

**PERKASIE BOROUGH
ORDINANCE NO. ____**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS
COUNTY, PENNSYLVANIA, AMENDING CHAPTER 101 OF THE
PERKASIE BOROUGH CODE OF ORDINANCES
PERTAINING TO HAWKERS, PEDDLERS AND SOLICITORS**

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the Constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

WHEREAS, the Borough of Perkasia, in furtherance of the authority noted previously in this ordinance, has determined to amend the provisions of its Code of Ordinances so as to revise the provisions of Chapter 101 related to transient retail activities occurring within the Borough; and

WHEREAS, after public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend its Code of Ordinances so as to revise the provisions of Chapter 101 related to transient retail activities; and

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by this amendment to the Perkasia Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The provisions of **Article I, Soliciting, §101-1,** shall be amended so as to change the title of **Chapter 101 to Solicitors, Peddlers, and Vendors.**

SECTION 2. The provisions of **Article II, Transient Retail Businesses, §101-5, Definitions and word usage, subsection B (2),** shall be amended so as to read as follows:

(2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough on a temporary basis. For the purpose of this definition, ice cream trucks or other similar movable short stay businesses shall be considered transient retail businesses, provided that they stay at one location for approximately thirty (30) minutes or less.

No permit shall be required for children less than eighteen (18) years of age who go door-to-door or through other means take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like and/or who represent non-profit organizations where circumstances are similar to what is described herein.

SECTION 3. Chapter 101 of the Perkasio Borough Code of Ordinances, is hereby amended by adding thereto the following new **Article III, Temporary Fixed Retail Businesses,** to read as follows:

ARTICLE III
Temporary Fixed Retail Businesses

§101-12. Definition.

TEMPORARY FIXED RETAIL BUSINESS – Any truck, trailer, sidewalk cart or temporary booth where food, beverages and/or other goods, wares or services are sold in a fixed location within the Borough on a temporary basis, for more than 30 minutes. Temporary Fixed Retail Businesses include food trucks, trailers and carts, as well as craft, service, non-profit, civic, or any other organization that sets up a display or stand for the purpose of selling or solicitation.

§101-13. License required; fees.

A. No business shall operate as a Temporary Fixed Retail Business within the Borough of Perkasio without first having obtained from the Borough Manager a license, for which a fee, as set from time to time by resolution of the Borough Council, which shall be for the use of the Borough, shall be charged depending on the term of the license, as follows:

- (1) One day.
- (2) One calendar week or fraction thereof.
- (3) One calendar month or fraction thereof.
- (4) One Calendar year or fraction thereof

B. No license fee shall be charged under this section:

- (1) To farmers selling their own produce.
- (2) For the sale of goods, wares and merchandise donated by the owners thereof, the proceeds thereof are to be applied to any charitable or philanthropic purpose.
- (3) To any manufacturer or producer in the sale of milk or milk products, bread and bakery products or meat and meat products, but all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee.
- (4) To a business operating as a Temporary Fixed Retail Business entirely on privately owned property – must have written permission of property owner.
- (5) To a business engaged by the Borough of Perkasio as a Temporary Fixed Retail Business at a Special Event organized and/or sponsored by the Borough of Perkasio. Any such business must secure separate approval from the Borough of Perkasio.

C. The Borough Manager, pursuant to standards and policies established from time to time by the Borough Council, may similarly exempt from payment of the license fee, but not from registering a Temporary Fixed Retail Business working without compensation and selling or taking orders for goods, wares or merchandise for the sole benefit of any nonprofit corporation.

D. Every license issued under the provisions of this Article shall be issued to the entity operating as a Temporary Fixed Retail Business and the license fee is imposed on the business entity.

E. If a Temporary Fixed Retail Business operates in more than one location simultaneously, a license is required for each location.

§101-14. Application for license.

Every business desiring a license under the provisions of this Article shall first make application to the Borough Manager for such license. If such business shall also be required to obtain a license from any state or county officer, it shall, when making such application, exhibit a valid state or county license. In such application, such business shall give the organization's name and address; the name of the contact/lead operator; the date(s) and location(s) planned to vend; the type of goods, wares and merchandise to be offered; the length of time for which such license is to be

issued; and the type and license number of any vehicle to be used by him in the conduct of such business in the Borough.

§101-15. Issuance, carrying, display or exhibit of license.

Upon receipt of such application and the prescribed fee, the Borough Manager, if he/she shall find such application in order, shall issue the license required under this Article. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license and display at the location where they are vending.

§101-16. Regulations.

A business operating as a Temporary Fixed Retail Business in the Borough of Perkasio shall:

- A. Not engage in any business activity prohibited in the Borough of Perkasio by general or special law applicable thereto.
- B. Be legally parked & comply with curb markings and signage.
- C. Follow the hours of operation for Temporary Fixed Retail Businesses which shall be 9:00 am through 10:00 pm Sunday – Thursday, and 9:00 am through 11:00 pm on Friday and Saturday, prevailing time. Such time should include break down and clean up.
- D. Ensure that any serving/sales area, temporary signage, trash receptacles or other equipment does not inhibit vehicular or pedestrian traffic on public roads and sidewalks. Cables or hoses that cross the vehicular or pedestrian right of way will be protected by commercial cable covers intended for the purpose. All means of egress from any building must remain open.
- E. Not block any public amenity: examples are municipal signs, garbage receptacles, fire hydrants.
- F. Not use public utility hookups or use Borough-owned receptacles for trash and recycling. Sidewalks must be kept clean and litter must be cleared.
- G. Not use amplified speakers, microphones, bullhorns or similar as part of their mobile vending.

Perkasio Borough reserves the right to temporarily suspend the operation or move the location of a Temporary Fixed Retail Business for any reason deemed appropriate by the Borough.

§ 101-17. Suspension or revocation of license.

The Borough Manager or designee is hereby authorized to suspend or revoke any license issued under this Article when he shall deem such suspension or revocation to be in the interest of the public health, safety or morals or for the violation of any provision of this Article, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough 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.

§ 101-18. Violations and penalties. [1]

Each day's violation of any provision of this Article shall constitute a separate violation, punishable as set forth in Chapter 1, General Provisions, Article II, Violations and Penalties.[2]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

[2] Editor's Note: Former Article III, Penalties, consisting of former § 101-10, Violations and penalties, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now §§ 101-4 and 101-11.

SECTION 4. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code of Ordinances that are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 5. The Council of the Borough of Perkasié does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. The failure of the Borough of Perkasié to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 8. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 9. Under the authority conferred by the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

Approved by the Borough Council of the Borough of Perkasio, this 5th day of August, 2024.

ATTEST:

BOROUGH OF PERKASIE:

Andrea L. Coaxum, Secretary

James Ryder, Council President

Examined and approved this 5th day of August, 2024.

Jeff Hollenbach, Mayor

**THIS ORDINANCE SHALL BECOME EFFECTIVE
IMMEDIATELY UPON ENACTMENT AND SIGNATURE**