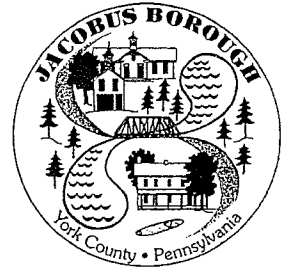


Jacobus Borough

126 N. Cherry Lane, Jacobus, PA 17407-1000

Phone: 717-428-1752
Fax: 717-428-0588
E-mail: jacobusborough@verizon.net



Application for Transient Retail Merchant License

Applicant's Name: _____ Phone: (H) _____

Permanent Address: _____ (C) _____

_____ (W) _____

Local Address (if different than permanent address): _____

Driver's License: (State) _____ (Number) _____

Employer's Business License #: _____

Employer Name: _____

Employer Address: _____

Phone: (B) _____ (C) _____ (Other) _____

Vehicle: (Make) _____ (Model) _____ (Year) _____

(Plate #) _____ Registered To: _____

Registered In: (State) _____

Type of Goods, Wares, Merchandise or Services to be sold: _____

Time Period desired for License : _____ 1 - 7 Days (\$10.00) _____ 1 Month (\$20.00)
(Please check one)

_____ 2 - 4 Months (\$30.00) _____ 6 Months (\$50.00)

~~~~Office Use Only~~~~

License #: TRML \_\_\_\_\_ Date Issued: \_\_\_\_\_ Time Period: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Paid by: Cash \_\_\_\_\_ or Check # \_\_\_\_\_ License Expires: \_\_\_\_\_

Issued by: \_\_\_\_\_, Secretary for Jacobus Borough

Issued pursuant to Jacobus Borough Ordinance #1993-114

JACOBUS BOROUGH  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011-6

**AN ORDINANCE OF JACOBUS BOROUGH, YORK COUNTY,  
PENNSYLVANIA, AMENDING AND RESTATING ARTICLE I OF  
CHAPTER 160 OF THE CODE OF ORDINANCES ENTITLED  
LICENSING AND REGULATION OF TRANSIENT RETAIL  
BUSINESSES.**

**NOW, THEREFORE, BE IT SO ENACTED AND ORDAINED**, by the Borough Council of Jacobus Borough, York County, Pennsylvania, and by and through the authority of the same, as follows:

Section 1. Article I of Chapter 160 "Licensing and Regulation of Transient Retail Business," of the Code of Ordinances of Jacobus Borough, York County, Pennsylvania, is hereby amended and restated as set forth in the attached document.

Section 2. Severability.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. In such case, all provisions of this Ordinance that were not declared invalid shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed all other parts of this Ordinance, without including any part declared invalid, if it had advance knowledge that such part would be declared invalid.

Section 3. Procedural Defects in Enactment.

Allegations that this Ordinance or any amendment hereto was enacted in a procedurally defective manner shall be appealed as provided in Pennsylvania law.

Section 4. Repealer.

Any provisions of the previous Article I of Chapter 160, entitled "Licensing and Regulation of Transient Retail Business" that is inconsistent or incompatible with this Ordinance is hereby repealed and all other Borough ordinances or parts thereof that are inconsistent or incompatible herewith are repealed to the extent of such inconsistency or incompatibility. This Repealer clause shall only repeal Borough ordinances or parts thereof that were adopted prior to this Ordinance and that are clearly in direct conflict with this Ordinance.

Section 5.      Enactment.

This Ordinance shall become effective in 5 calendar days, as provided by law.

**ORDAINED AND ENACTED** by the Borough Council of the Jacobus Borough, York County, Pennsylvania, on this 7th day of December, 2011.

Attest:

JACOBUS BOROUGH COUNCIL

Cynthia M. Ferree  
Cynthia M. Ferree, Secretary

BY: Brian K. Dell  
Brian K. Dell, President

(SEAL)

APPROVED this 7<sup>th</sup> day of December, 2011.

Gregory B. Gruendler  
Gregory B. Gruendler, Mayor

# ARTICLE I

## LICENSE AND REGULATION OF TRANSIENT RETAIL BUSINESS

- |                                                            |                                                   |
|------------------------------------------------------------|---------------------------------------------------|
| § 160-1. Definitions; word usage.                          | § 160-6. Prohibited acts.                         |
| § 160-2. License required; fee; exemption.                 | § 160-7. Suspension of licenses; appeal therefrom |
| § 160-3. Presumption.                                      | § 160-8. Violations and penalties.                |
| § 160-4. Application for license.                          |                                                   |
| § 160-5. Issuance of license; custody and display thereof. |                                                   |
- 

### § 160-1. Definitions; word usage.

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

BOROUGH – Jacobus Borough, York County, Pennsylvania

PERSON – Any natural person, association, partnership, firm, corporation or other business entity, except that the definition shall not include any person working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit, charitable, civil, religious, or service organization.

TRANSIENT RETAIL BUSINESS – Includes the following:

