

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO.

ADMINISTRATION BILL NO. 6 - 2010

INTRODUCED – MARCH 9, 2010

ADOPTED BY COUNCIL –

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA MODIFYING CHAPTER 186 – LICENSING OF BUSINESSES – AND THE CODE OF THE CITY OF LANCASTER TO REVISE THIS CHAPTER OF THE CITY CODE TO BE KNOWN AS VENDOR AND PEDDLER LICENSING ORDINANCE, ELIMINATING THE BOARD OF APPEALS AND DESIGNATING THE CHIEF OF POLICE OF THE CITY OF LANCASTER BUREAU OF POLICE TO HEAR ANY AND ALL APPEALS AS DEFINED IN THIS CHAPTER, DESIGNATING THE BUREAU OF POLICE AS THE BODY TO ENFORCE THE PROVISIONS OF THE CHAPTER INCLUDING ISSUING LICENSES THEREUNDER, MODIFYING THE FEES SET FORTH IN THE CHAPTER FOR THE ISSUANCE OF VARIOUS LICENSES AND ALLOWING SUCH FEES TO BE MODIFIED FROM TIME TO TIME BY RESOLUTION OF CITY COUNCIL AND MAKING OTHER MODIFICATIONS CONSISTENT WITH THOSE CHANGES; PROVIDING FOR THE SEVERABILITY OF THE LANGUAGE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the City of Lancaster, Chapter 186, Licensing of Businesses be and hereby is rewritten to read as follows:

“Chapter 186, Vendor and Peddler Permits

[HISTORY: Adopted by the City Council of the City of Lancaster as Article 319 of the Codified Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Amusement devices -- See Ch. 92.

Housing -- See Ch. 169.

Junkyards -- See Ch. 177.

Vending -- See Ch. 291.

§ 186-1. Title.

This chapter shall also be known as the " Vendor and Peddler Licensing Ordinance."

§ 186-2. Scope.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by Ordinance No. 16-1980, adopted September 23, 1980. Where this chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

§ 186-3. Definitions; word usage.

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and words of the masculine gender shall include the feminine. The word "shall" is always mandatory and not merely directory.

B. As used in this chapter, the following words shall have the meanings indicated:

BUSINESS -- All kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, which are conducted for profit, or benefit, directly or indirectly, on any premises in the city.

CITY -- The City of Lancaster, Pennsylvania.

COUNCIL -- The City Council of the City of Lancaster.

LICENSE or **LICENSEE** -- Includes respectively the words "permit" or "permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

PERSON -- Individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors or any kind of personal representatives of any of the above, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

POLICE or Bureau of Police -- The Bureau of Police of the city or a Bureau of Police employee responsible for oversight and licensing as designated by the Chief of Police

PREMISES -- All lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

§ 186-4. Application of regulations.

A. Compliance required. No person, either directly or indirectly, shall conduct any business or use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by this chapter without a license or permit therefor being first procured and kept in effect at all such times as required by this chapter or other law or ordinance of the city. A person conducting any business which involves either wholly or in part a combination of one or more of the types of business activities regulated hereunder shall be required to obtain a separate license for each type of business conducted and shall comply with all requirements and regulations for each type of business; provided, however, that such person shall pay only one license fee, which shall be the fee to the business having the highest fee.

B. Agents responsible for obtaining license. The agents or other representatives of nonresidents who are doing business in the city shall be personally responsible for the compliance with this chapter of their principals and of the businesses they represent.

§ 186-5. Bureau of Police.

A. Issue licenses. The Bureau of Police, shall collect all license fees imposed hereunder and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

- (1) Make rules. Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter.
- (2) Adopt forms. Adopt all forms and prescribe the information to be given therein.
- (3) Require affidavits. Require applicants to submit all affidavits and oaths necessary to the Administration of this chapter.

(4) Obtain endorsement. Submit all applications, in a proper case, to appropriate city officials for their endorsements thereon as to compliance by the applicant with all city regulations which they have the duty of enforcing.

(5) Investigate. Investigate and determine the eligibility of any applicant for a license.

(6) Examine records. Examine the books and records related to information required to be kept or maintained by this chapter of any applicant or licensee when reasonably necessary to the administration and enforcement of this chapter.

(7) Give notice. Notify any applicant of the acceptance or rejection of his application and shall, upon refusal of any license or permit, at the applicants requests, state in writing the reasons therefor and deliver them to the applicant.

