

**BOROUGH OF GREEN LANE  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020 – \_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF GREEN LANE, MONTGOMERY COUNTY,  
PENNSYLVANIA, AMENDING CHAPTER 13, “LICENSES, PERMITS AND GENERAL  
BUSINESS REGULATIONS,” OF THE CODE OF ORDINANCES OF THE BOROUGH OF  
GREEN LANE (“BOROUGH”), PART 1, “TRANSIENT RETAIL MERCHANTS,”  
RESTATING SAID TRANSIENT RETAIL MERCHANTS ORDINANCE, ADDING  
PROVISIONS ALLOWING FOR A PROPERTY OWNER’S LICENSE AND REPEALING  
ANY INCONSISTENT PROVISIONS THEREWITH**

SECTION I. Title. This ordinance shall be known and may be cited as the Borough of Green Lane (“Borough”) “Restated Transient Retail Merchants Ordinance.”

SECTION II. Authority. The Borough Council (“Council”) of the Borough, under, and by virtue of and pursuant to the authority granted by the Borough Code, 8 Pa. C.S.A. §101 et seq., does hereby enact and ordain this ordinance.

SECTION III. Restated Transient Retail Merchants Ordinance. Part 1 of Chapter 13 of the Code of Ordinances of the Borough shall be replaced with the following:

**Section 101. DEFINITIONS.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**LEGAL HOLIDAY** - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas.

**PERSON** - any natural person, partnership, association, corporation or other legal entity. Whenever used in any section herein prescribing and imposing limitations on the acquisition or renewal of a license, the term “person” as applied to associations shall include the responsible members of the association, as applied to partnerships shall include all partners of the partnership and as applied to corporations shall include the officers of the corporation

**TRANSIENT RETAIL BUSINESS** -

- A Engaging in peddling, 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.
- B. 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 not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**Section 102. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.**

No person shall engage in any transient retail business within the Borough without first having obtained a license from the person(s) designated by the Borough Council. The fee for the license shall be Fifty Dollars (\$50.00) for a maximum duration of one month or fractional part thereof during which a person engages in any transient retail business within the Borough. Such fee for the license shall be paid by all persons prior to the issuance of a license and prior to engaging in any transient retail business within the Borough. Unless the license is sooner revoked, a person may renew a license for a maximum duration of one month or fractional part thereof, however, a person may renew a license a maximum of five times during each calendar year. A person may obtain only one license per calendar year, but that person may apply to renew the license, unless the license is sooner revoked, a maximum of five times per calendar year as provided for herein. The application fee for each renewal of the license shall be Fifty Dollars (\$50.00). Application for the license and application for any renewal term shall be made at the Borough Office during the Borough's normal business hours

### **Section 103. EXCEPTIONS.**

No license fee shall be charged:

- 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 eighteen (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 any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate pursuant to the Act of 1867.
- F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- G. To a person who has complied with the provisions of the Charitable Organization Reform Act, 10 P.S. §160-1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- H. 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.

But all persons exempted hereby from the payment of the license fee shall be required to register with the person(s) designated by the Borough Council and obtain a license without fee; provided, any person dealing in one (1) 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 person(s) designated by the Borough Council 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 a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or 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, except that a representative of a charitable organization may obtain licenses for the applicants.

#### **Section 104. LICENSE APPLICATION.**

Every person desiring a license under this Part shall first make application to the person(s) designated by the Borough Council for such license. He shall, when making such application, exhibit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued; said length of time of said license shall not exceed one month.
- E. Type and license number of the vehicle to be used, if any.

The applicant shall also provide to the person(s) designated by the Borough Council when first making application to the Borough the following documentation:

- A. Certificate of insurance naming the Borough as an additional insured in an amount acceptable to the Borough.
- B. If the applicant intends to sell, solicit or take orders for any goods, wares or merchandise from a fixed location within the Borough, on a temporary basis, on property that is not owned by the applicant, the applicant must provide the Borough with a copy of a lease or other written agreement executed by the owner of the property and the applicant granting the applicant the right to sell, solicit or take orders for any goods, wares or merchandise from that fixed location within the Borough, on a temporary basis and for the time period the applicant intends to sell, solicit or take orders for any goods, wares or merchandise from that fixed location.

#### **Section 105. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.**

Upon receipt of such application and the prescribed fee, the person(s) designated by the Borough Council, 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, and such license shall also include an expiration date. 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, municipal officials, and citizens or residents of the Borough. The license holder shall comply with all applicable local, state and federal rules, regulations, laws and ordinances

#### **Section 106. 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 Borough.
- C. When operating 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 or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 9:00 p.m. on any day of the week other than a Sunday or legal holiday.

#### **Section 107. PROPERTY OWNER'S LICENSE**

Notwithstanding the over provisions of this Ordinance, a property owner within the Borough as an agent for a person or persons engaged in transient retail business may apply for and obtain a license from the person(s) designated by the Borough Council that will be valid for said person or persons engaged in transient retail business operating only at the property owned by the property owner and for the duration of the license. Said license obtained by the property owner shall be called a "Property Owner's License" and shall be valid for a maximum duration of one calendar year or fractional part thereof, provided, however, upon the request of the Borough, that the property owner must provide the Borough with the required information and documentation for each person engaged in transient retail business as otherwise would be required from the person engaged in transient retail business to obtain a transient merchant license. The property owner, upon the request of the Borough, shall have a duty to update the Borough with the required information and documentation for each person engaged in transient retail business as otherwise would be required from the person engaged in transient retail business to obtain a transient merchant license. The fee for said Property Owner's License shall be One Hundred Dollars (\$100.00) for a maximum duration of one calendar year or fractional part thereof regardless of the number of persons engaged in transient retail business with said Property Owner's License expiring December 31 of each year regardless of when the property owner obtains its Property Owner's License. By way of example, if the property owner obtains its Property Owner's License on March 1, the Property Owner's License expires the following December 31. By way of further example, if the property owner obtains its Property Owner's License on December 1, the Property Owner's License expires the following December 31. The property owner may obtain one Property Owner's License each calendar year. The person or persons engaged in transient retail business operating pursuant to a Property Owner's License are limited to conducting business activity during the days and hours of operation of the property owner.

#### **Section 108. SUPERVISION; RECORDS AND REPORTS.**

The person(s) designated by the Borough Council 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 Borough Council.

**Section 109. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.**

The person(s) designated by the Borough Council is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (30) days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

**Section 110. PENALTIES.**

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 more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

SECTION IV. Severability. In the event any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION V. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby repealed.

SECTION VI. Effective Date. This Ordinance shall become effective within the time period provided by law.

ENACTED and ORDAINED by the BOROUGH COUNCIL of THE BOROUGH OF GREEN LANE this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**BOROUGH OF GREEN LANE**

By: \_\_\_\_\_  
Brian L. Carpenter, Borough Council President

By: \_\_\_\_\_  
Lynn Wolfe, Borough Mayor

**ATTEST:**

\_\_\_\_\_  
Mary T. Garber, Borough Secretary

(Borough of Green Lane seal)