

**HALLAM BOROUGH  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 2021-2**

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**AN ORDINANCE OF HALLAM BOROUGH, YORK COUNTY, PENNSYLVANIA,  
AMENDING AND RESTATING ORDINANCE 2007-02, LICENSES, PERMITS AND  
GENERAL BUSINESS REGULATIONS**

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**WHEREAS**, Hallam Borough Council has heretofore duly enacted ordinances regulating the conduct of certain types of business and requiring licenses or permits for certain business activities;

**WHEREAS**, it is the desire of the Hallam Borough Council to further amend these those ordinances

**NOW, THEREFORE BE IT ORDAINED, AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF HALLAM BOROUGH AS FOLLOWS:**

**LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS**

**Part 1  
TRANSIENT RETAIL BUSINESS**

**Section 1. Definitions.** As used in this Part 1, the following terms shall have the meanings indicated:

TRANSIENT RETAIL BUSINESS - Includes the following:

- A. Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares, or merchandise, upon any street, alley, sidewalk, or public place within the Borough. Door to door solicitation is prohibited in the Borough as stated in Section 8.
- 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 shall not be limited to any activities conducted at the time of special occasions or celebrations, for seasonal purposes or for, or in advance of, particular yearly holidays.
  - (1) Operation of a food truck within the Borough.

(2) Yard sales as defined below are excluded from the definition of "Transient retail business"

**YARD SALE** - A one or two day sale or offering for sale of new, used, or secondhand items of personal property conducted by the occupant of a residential property. Items for sale shall only include items not originally purchased for resale. Included in this definition are all sales in residential areas which may be entitled "garage sale," "yard sale," "sidewalk sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," or any similar casual sale of tangible personal property.

**Section 2. License Required; Fees.**

No person, organization, corporation, other business entity shall engage in any transient retail business within the Borough without first having obtained from the permit officer a license and paying to him/her a fee to be in such amount established from time to time by resolution of the Borough Council. A license shall be valid for a period of one year from the date of issue and shall allow the license holder to operate his/her business.

**Section 3. Exceptions.**

1. No license shall be required for:
  - A. fruit and vegetable growers selling home-grown produce.
  - B. the sale of goods, wares, and merchandise offered for sale by charitable or philanthropic organizations for charitable or philanthropic purposes.
  - C. children under the age of 18 years who take orders for and deliver, among other things, newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or similar not-for-profit organizations.
  - D. a person and/or organization 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.

**Section 4. Application for License.**

1. Every person desiring to engage in soliciting or peddling in the Borough shall first make application to the permit officer for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license. The application shall be upon a form provided by the Borough and shall contain at least the following information verified by oath or affirmation:
  - A. Full name of the applicant and local address, if any.

- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services, or merchandise offered for sale.
- E. A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor.
- F. The type of vehicle (with a copy of valid/current registration and insurance) to be used, if any.
- G. A photograph and a copy of a criminal background check conducted by the Pennsylvania State Police that is dated no more than 60 days prior to the date of application.
- H. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by and an individual license shall be required for each helper. No license under this Part 2 shall be transferable from one person to another.
- I. Where a special event involves a number of vendors, the event organizer may obtain one permit on behalf of all vendors by listing those vendors on his/her application.

#### **Section 5. Investigation; Issuance or Refusal of License.**

The permit officer may deny the application for a license if the application is incomplete, is not accompanied by the required fee, or if the applicant or applicant's organization has an active arrest warrant or has been convicted of or has plead guilty or nolo contendere to

1. violating the provisions of this Chapter 13 within a period of 2 years prior to the date of the application, or
2. any burglary, robbery, theft, violent crime, or any felony or misdemeanor involving fraud or misrepresentation.

When a license is refused, the Borough shall return to the applicant the license fee that had been paid to the Borough at the time of making the application.

