

**BRIAR CREEK BOROUGH  
COLUMBIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 152-05

AN ORDINANCE REQUIRING DEALERS IN MERCHANDISE  
WHO HAVE NO PERMANENT PLACE OF BUSINESS IN  
BRIAR CREEK BOROUGH TO OBTAIN A LICENSE AND  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED by the Borough Council of Briar Creek Borough, and it is hereby  
enacted as follows:

SECTION 1. LICENSE REQUIRED:

1.1 Foreign and resident dealers in merchandise or their agents who have no permanent place of business in Briar Creek Borough, but temporarily engage in selling merchandise either at wholesale or retail, shall, before engaging in such business, obtain a license from Briar Creek Borough. A permanent place of business is a business which is open to the public on a continuing basis throughout the year.

1.2 Licenses issued under this Ordinance shall remain in effect so long as the foreign or resident dealers in merchandise remain in continuous operation at the same location. In the event that a foreign or resident dealer does not remain in continuous operation at the same location, and resumes his or her business at the same location at another time, or continues his or her business at another location within the Borough, a new license shall be required.

1.3 All licenses issued under this Ordinance shall expire at the end of the calendar year.

SECTION 2. LICENSE APPLICATION:

2.1 Such foreign and resident dealers in merchandise shall apply for such license with the Code Officer of Briar Creek Borough on a form provided by Briar Creek Borough and shall pay a license fee established by the Borough Council by Resolution from time to time.

SECTION 3. EXCEPTIONS:

3.1 This Ordinance shall not apply to:

A. Sales by sample or to persons engaged in sales of merchandise solely for philanthropic purposes.

B. Yard sales that take place on the property of the person who owns or whose family owns the goods being sold. This exception shall not apply to community or neighborhood yard sales.

C. Individual vendors at a flea market so long as the person sponsoring the flea market or the person who owns the real estate where the flea market is held obtains a license under this Ordinance.

SECTION 4. VIOLATIONS:

4.1 Any person who violates a provision of this Ordinance shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$600 plus costs. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine of penalty imposed and the costs, the defendant may be sentenced and committed to prison for a period not exceeding thirty days.

4.2 Each day that a violation of this Ordinance continues shall constitute a separate

offense.

4.3 Any foreign and resident dealers in merchandise who have not obtained a license as provided for herein and who, after written notice, refuse to obtain a license shall not be issued a license during the next calender year. Any person aggrieved by the provisions of this section of this Ordinance shall have the right to appeal under the provisions of the Local Agency Act.

SECTION 5. EFFECTIVE DATE:

5.1 This Ordinance shall take effect in accordance with the provisions of the Borough Code.

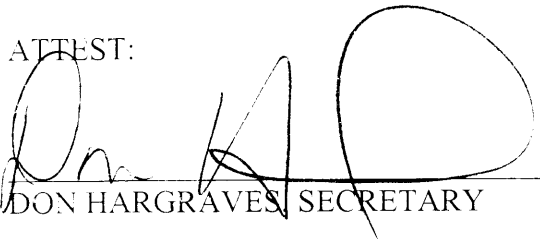
DATED this 6<sup>th</sup> day of July, 2005.

BRIAR CREEK BOROUGH:

BY 

W. BRUCE MICHAEL,  
COUNCIL PRESIDENT

ATTEST:

  
DON HARGRAVES, SECRETARY

(SEAL)