

**CHAPTER 13**

**LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS**

**PART 1**

**TRANSIENT RETAIL BUSINESS**

- §101. Definitions
- §102. License Required; Conditions of Issuance; Fee
- §103. Exceptions
- §104. License Application
- §105. Issuance of License; Custody; Display and Exhibit
- §106. Prohibited Acts
- §107. Supervision; Records and Reports
- §108. Denial, Suspension and Revocation of License; Appeal
- §109. Penalties

**PART 2**

**YARD SALES**

- §201. Title
- §202. Purpose
- §203. Definitions
- §204. Permit Required
- §205. Permit Limitations
- §206. Permit Fees
- §207. Permits to Be Posted
- §208. Signs
- §209. Permittees
- §210. Source of Merchandise
- §211. Removal of Merchandise
- §212. Exceptions
- §213. Enforcement
- §214. Penalties

**PART 3**

**STORAGE OF BUILDING MATERIALS OR DUMPSTERS  
ON STREETS AND SIDEWALKS**

- §301. Definitions
- §302. Permit Requirements for Storage of Building Materials
- §303. Permit Requirements for Dumpsters

§304. Permit Terms  
§305. Responsibility for Obtaining Permits  
§306. Penalties

**PART 1**

**TRANSIENT RETAIL BUSINESS**

**§101. DEFINITIONS.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**LEGAL HOLIDAY** - New Year's Day, Martin Luther King's Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

**PERSON** - any natural person, partnership, association, corporation or other legal entity.

**TRANSIENT RETAIL BUSINESS -**

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Borough.
- 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 not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
- C. Engaging in selling or providing services from house to house within the Borough.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§102. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.**

No person shall engage in any transient retail business within the Borough without first having obtained from the authorized representative of the Borough a license, for which a fee, which shall be for the use of the Borough, shall be charged, said fee to be in such amount as established, from time to time, by resolution of the Borough Council.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

### **§103. EXCEPTIONS.**

No license fee shall be charged:

- A. To farmers selling their own produce.
- B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- D. To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- F. To a person 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.
- G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the authorized representative of the Borough and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with 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. Provided, further, the authorized representative of the Borough may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every 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, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

### **§104. LICENSE APPLICATION.**

Every person desiring a license under this Part shall first make application to the authorized representative of the Borough for such license. He shall, when making such application, exhibit a valid license from any State or County officer, if such license is also required. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if

any. (Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§105. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.**

Upon receipt of such application and the prescribed fee, the authorized representative of the Borough, if he shall find such application in order, shall issue the license required under this Part. 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 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 at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials, and citizens or residents of the Borough.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§106. PROHIBITED ACTS.**

No person 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 of the streets, alleys, sidewalks or public grounds in the Borough.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or

of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 6 p.m. on any day of the week other than a Sunday or legal holiday.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§107. SUPERVISION; RECORDS AND REPORTS.**

The authorized representative of the Borough shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§108. DENIAL, SUSPENSION AND REVOCATION OF LICENSE;  
APPEAL.**

The authorized representative of the Borough is hereby authorized to deny, suspend or revoke any license issued under this Part when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any a application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**§109. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$20 nor more than \$600 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 Part continues shall constitute a separate offense.

(Ord. 326, 6/4/1 973; as revised by Ord. 2-2001, 7/2/2001)

**PART 2**  
**YARD SALES**

**§201. TITLE.**

This Part shall be known and cited as the "Yard Sale Permit Ordinance."

(Ord. 3-91, 12/2/1 991, §1)

**§202. PURPOSE.**

This Part is designed to regulate the term, frequency and conditions of sales of personal property from a lot or parcel within the Borough of Bedford, excepting businesses participating in "sidewalk sales."

(Ord. 3-91, 12/2/1991, §2)

**§203. DEFINITIONS.**

As used in this Part, the following terms shall have the meanings indicated:

**MUNICIPALITY** - shall include all lots or parcels located within the geographical boundaries of the Borough of Bedford.