(8) Enforcement powers. Take all action necessary to carry out the provisions of this chapter, including but not limited to institution of summary criminal proceedings, filing civil or equitable actions, revocation of licenses and any other appropriate legal action.

B. Information confidential. The Bureau of Police shall keep all information furnished or secured under the authority of this chapter in strict confidence, excepting names and addresses of licensees. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this chapter.

§ 186-6. Qualifications of applicants.

The general standards herein set out relative to the qualifications of every applicant for a city license shall be considered and applied by the Bureau of Police.

A. Good moral character. Each shall be of good moral character. In making such determination the Bureau of Police shall consider only:

(1) Penal history and police contacts: .This shall be determined through a thorough background check of Federal Bureau of Police criminal history records as well as a query of police contacts and Court records as deemed appropriate.

(2) License history: the license history of the applicant; whether such person, in previously operating this or another state under a license has had such a license revoked or suspended and the reasons therefor.

B. No obligations to the city. Each applicant shall be in default under the provisions of this chapter if indebted or obligated in any manner to the city except for current taxes.

C. Compliance with building and zoning laws. The applicant shall certify to his knowledge he is not in violation of the building or zoning laws of the city.

§ 186-7. Procedure for license issuance; fee.

A. Formal application required. Every person required to procure a license under the provisions of this chapter shall submit an application to the Bureau of Police which shall:

(1) Form of application. Be a written statement upon forms provided by the Bureau of Police ; such forms shall include a sworn affidavit that the information furnished is true and correct. Furnishing false certifications or false or intentionally misleading information shall be grounds for denial or revocation of the license or other legal action hereunder by the Bureau of Police.

(2) Contents of application. Require the disclosure of all information necessary for compliance with § 186-6 and of any other information which the Bureau of Police finds to be reasonably necessary for the fair administration of this chapter.

(3) Payment of fees. Be accompanied by the full amount of the fees chargeable for such license.

B. Issuance of receipts. Whenever a license cannot be issued at the time the application for the same is made, the Bureau of Police shall issue a receipt to the applicant for the money paid in advance, subject to the condition that such receipt shall not be construed as the approval of the Bureau of Police for the issuance of a license; nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

C. Duplicate license procedure. A duplicate license shall be issued by the Bureau of Police to replace any license previously issued, which has been lost, stolen, defaced or destroyed without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit sworn to before a notary public of this state attesting to such fact and the paying to the Bureau of Police a fee of \$25.

D. Issuance of license. If the Bureau of Police is satisfied that the applicant has met all requirements of this chapter, the license shall be issued to the applicant. If the Bureau of Police determines that the requirements of this chapter have not been met they shall disapprove the application and refund all fees paid in advance, from which disapproval the applicant shall have the right to appeal to the Chief of Police in the manner hereinafter provided.

§ 186-8. Determination of fee.

License fees shall be in amounts established in the governing section of this chapter.

A. Adjustment of fee. The Bureau of Police shall require an increase in fee when the status of a licensee changes to place him in a classification imposing such increase in fee.

B. Rebate of fee. No rebate or refund of any license fee or part thereof shall be made for any reason except if such license fee was collected through an error.

§ 186-9. Contents of license.

Each license issued hereunder shall state upon its face:

- A. The name of the licensee and any other name under which such business is to be conducted.
- B. The kind and address of each business so licensed.
- C. The amount of license fee therefor.
- D. The dates of issuance and expiration thereof.
- E. Such other information as the Bureau of Police shall determine.

§ 186-10. Duties of licensee; fees.

A. General standards of conduct. Every licensee under this chapter shall:

- (1) Permit inspection. Permit all reasonable inspections of his business and examinations of his books containing information required to be kept or maintained by this chapter by public authorities so authorized by law.
- (2) Comply with governing law. Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- (3) Operate properly. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare.
- (4) Cease business. Refrain from operating the licensed businesses on premises after expiration of his license and during the period his license is revoked or suspended.

B. Display of license. Every licensee under this chapter shall:

- (1) Licenses.
 - (a) Premises. Post and maintain such license upon the licensed premises in a place where it may be seen at all times.
 - (b) Persons. Carry such license on his person when he has no licensed business premises.
 - (c) Vehicles. Post and maintain such license in a conspicuous place when business is being conducted from a vehicle.