- (1) Engaging in peddling, selling, canvassing, soliciting, huckstering or taking orders, either by display, sample or otherwise, for any goods, wares or merchandise, upon any of the streets, alleys, sidewalks or public grounds, or from house to house, with the Borough of Jacobus; or
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the borough on a temporary basis, which may 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 particular yearly holidays.

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

### § 160-2. License required; fee; exemption.

- A. No person shall act as a transient retail business in the Borough without first obtaining from the Borough a license, for which a particular fee is imposed and established and will be set by resolution of the Borough Council, from time to time.
- B. No license fee shall be charged under this section to farmers selling their own produce or to any charitable or philanthropic organization; provided, however that all persons exempted hereby from payment of the license fee shall be required to register with the Borough and to obtain a license without fee.

- C. 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 subject to the payment of the license fee fixed by this section for the transient retail business activities in connection with the sale of goods, wares and merchandise not in such exempted categories.
- D. Every license issued under the provisions of this Part shall be issued on an individual basis to persons engaged in such business; every such 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.

**§ 160-3. Presumption.**

Any person, as defined herein, which does not have a fixed office or place of business within the Borough shall be presumed to be a transient retail business regardless of any representations to the contrary.

**§ 160-4. Application for license.**

Every person desiring a license under this Part shall first make application to the Borough Secretary on a form prescribed by the Borough. The applicant shall give his name and address; 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 and license number of the vehicle to be used, if any.

**§ 160-5. Issuance of license; custody and display thereof.**

Upon receipt of such application and the prescribed fee, the Borough Secretary shall issue the license required under this part provided the application is found to be in order. Such license shall contain the information required to be given on the application therefor. No license shall be issued for a period of more than six (6) months. 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 from a fixed location. He shall exhibit such license, upon request, to all police officers, borough officials and citizens and residents of the Borough.

**§ 160-6. Prohibited acts.**

- A. No transient retail merchant shall sell any product or type of product not mentioned in such merchant's license.
- B. If a license is issued hereunder, such merchant shall not engage in such retail business before 9:00 a.m. or after 9:00 p.m., prevailing time, nor any time on Sunday, except by permission from the Borough Secretary for special events. In the event the Borough Secretary is absent or unavailable, then the responsibility for such permission for an exception for special events shall rest with the President of Borough Council, and if such person is absent or unavailable, it shall rest with the Vice President of Borough Council, and if such person is absent or unavailable, it shall rest with the Mayor. However, a transient retail merchant engaging in a business from a fixed location within the Borough on a temporary basis may hereafter operate such transient retail business from the fixed location, during the term of the license

issued for the same, without restriction as to operating hours.

- C. A license holder shall be prohibited from physically entering upon a premises that is posted prominently with a “no soliciting,” “no salesmen,” “no trespassing,” “no vendors,” or similar sign.
- D. Physical presence upon a premises for a period in excess of five (5) minutes after being asked to leave by anyone occupying or in possession of the premises shall be prohibited.

**§ 160-7. Suspension of licenses; appeals therefrom.**

The Borough Secretary 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 violation of any of the provisions of this chapter or for giving false information upon any application for a license hereunder. Appeals from any such suspension may be made to the Borough Council at any time within ten (10) days after such suspension. No part of a license fee shall be returned to any person whose license shall have been suspended.

**§ 160-8. Violations and penalties.**

In addition to revocation of his license, any person who shall violate any provisions of this part shall, for each and every such violation, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, including reasonable attorneys’ fees, and in default of payment of such fine and costs by imprisonment for not more than thirty (30) days. Each day’s violation of any provision of this part, shall constitute a separate violation.