**PERSONS** - shall include the terms individuals, partnerships, family groups, voluntary associations, businesses and corporations.

**POLICE DEPARTMENT** - shall include any or all police officers employed by the Borough of Bedford.

**YARD SALE** - shall include the terms "basement sale," "attic sale," "garage sale," "porch sale," "neighborhood sale" and similar terms and shall mean the sale from a lot or parcel in the Borough of Bedford, excepting businesses participating in "sidewalk sales," of any items of tangible personal property including, by way of example and without limitation, clothing, household effects, tools, garden implements, toys, recreation equipment, small appliances, books and furniture, if the sale is advertised by publication or by posting of signs or any other method or the public is invited to attend the sale.

(Ord. 3-91, 12/2/1991, §3)

**§204. PERMIT REQUIRED.**

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

Before a yard sale shall be conducted within the Borough of Bedford, the owner or occupant of the lot or parcel upon which said sale shall be held shall obtain a permit from the Borough Secretary. In addition to any other information which may be required by the Borough Secretary, the permit shall contain the name(s) of the owner(s) or occupant(s) of the lot or parcel upon which the sale is to be held as well as the name(s) of all persons contributing merchandise to the sale and the beginning and termination dates of the sale.

(Ord. 3-91, 12/2/1991, §4)

### **§2 05. PERMIT LIMITATIONS.**

No more than two permits shall be issued within any calendar year for any lot or parcel to any permittee or to any contributor to a yard sale. At least 60 days must elapse between yard sales on any lot or parcel covered by any permit. Each yard sale shall be limited to 3 consecutive days of operation.

(Ord. 3-91, 12/2/1991, §5)

### **§206. PERMIT FEES.**

No permit shall be issued pursuant to this Part until there has been paid to the Borough of Bedford a permit fee in an amount established from time to time by resolution of the Council of the Borough of Bedford.

(Ord. 3-91, 12/2/1991, §6)

### **§207. PERMITS TO BE POSTED.**

All permits for yard sales issued pursuant to this Part shall be posted on the premises on which the sale is to be conducted for the entire duration of said sale. The permit is to be clearly visible to anyone attending said sale.

(Ord. 3-91, 12/2/1991, §7)

### **§208. SIGNS.**

The permittee(s) may erect four free standing signs indicating the location of the yard sale and directions to the site of the sale. The proposed location for erection of these signs must be listed on the "yard sale permit." No signs shall be posted on utility poles or trees located within the right-of-way of any street. No signs shall be posted on private property without the consent and approval of the owner. The permittee(s) shall remove all signs within 24 hours within the termination of the yard sale.

(Ord. 3-91, 12/2/1991, §8)



**§209. PERMITTEES.**

A yard sale permit will be issued only to property owners or occupants. Joint sales may be held with other property owners or occupants of the same neighborhood, provided all other persons participating in said sale are listed on the permit.

(Ord. 3-91, 12/2/1991, §9)

**§210. SOURCE OF MERCHANDISE.**

No merchandise of any nature shall be offered for sale, displayed or sold at any yard sale, except merchandise owned by persons listed on the permit for said sale.

(Ord. 3-9 1, 12/2/1 991, §10)

**§2 11. REMOVAL OF MERCHANDISE.**

The permittee(s) shall remove all merchandise of any nature from view of the general public within 24 hours of the termination of the yard sale.

(Ord. 3-91, 12/2/1991, §11)

**§212. EXCEPTIONS.**

The provisions of this Part requiring a permit shall not apply to any person selling from any lot or parcel eight or fewer items of tangible personal property owned by said person. Said person must, however, abide by the aforementioned regulations relating to signage.

(Ord. 3-9 1, 12/2/1 991, §12)

**§213 ENFORCEMENT.**

1. This Part shall be enforced by the Police Department of the Borough of Bedford and it shall be its duty to investigate and prosecute any violation of this Part.
2. If, after investigation, a violation is found to exist, the Police Department of the Borough of Bedford shall prosecute a complaint before a district magistrate pursuant to the provisions of this Part.