(2) Inoperative licenses. Not allow any license or insignia to remain posted, displayed or used after the period for which it was issued has expired or when it has been suspended or revoked or for any reason become ineffective. The licensee shall promptly return such inoperative license to the Bureau of Police

(3) Unlawful possession. Not loan, sell, give or assign to any other person or allow any other person to use or display or to destroy, damage or remove or to have in his possession, except as authorized by the Bureau of Police or by law, any license which has been issued to such licensee.

C. New location desired. A licensee shall have the right to change the location of the licensed business, provided that he shall:

(1) Approval of Bureau of Police. Obtain written permission from the Bureau of Police for such change of location.

(2) Payment of fee. Pay a removal fee of \$ \$25 to the Bureau of Police.

D. Records kept. Keep all records and books to provide the information required by this chapter and necessary for the enforcement of this chapter.

§ 186-11. Transfer of license prohibited.

A licensee shall not transfer his license to another person.

§ 186-12. Refusal to issue license; suspension or revocation.

A. The Chief of Police shall receive all written appeals from the decision of the Bureau of Police disapproving an application for a license. The Chief of Police may, upon recommendation of the Bureau of Police, refuse to renew, suspend or revoke a license of any applicant or licensee. All decisions of the Chief of Police in support of any action or recommendation of the Bureau of Police shall be based upon one or more of the following reasons:

(1) The practice of any fraud, deceit, misrepresentation or furnishing false information in obtaining or attempting to obtain a license.

(2) The practice of fraud, deceit, misrepresentation or furnishing false information in the course of carrying on the licensed business.

(3) The conviction of any of the enumerated crimes set forth in subsequent sections of this chapter for the particular business license involved.

(4) Violation of or noncompliance with the provisions of this chapter or orders of the Bureau of Police issued under the authority of this chapter.

(5) Loaning, borrowing or using a license of another, or of knowingly aiding or abetting in any way the granting of improper licenses.

(6) The doing of any act or engaging in any conduct in the course of the business which demonstrates incompetency, bad faith or dishonesty or substantially adversely affects the health, safety or general welfare of the public.

B. The Bureau of Police, if refusing to renew, suspending or revoking any license, shall notify the applicant or licensee of the charges against him and shall accord the applicant or licensee ample opportunity to be heard thereon in person or by counsel. The notice shall be in writing and be served by certified mail, addressed to the applicant or licensee at the address appearing in the application for the license or on the issued license and shall notify the applicant or licensee of his right to a hearing before the Board. The applicant or licensee shall have a period of 30 days from the date of the service of the notice, which shall be the date of the mailing, to submit an appeal to the Chief of Police. If no appeal is requested, it shall be conclusively presumed that the applicant or licensee concurs in the recommendation of the Bureau of Police and the action recommended by the Bureau of Police shall be enforced without necessity for any further proceedings.

C. Any person whose permit application is denied may file with the Chief of Police a written appeal of the same within twenty (20) days of the denial of the permit. The appeal shall be in writing, shall specify the grounds therefor and the relief requested and shall be accompanied by an appeal fee of \$50. The Chief of Police shall review the application, review the denial, and review any other information he/she deems appropriate and render a written decision on the appeal within twenty (20) days of the filing of the appeal.

§ 186-13. Reserved

§ 186-14. Enforcement.

A. Inspections. The following persons are authorized to conduct inspections in the manner prescribed herein:

(1) Bureau of Police . The Bureau of Police shall make all investigations reasonably necessary to the enforcement of this chapter.

(2) Officials having duties. The Bureau of Police shall have the authority to order the inspection of licensees, their businesses and premises by the police and all city officials having duties to perform with reference to such licensees or businesses.

B. Authority of inspectors. All inspectors shall have the authority to enter premises of any provision of this chapter. The Bureau of Police shall, when acting within the scope of his

employment, hereunder have the powers of a police officer of the city; provided, however, that under no circumstances shall a civilian employee have the power of arrest. Persons inspecting licensees, their businesses or premises as herein authorized shall report all violations of this chapter or of other laws or ordinances to the Bureau of Police and shall submit such other reports as the Bureau of Police shall order.

C. Enforcement duties of Bureau of Police .

(1) When the Bureau of Police determines that there exists any violation of this chapter, they shall, at their option:

(a) Issue and serve upon the violator a notice of violation, which notice shall be in writing, shall specify the violation and shall contain an order directing correction of the violation within a specified time to be not less than 10 days from the date of the notice. Any person aggrieved by such notice shall have the right to appeal as set forth in § 186-13.

(b) Institute and prosecute summary enforcement proceedings before a District Justice; and/or

(c) Initiate before the Board in the manner specified in § 186-12B proceedings to suspend or revoke the license of the violator.