**Section 6. Custody, Display and Exhibit of License.**

Every license holder shall carry the license upon his person or shall display it upon his vehicle, if he is engaged in a transient retail business upon any street, alley, sidewalk, or public ground, or he shall display the license at the fixed location where he shall engage in business if doing so from a fixed location. He shall exhibit the license upon request to all police officers, Borough officials, and citizens or residents of the Borough.

**Section 7. Prohibited Acts.**

1. 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 or use any loudspeaker or horn or other device for announcing his presence by which the public may be annoyed.
  - C. When selling from a vehicle, stop or park a vehicle upon any street or alley in the Borough for longer than necessary in order to sell from the vehicle to persons residing or working in the immediate vicinity.
  - D. The practice or custom of going in and upon private residences in the Borough by solicitors, peddlers, itinerant merchants or transient retail merchants, regardless of whether they hold a valid license under this Part 1 and regardless of whether they are a for-profit or non profit entity, not having been requested or invited to do so by the owner or occupant of that private residence, for the purpose of soliciting orders for the sale of goods, wares, services or merchandise or of disposing of, peddling, or hawking goods, wares, services, special knowledge or merchandise is declared to be a nuisance and also a violation of this Part.

**Section 8. Suspension or Revocation of License; Appeals.**

The permit officer is authorized to suspend or revoke any license issued under this Part when he/she deems the suspension or revocation to be in the interest of the public health, safety or morals, or for violation of any provision of this Part 2, or for giving false information upon the application for a license under this Part 2. Appeals from any suspension or revocation may be made to Borough Council at any time within 10 days after suspension or revocation. Appeal must be in letter request form to the Borough Council. The Borough Council shall, within 30 days, schedule a date and time at which the appeal will be heard. No part of the license fee shall be refunded to any person whose license has been suspended or revoked.

**Section 9. Penalty.**

Any person, firm, or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings 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 or each section of this Part 2 which shall be found to have been violated shall constitute a separate offense.

**Section 4. Repealer.**

All prior ordinances that are inconsistent herewith are repealed to the extent of such inconsistency.

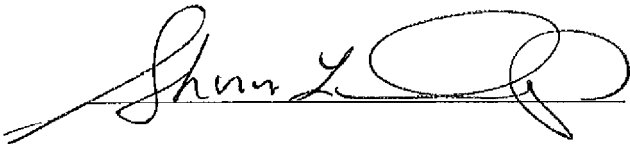
**Section 5. Effective Date.**

This ordinance shall be effective immediately.

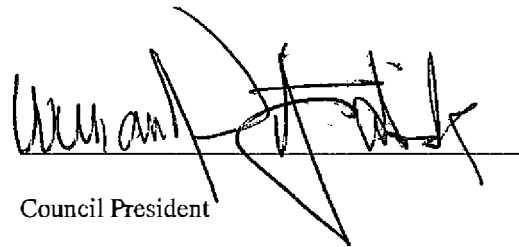
ENACTED AND ORDAINED this 9<sup>th</sup> day of August, 2021.

ATTEST:

HALLAM BOROUGH COUNCIL

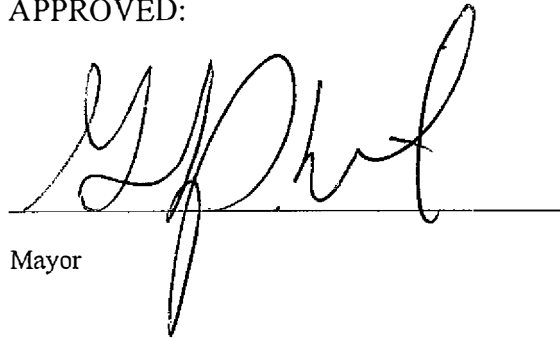
A handwritten signature in black ink, appearing to read "Shirley", written over a horizontal line.

Secretary

A handwritten signature in black ink, appearing to read "William", written over a horizontal line.

Council President

APPROVED:

A handwritten signature in black ink, appearing to read "G. P. H.", written over a horizontal line.

Mayor