

**ORDINANCE NO. 4- 2023**

**AN ORDINANCE OF THE BOROUGH OF PLYMOUTH, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 173 PEDDLING AND SOLICITING ACT OF THE CODE OF THE BOROUGH OF PLYMOUTH TO BE NOW KNOWN AS CHAPTER 173 PEDDLING, SOLICITING AND TRANSIENT VENDOR ACT**

**WHEREAS**, the Borough Council had previously adopted Chapter 173 Peddling and Soliciting Act as well as an amendment of the same at the time of adoption of the Code of The Borough of Plymouth;

**WHEREAS**, the Borough feels that due to the passage of time and the increase in vendors, including food vendors, it is the appropriate time to update the Ordinance in order to protect and promote the safety of the citizens of the Borough;

**NOW THEREFORE**, be it resolved and ordained by the Plymouth Borough Council has decided to revise Chapter 173 as follows and thus enacts the following:

**CHAPTER 173. SHALL NOW BE KNOWN AS: CHAPTER 173 PEDDLING, SOLICITING AND TRANSIENT VENDOR ACT**

**§173-1.** From and after the passage of this Chapter any person, individual, firm, entity, vendor, limited liability company of any type, partnership, sole proprietorship or corporation, whether for profit or not, beginning or desiring to begin a transient retail business in the Borough of Plymouth, Luzerne County, Pennsylvania, for the sale of any goods, wares, merchandise, or food of any type or kind, or taking of any picture, photograph, or likeness of any kind and who or which hires, leases, occupies or uses any room, apartment, store, shop, building, railway car, place or structure for the exhibit or sale of such goods, wares, merchandise, sale of any food of any type or kind, or the sale or taking of any picture, photograph or likeness of any kind, before beginning such business or activity, shall procure from the zoning officer a license therefore, cost of which shall be made at least five days prior to the issuance by the zoning officer and the beginning of any business thereunder, in order that the proper officers of the Borough may make inquiry into the character of the business contemplated and the reputation of the person making such application. All transient vendors must fill out a transient vender application in the form acceptable as provided by the Borough.

**§173-2. EXCEPTIONS.** The licensing requirements set forth in §173-1 shall apply to the following, but the license fee set forth below shall not apply to the following listed in this section:

- A. **Farmers selling their own produce.**
- B. **Any sale of goods, wares or merchandise donated by owners, thereof, the proceeds of which are to be applied to charitable purposes.**
- C. **Any manufacturer or producer in the sale of bread or bakery products or milk and milk products, or ice cream or other frozen desserts.**

### **§173-3 License Fees**

The cost of the license provided in §173-1 hereof shall be **from the first day of the month, or any fraction thereof, to the last day of that month as follows:** Regular Street is \$150.00 per month or fraction thereof **(also if a vendor has a one-month fee and the vendor continues the activity into the following month there is an additional \$150.00 fee, no matter how many days used in each month).** A mobile vendor, including but not limited to food truck(s), all carts including hot dog carts, trailers of any types (whether on wheels or not), mobile stands of any type (whether on wheels or not), all mobile food vendor carts, including but not limited to those that are pulled or mounted on a non-motorized trailer. A mobile vendor fee shall be: **from the first day of the month, or any fraction thereof, to the last day of that month as follows: Mobile vendor fee is \$500.00 per month or fraction thereof (also if a vendor has a one-month fee and the vendor continues the activity into the following month there is an additional \$500.00 fee, no matter how many days used in each month).**

**Due to the fact that Borough approved events will be of a shorter duration the fees, restrictions and requirements for a Plymouth Borough approved event for vendors will be set by Resolution of the Borough Council.**

### **§173-4 Restrictions on Placement of Mobile Food Trucks and Vendor Food Carts, Vendor Carts, Stands, Trailers**

All types of trucks, carts, stands and trailers covered under this ordinance are to be placed only on private property, provided before doing so a signed notarized letter is signed by all owners of the property stating all details, including but not limited to span of time, and any other terms and conditions. **PLACING OF ANY TYPE OF VEHICLE OR TRAILER OR CART COVERED UNDER THIS ORDINANCE ON ANY BOROUGH PROPERTY, INCLUDING PUBLIC STREETS AND BOROUGH LOTS AND PUBLIC PARKING LOTS IS STRICTLY PROHIBITED WITHOUT WRITTEN PERMISSION OF THE BOROUGH COUNCIL AND IS CONSIDERED A VIOLATION OF THE ORDINANCE AND SUBJECT TO THE PENALTIES PROVISIONS OF THIS ORDINANCE. EXCLUDED FROM THIS PROVISION AND ITS REQUIREMENTS IS AN EVENT APPROVED BY THE PLYMOUTH BOROUGH COUNCIL.**

### **§173-5 Hours of Operation**

The hours of operation for all transient vendors defined under this ordinance and who have obtained a valid license shall be from Monday thru Sunday of each week from 9:00 o'clock A.M. until 5:00 o'clock P.M. each day. Vendors operating in an event subject to approval shall be allowed to operate only during the hours specified in the approval of the event by the Plymouth Borough Council.

**§173-5 Enforcement, Violations and Penalties**

Any person, individual, firm, entity, vendor, limited liability company of any type, sole proprietorship, partnership, or corporation, whether for profit or not, who shall violate any provision of this ordinance shall upon a finding of violation of this or any portion of this ordinance shall before any Magisterial District Justice shall be subject to a minimum fine of \$500 to a maximum fine of \$1,000, plus costs of prosecution, with each day constituting a separate and distinct violation of a continuing nature subject to a separate and additional fine and in default of payment of said fine and costs be subject to imprisonment in the Luzerne County prison for a period not exceeding thirty days. The Zoning Enforcement Officer of Plymouth Borough is authorized to enforce any violation of this ordinance.

**§173-6 Savings Clause**

If the any portion is determined invalid, illegal or unconstitutional by a Court of Law, then the remaining portions shall remain in full force and effect.

**§173-7 Repeller**

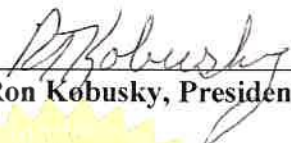
Any Ordinance in conflict or inconsistent with this ordinance upon its adoption is hereby repealed upon the effect date of this ordinance.

**EFFECTIVE DATE**

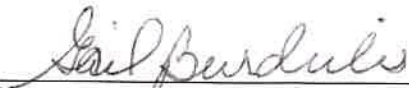
**This Ordinance shall become effective as provided for in § 3301.3 (b) of the Borough Code.**

ENACTED AND ORDAINED this 11<sup>th</sup> day of April 2023 at a Regular Meeting of the Plymouth Borough Council.

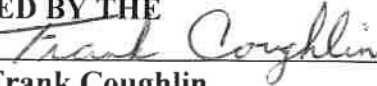
**BOROUGH OF PLYMOUTH**

By:   
Ron Kobusky, President of Council

ATTEST:

  
Gail Burdulis, Borough Secretary



APPROVED BY THE  
MAYOR   
Frank Coughlin

Dated: 4/11/2023