(2) The Bureau of Police shall be authorized to take any or all the above enforcement actions in any given case as are deemed necessary in his opinion for proper administration and enforcement of this chapter, and his right to take any particular enforcement action shall not be limited by reason of the fact that he has also taken a different action in the same case.

§ 186-15. Liability for unlawful premises use.

Where a person allows another person who has not procured a license to use his premises for an activity requiring a license under this chapter, such person who allows his premises to be used shall be held liable for any applicable fees required herein.

§ 186-16. Pawnbrokers.

A. License required. No person shall use, exercise or carry on the trade or business of pawnbroker within the city without first obtaining a license from the Bureau of Police . A pawnbroker's license term is from April 1 to March 31 of each year.

B. Terms defined. As used in this chapter, unless the context indicates otherwise, the following terms shall have the meaning given herein.

PAWNBROKER -- Includes any person, who:

- (1) Engages in the business of lending money on the deposit or pledge of personal property other than choses in action, securities or written evidence of indebtedness;
- (2) Purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or
- (3) Lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.

PLEDGE -- An article or articles deposited with a pawnbroker as security for a loan in the course of his business as defined in Subsection (3) of "pawnbroker."

PLEDGOR -- The person who obtains a loan from a pawnbroker and delivers a pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, in which case a "pledgor" means the disclosed principal.

C. Records. Each pawnbroker shall keep a book legibly written in the English language in which shall be recorded:

- (1) A full and accurate description of all articles purchased or left in pawn with him.
- (2) The date and time of pledging, pawning or purchasing the same.
- (3) The date and time within which such pawned or pledged article is to be redeemed.
- (4) The amount of money lent or paid therefor.
- (5) The description of the person or persons, including such person's name, age and address, making a pledge.

D. Report to police. All pawnbrokers shall, before 12:00 noon of every Monday, report to the Bureau of Police a description of all articles so received in the course of their pawnbroking business during the business week immediately previous, together with the number of ticket or tickets and a description of the person or persons making such sale, including such person's name, age and address. Forms for this purpose shall be provided by the Bureau.

E. Information to be given to pledgor. Every pawnbroker shall, at the time of making or receiving any article in pawn, deliver to the pledgor a memorandum signed by him containing:

- (1) The date.
- (2) The amount of the loan.
- (3) The rate of interest and storage charges.

(4) The time within which the article is to be redeemed.

(5) A description of the article pledged.

F. Forbidden transactions. A pawnbroker shall not accept a pledge from a person under the age of 18 years nor from any intoxicated person or any known thieves.

G. Conviction of certain crimes. If any pawnbroker is convicted of robbery, burglary, theft, receiving stolen goods or any other crime involving the unlawful obtaining of personal property, the Bureau of Police shall, after notice and hearing, revoke his license.

H. Fee. The fee of issuance of a pawnbroker's license shall be \$100.

§ 186-17. Junk dealers/recycling centers.

A. License required. No person shall use, exercise or carry on the trade or business of junk dealer/recycling center within the city without first obtaining a license from the Bureau of Police. A junk dealer/recycling center's license term is from April 1 to March 31 of each year. If a person or entity carries on the trade or business of both junkyard and recycling center, it shall have two separate licenses; one for operating as a junkyard, and another for operating as a recycling center.

B. Terms defined. As used in this chapter, unless the context indicates otherwise:

(1) "Junk dealer/recycling center" includes any person who shall carry on the business of buying or selling and dealing in junk, scrap iron, brass, lead, copper, aluminum and other metals or alloys, or other materials commonly referred to as "junk."

(2) "Recyclable material" means all glass, aluminum containers, plastic containers, bimetallic containers, newspaper and paper and cardboard.

C. Records. Every junk dealer/recycling center shall keep a book legibly written in English at the time of acquiring any article in the course of his business, which book shall contain:

(1) A full and accurate description of the article purchased; and

(2) The name and address of the person selling the same.

D. Report to police. Before 12:00 noon of each Monday, the licensee shall report to the Bureau of Police the information required by Subsection C hereof on all articles of scrap brass, lead, copper or aluminum received during the previous business week. The Bureau shall provide forms for this purpose. Recyclable materials, as defined in Subsection B hereof, are exempt from the provisions of this subsection.

