

DRAFT

## Chapter 122. Vendors, Mobile Vendors, Outside Sales and Solicitation

[HISTORY: Adopted by the Borough of Council of the Borough of Ligonier 8-8-1963 by Ord. No. 306. Amendments noted where applicable.]

### GENERAL REFERENCES

Sales during Fort Ligonier Days – See Ch. 89

Displays on sidewalks – See Ch. 135, Art. VII.

Fees – See Ch. A158.

### § 122-1. Definitions and word usage.

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

#### VENDORS

Any person or entity engaging in the canvassing, soliciting, sales, or taking of orders, either by samples or otherwise, for any food, goods, services, wares, or merchandise in any location within the Borough of Ligonier, provided that Vendors shall not apply to:

- (1) Commercial brick-and-mortar businesses with physical locations within the Borough of Ligonier;
- (2) Farmers selling their own produce;
- (3) Any manufacturer or local producer of the sale of bread and bakery products.
- (4) The sale of foods, goods, wares, services, and merchandise donated by the owners thereof where the proceeds whereof shall be applied to any local, charitable or philanthropic purpose.

#### MOBILE VENDORS

Any person or entity engaging in the sale of food or prepared food, goods, wares, services, and merchandise from a wheeled dispensary.

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

C. "Local" shall be defined as any entity based in either Ligonier Borough or encompassing Ligonier Valley, which is comprised of Ligonier Township, Fairfield Township, Cook Township, and St. Clair Township.

### § 122-2. License required.

No person shall engage as a vendor in the Borough of Ligonier without first having taken out a license as herein provided.

### § 122-3. Application for license.

Every person or entity acting as a vendor, including local charities in the Borough of Ligonier, shall first make application to the Borough Secretary for a license. If required, such person may also be required to obtain a license from any county officer and if required to do so shall exhibit a valid county license. Any person or entity applying for a vendor's license shall provide his name, address, previous criminal record, if any, the type of goods, services, food, wares, and merchandise he wishes to sell, the name of the person, firm or corporation for whom or for which he or she works, if any; the length of time for which he wishes to be licensed; the license number of the vehicle which he uses, if any; the place where he was engaged in vending and sales immediately prior to such application, if any, and the place where he plans to go following the expiration of such license, if any. Every individual wishing and desiring to engage in vendor sales shall apply individually for a license under this chapter; all licenses granted under this chapter shall be individual licenses, and; no such license shall be transferable from one person to another. Local charities shall be exempt from license fees.

### § 122-4 Fees.

A. No license shall be issued under this chapter unless the proper fee, which shall be for the use of the Borough, shall have been paid to the Borough Secretary according to Ligonier Borough's Fee Structure.

### § 122-5. Issuance of license; carrying required.

[Amended 3-14-1996 by Ord. No. 482]

Following the making of application for a Vendor's license and payment of the required fee by the applicant, a license shall be issued by the Borough Secretary to such Vendor. Every Vendor shall, at all times when engaging in activities in the Borough, carry such license upon his person and shall exhibit such license upon request to any police officer or Borough official and must display such license when calling on any resident. Said license shall also contain a statement that issuance of the license does not imply endorsement by the Borough.

### § 122-6. Days and hours.

No person shall engage in vending in the Borough of Ligonier at any time during weekdays before 9:00am or after 8:00pm, or Sundays before noon and after 5:00pm.

### § 122-7. Public hawking and crying prohibited.

No Vendor shall hawk or cry his wares upon any of the streets or public places in the Borough, nor shall he use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.

### § 122-8. Parking restricted.

No vendor shall park any vehicle upon any of the streets or alleys in the Borough in order to sort, rearrange or clean any of his goods, wares, or merchandise; nor may he place or deposit any refuse upon any street

or alley; nor may any Vendor park any vehicle upon any street or alley for longer than necessary to sell therefrom to persons residing in the immediate vicinity.

### § 122-9. Fixed locations prohibited; exception.

Except for special occasions upon special approval by Borough Council, no vendor shall occupy a fixed location upon any of the streets, alleys, sidewalks, public squares or other public places of the Borough for the purpose of sales activity or without a stand or counter. Mobile vendors such as those for food shall be restricted to Main Street near St. Clair Park with the products, services, goods dispensed into the park from the mobile vehicle rather than from the side facing Main Street. Mobile vendors may be permitted within the "Diamond Area" of the Borough provided that said vendor would submit traffic control arrangements to the Borough Council for special approval, and furthermore that the mobile vendor assume all costs and expenses associated with traffic control, police, and safety protection and may be required to submit a plan regarding these areas in advance of formal approval by Council.

### § 122-10. Suspension or revocation of license.

The Mayor of the Borough of Ligonier shall have authority to suspend or revoke any license issued under this chapter when he deems such suspension or revocation 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.

### § 122-11. Violations and penalties.

[Amended 1-12-1989 by Ord. No. 438; 7-12-2001 by Ord. No. 514]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before any Magisterial District Judge, be sentenced to pay a fine of not more than \$600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the counter jail for not more than 30 days.

