

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025 - 01

**AN ORDINANCE OF FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA
PROVIDING FOR THE LICENSING AND REGULATION OF SOLICITING AND
PEDDLING IN FELTON BOROUGH AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF**

WHEREAS, Section 2901 of the Borough Code, *et seq.*, as amended, authorizes the licensing and regulation of transient merchants conducting business within the borough; and

WHEREAS, The Council of Felton Borough (the "Borough") has determined that the licensing and regulation of transient merchants within the Borough is in the best interests of the health, safety, and welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of Felton Borough, York County, Pennsylvania, under authority of law, as follows:

SECTION 1: DEFINITIONS. As used in the Ordinance, the following terms shall have the meanings indicated:

- A. PERSON** - Any natural person, association, partnership, firm, or corporation, 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, civic, or service organization.
- B. TRANSIENT RETAIL MERCHANT**
 - a. A Person engaging in peddling, selling, canvassing, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any of the streets, alleys, sidewalks, or public grounds or from house to house within the Borough of Felton.
 - b. A Person 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 limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for in advance of holidays.
- C.** In this part, the masculine shall include the feminine and the neuter; the singular shall include the plural, and the plural shall include the singular.

SECTION 2: LICENSE REQUIRED; FEE; EXEMPTION

- A.** No Person shall act as a Transient Retail Merchant in the Borough of Felton without first obtaining from the Borough office a license. There shall be a fee for the license, which shall be set from time to time by resolution or action of Borough Council.

- B. No license fee shall be charged under this section to farmers selling their own produce; for the sales of foods, wares, and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or to any manufacturer or producer in the sale of bread and bakery products, meat, and meat products or milk and milk products; but all persons exempted hereby from payment of the license fee shall be required to register with the Borough office and to obtain a license without fee. Any Person dealing in one or more of the herein above-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 his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Every license issued under the provisions of this Ordinance 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.

SECTION 3: APPLICATION FOR LICENSE

Every Person desiring a license under this Ordinance shall first make application to the Borough office. If such Person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall give his name and address; his previous criminal record, if any; 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.

SECTION 4: ISSUANCE AND DISPLAY OF LICENSE

Upon receipt of such application and the prescribed fee, the Borough office, if it shall find such application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefor. 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.

SECTION 5: PROHIBITED ACTS

No transient shall conduct the following:

- A. Sell any product or type of product not mentioned in his license.
- B. Engage in such transient retail business before 9:00 a.m. or after 7:00 p.m. nor anytime on Sunday.
- C. Use any loudspeaker or horn or any other device for announcing his presence by which the public may be annoyed.
- D. Enter upon the premises of any resident or business who may display a "No Solicitation" sign.

SECTION 6: SUSPENSION OR REVOCATION OF LICENSE; APPEALS

The Mayor, Borough Secretary, or Codes Enforcement Officer is authorized to suspend or revoke any license granted under this Ordinance when he deems the suspension or

revocation, as the case may be, beneficial to the public health, safety, or morals or for violation of any provision of this Ordinance or for giving false information upon any application made to the Borough under this Ordinance. In the event that a Person's license is suspended or revoked, all other licenses issued to Persons soliciting or selling on behalf of that Person or that Person's employer or sponsoring person, firm, or corporation may also be revoked by the Mayor, Borough Secretary, or Codes Enforcement officer if they believe such action is in the best interest of the public. Appeal from any suspension or revocation may be made to the Borough Council at any time within 10 days after the suspension or revocation. No part of a license fee shall be refunded to any Person whose license is suspended or revoked.

SECTION 7: VIOLATIONS AND PENALTIES

Any Person who shall violate any provision of this Section, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs 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 Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

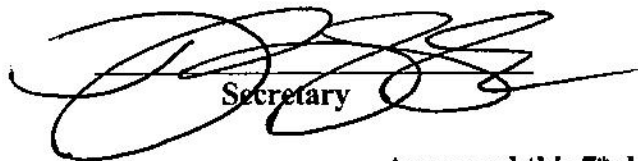
SECTION 8: REPEALER. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 9: SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

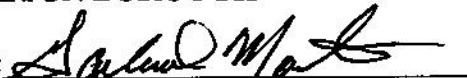
SECTION 10: EFFECTIVE DATE. This Ordinance shall become effective five days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 7th day of April, 2025, by the Borough Council of the Borough of Felton, York County, Pennsylvania, in lawful session, duly assembled.

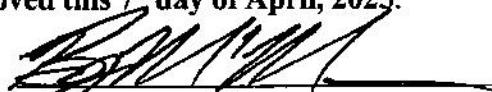
ATTEST:


Secretary

**BOROUGH COUNCIL FOR
FELTON BOROUGH**

By: 
President of Council

Approved this 7th day of April, 2025.


Mayor