E. Period of retention of purchased articles. All persons, firms or corporations licensed under the provisions of this chapter shall retain on their premises all nonrecyclable materials such as scrap brass, lead, copper or aluminum, in their original form, shape or condition in which they received such goods, for a minimum period of one week or at least 48 hours from the time of furnishing to the police a form containing the information on such articles as required by Subsection D hereof. Recyclable materials, as defined in Subsection B hereof, are exempt from the provisions of this subsection.

F. Forbidden transactions. No person licensed under this section shall receive or purchase articles from individuals under 18 years old or intoxicated individuals or any known thieves. Only recyclable materials may be purchased from individuals under 18 years of age.

G. Conviction of certain crimes. If any junk dealer/recycling center is convicted of robbery, burglary, theft, receiving stolen goods or other crimes involving the taking of personal property, the Bureau of Police shall, after notice and hearing, revoke his license.

H. Fee. The fee for issuance of a junk dealer/recycling center's license shall be \$ 100. If an entity or person is required to secure both a junk dealer and a recycling center license, he shall only be assessed a single license fee of \$ 100.

§ 186-18. Antique or secondhand dealers.

A. License required.

(1) Except as provided in Subsection A(2) hereof, no person shall engage in the business of being an antique or secondhand dealer without procuring a license from the Bureau of Police. An antique or secondhand dealer's license term is from April 1 to March 31 of each year.

(2) No individual shall be required to obtain a license under this subsection who engages in isolated or occasional purchases or sales of those items set forth in Subsection B hereof, provided that such person maintains no place of business within the city, engages in no promotion or advertising and can prove by appropriate records that total sales of the previous year did not exceed \$1,500.

(3) Notwithstanding any provisions herein contained, no person engaged in a business licensed or regulated hereunder shall be required to comply with any provisions of this chapter in order to participate in an organized antique or art show or exhibit.

B. Terms defined.

(1) Except as provided in Subsection B(2) hereof, an "antique dealer" or "secondhand dealer," for the purpose of this chapter, is any person who either wholly or in part engages in or operates the trade or business of buying and/or selling used goods such as antiques, precious

stones, metals, jewelry, any tools, any electrical devices, fixtures, appliances, household goods, firearms and bric-a-brac. The foregoing enumeration of articles, goods and property shall not be deemed to be exclusive or all-inclusive. "Secondhand articles or goods," for the purpose of this chapter, are any articles or goods that are purchased, salvaged or received from any person, association, copartnership or corporation.

(2) Subsection B(1) hereof shall not be deemed to include:

- (a) Judicial sales or sales or purchases by or from executors or administrators in conjunction with the settlement of an estate;
- (b) Sales of unredeemed pledges by or on behalf of licensed pawnbrokers in the manner prescribed by law;
- (c) Occasional or auction sales of household goods sold from private homes;
- (d) Auctions of real estate;
- (e) The buying or selling of printed or recorded material; or
- (f) The taking in trade by a business of an item of a like kind to items which such businesses sell as the principal or substantial part of their business.

C. Records. Each antique or secondhand dealer shall keep a book legibly written in the English language at the time of acquiring articles in the course of business, which book shall give:

- (1) An accurate description, including brand names, model number, serial number, inscribed initials, dates, names and any other forms of identification, of the article purchased, salvaged or received.
- (2) The name, age, description and address of person selling, transferring or trading in the same.

D. Reports to police. Every antique or secondhand dealer shall furnish the information specified in Subsection C hereof by 12:00 noon Monday for the previous week to the Bureau of Police. The Bureau shall furnish forms for this purpose.

(1) Permitted exclusions. The report need not include:

- (a) Any information on transactions by person seeking a trade-in or allowance on goods or items originally sold by the dealer to the person seeking such trade-in or allowance.
- (b) Any information on transactions involving a trade-in on a like item.

(c) Information regarding dealer-to-dealer transactions.

(2) Record maintenance where exclusions claimed. Nothing contained in Subsection D(1) hereof shall excuse the maintenance of information and records required to be kept by Subsection C hereof.

E. Retention of purchased articles.

(1) No antique or secondhand dealer shall sell or dispose of in any way any of the following secondhand articles or goods: antiques, precious stones, jewelry, watches, gold, platinum, silver or other precious metals, or any similar articles or things, until seven days have elapsed after the purchase of the same or until 48 hours from the time of furnishing to the police a form containing the information on such articles as required by Subsection D hereof.