(Ord. 3-91, 12/2/1991, §13)

**§214. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$20 nor more than \$600 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 Part continues shall constitute a separate offense.

(Ord. 3-91, 12/2/1991, §14; as amended by Ord. 2-2001, 7/2/2001)

**PART 3**

**STORAGE OF BUILDING MATERIALS OR DUMPSTERS  
ON STREETS AND SIDEWALKS**

**§301. DEFINITIONS.**

As used in this Part, the word person shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter. As used in this Part, the word "dumpster" shall mean any container, receptacle or vessel used or intended to be used for the collection, storage or removal of trash, rubbish, garbage, construction materials or demolition debris. The word "dumpster" shall include a pick-up truck or other truck used or intended to be used for the purposes set forth above unless the same shall be lawfully occupying a parking space and removed and emptied on a daily basis.

(Ord. 3-97, 11/3/1997, §1)

**§302. PERMIT REQUIREMENTS FOR STORAGE OF BUILDING MATERIALS.**

Under special circumstances, where there shall be no other practicable means for temporary storage, a permit may be granted by the Borough of Bedford for the storage of building materials upon a limited portion of the street and/or sidewalk abutting the property upon which such building materials are to be used. Such permit shall be issued for a fee, fixed pursuant to resolution.

(Ord. 3-97, 11/3/1997, §2)

**§303. PERMIT REQUIREMENTS FOR DUMPSTERS.**

A permit may be granted by the Borough of Bedford for the placement of a dumpster upon a limited portion of the street and/or sidewalk abutting the property upon which construction and/or demolition are occurring. Such permits may be granted only under special circumstances in which there shall be no practicable location for the same on private property. Such permit shall be issued for a fee, fixed pursuant to resolution.

(Ord. 3-97, 11/3/1997, §3)

**§304. PERMIT TERMS.**

A permit issued pursuant to this Part shall be issued upon the following conditions, which shall be strictly adhered to by the holder thereof:

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- A. Such permit shall be valid for a limited time, not in excess of 15 days, which shall be determined by the Borough of Bedford on the basis of the scope of the work being undertaken and the inconvenience to the public involved, and such time limit shall be stated on the permit. Under special circumstances, a permit may be extended beyond the original time limit with approval of the Borough of Bedford for a fee, fixed pursuant to resolution.
- B. The building material or dumpster shall occupy only such portion of the street and/or sidewalk specified in the permit.
- C. Such building material or dumpster shall be placed so as not to interfere with drainage of any street or sidewalk, or with access to any fire hydrant.
- D. Such building material shall be arranged in a regular, neat, compact form so as to occupy a minimum of space and present the least risk of falling, sliding or scattering.
- E. The holder of such permit shall be liable for all damages, losses, costs or expenses that are or may be considered by reason of the placing or storage of such material or dumpster upon the street or sidewalk.
- F. The holder of such permit shall be responsible for placing barriers, guards and warning lights in the vicinity of or around such material or dumpster so as to prevent injury to persons or property.
- G. On or before the date of expiration of such permit, all such material or the dumpster shall be removed from the street and/or sidewalk and the street and/or sidewalk shall be restored to the condition in which it was immediately prior to such storage, in default of which the same shall be deemed abandoned property and the Borough of Bedford may cause the same to be removed with the expense of such removal plus 10% payable by the holder of such permit and collected in any manner provided by law.

(Ord. 3-97, 11/3/1997, §4)

### **§305. RESPONSIBILITY FOR OBTAINING PERMITS.**

It shall be the joint responsibility of the property owner, the contractor or subcontractors using the building materials or dumpster and the supplier of the building materials or dumpster to insure that a valid permit required by §§302 and 303 of this Part is obtained and that all permit terms are fulfilled.

(Ord. 3-97, 11/3/1997, §5)

### **§306. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 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 Part continues shall constitute a separate offense.

(Ord. 3-97, 11/3/1997, §6; as amended by Ord. 2-200 1, 7/2/200 1)