-profit corporations or similar entities.

§ 230-9. Violations and penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this article, in addition to having his or its license revoked, without refund, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment thereof, to imprisonment for not more than 30 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.