(2) It shall be an affirmative defense to any prosecution or administrative proceeding brought for a violation of this subsection that, in the case of precious metals, retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant, due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by preponderance of the evidence. Market conditions, in order to be a defense hereunder, shall be such that financial analysts would characterize trading as at or approaching a level or occurrence in an atmosphere of panic so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.

F. Forbidden transactions. No antique or secondhand dealer shall purchase any article from any person under the age of 18 or from any intoxicated person or from known thieves.

G. Conviction of certain crimes. If any antique or secondhand dealer shall be convicted of robbery, burglary, theft, receiving stolen goods or any other crime involving the unlawful obtaining of personal property, the Bureau of Police shall, after notice and hearing, revoke his license.

H. Fee. The fee for the issuance of an antique or secondhand dealer's license shall be \$ 75.

§ 186-19. Vendors and peddlers.

A. License required. No person shall engage in the business of being a vendor or peddler within the city without first obtaining a license from the Bureau of Police . A vendor and peddler's license term shall be for the period of time specified in the license but in no event for a period of more than six months.

B. Terms defined. The words "vendor" and "peddler," as used herein, mean any person traveling on foot or any conveyance who goes from door to door or house to house, carrying or conveying goods, wares or merchandise, offering to buy or sell such articles or soliciting orders for articles for delivery at a later date.

C. Information required. In addition to the information required under § 186-6 and 186-7, the applicant shall supply the Bureau of Police with the following information:

- (1) A brief description of the nature of the business and goods to be bought or sold.
- (2) If employed, the name and address of the employer, together with the credentials establishing the exact relationship.
- (3) The length of time in which the right to do business is requested.
- (4) If a vehicle is to be used, a description thereof and its license number.

D. Loud noises and speaking devices. No peddler or vendor shall make loud or raucous noises or use sound-amplifying devices for the purpose of attracting attention to his activity.

E. Use of streets. No peddler or vendor shall have any exclusive right to any public street, nor shall any peddler or vendor be permitted at any time to occupy a stationary or specific location on any street or sidewalk. Further he shall obey all ordinances and regulations which forbid him to operate on certain streets within the city.

F. Fee. The fee for the issuance of a vendor's or peddler's license shall be \$ 100.

§ 186-20. Transient merchants.

A. License required. No person shall engage in any business within the city on a transient basis unless he procures a license from the Bureau of Police .

B. Terms defined. A "transient merchant" means any person who occupies a room, apartment, store, shop, building, private lot or other fixed location for the exhibition or sale of goods, wares or merchandise with the intention of not remaining more than 100 days. No transient merchant shall be permitted at any time to occupy a stationary or specific location on any street or sidewalk. This subsection shall not apply to farmers selling their own produce.

C. Information required. In addition to the information required under §§ 186-6 and 186-7, the applicant shall supply the Bureau of Police with the following information:

- (1) A brief description of the nature of the business and goods to be bought or sold.
- (2) If employed, the name and address of the employer, together with the credentials establishing the exact relationship.

(3) The length of time for which the right to do business is requested.

(4) If a vehicle is to be used, a description thereof and its license number.

D. Bonding required on certain sales. Before a transient merchant can be issued a license where he intends to do business on the basis of prepayment in whole or in part for goods to be delivered at a future date, the transient merchant must post a bond with an approved surety in an amount sufficient to cover all anticipated prepaid receipts and for a period equal to the time required for delivery of items sold. In no event, however, shall such bond be in an amount less than \$1,500.

E. Fee. The fee for the issuance of a transient merchant's license shall be \$ 25 per month or fractional part thereof.

§ 186-21. Licensing of existing businesses.

All existing businesses required to be licensed hereunder shall apply for a license within three months from the passage of this section, and all such applicants shall be charged a fee of \$5, which license shall thereafter be renewed in accordance with this chapter upon payment of the specified fee and fulfillment of all other requirements hereunder.

§ 186-22. Violations and penalties.

Any person who violates any provision of this chapter or any final order of the Bureau of Police issued pursuant to the authority of this chapter shall, upon conviction therefor in a summary proceeding, be fined not less than \$200 nor more than \$ 1,000, shall pay the costs of prosecution or, in default of payment, undergo imprisonment for not more than 30 days. Each day during which a violation continues shall constitute a separate offense. As used in this section, the term "person" shall have the meaning set forth in § 186-3.

§186-23. Modifications of Fees.

Any fee established in this Chapter of the Code of the City of Lancaster may be modified from time to time by Resolution of City Council.”

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

By: _____

Janet Spleen, City Clerk

J. Richard Gray, Mayor