

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 195 OF THE CODE OF THE BOROUGH OF WAYNESBORO BY AMENDING THE DEFINITION OF TRANSIENT RETAIL BUSINESS

WHEREAS, the Borough Code, 8 Pa. C.S. § 101, *et seq.*, at Section 1202(20), authorizes the Borough of Waynesboro (the “Borough”) to provide for the licensing and regulation of businesses unless prohibited by law, 8 Pa. C.S. § 1202(20)(ii); and

WHEREAS, Section 1203 of the Borough Code, 8 Pa. C.S. § 1203, authorizes the Borough to make and adopt all ordinances, bylaws, rules, and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of the Commonwealth as may be expedient or necessary for the proper management, care, and control of the Borough and the maintenance of safety and welfare of the Borough and its trade and commerce; and

WHEREAS, on May 4, 2011, the Borough adopted Ordinance No. 1103 to establish Chapter 195 of the Code of the Borough of Waynesboro (the “Code”), entitled “Peddling and Soliciting” which establishes licenses for certain transient retail businesses; and

WHEREAS, on October 20, 2021, the Borough adopted Ordinance No. 2021-1191, which amended certain provisions of Chapter 195 to reflect the requirements of Act 34 of 2021; and

WHEREAS, on December 20, 2023, the Borough adopted Ordinance No. 1205, which amended Chapter 195 of the Code to establish a daily license fee for transient vendors in the Borough; and

WHEREAS, on April 17, 2024, the Borough adopted Ordinance No. 1209, which amended certain provisions of Chapter 195 of the Code to clarify license fee exemption requirements; and

WHEREAS, the Borough wishes to amend Chapter 195 of the Code by amending the definition of Transient Retail Business; and

WHEREAS, the Borough has determined that it is in the best interest of the health, safety, morals, and general welfare of the Borough residents to amend the Code as set forth in this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1. Chapter 195, Section 195-2 of the Code entitled "Definitions and word usage" is hereby amended by amending the definition of “Transient Retail Business” as follows:

TRANSIENT RETAIL BUSINESS

Includes the following:

- (1) Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or alleys, sidewalks or public grounds, or from house to house, within the Borough of Waynesboro regardless of whether the person has a physical location (brick and mortar establishment) in the Borough of Waynesboro; and
- (2) 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 shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays, regardless of whether the person has a physical location (brick and mortar establishment) in the Borough of Waynesboro.

SECTION 2. Repealer. All provisions of previous ordinances of the Code of the Borough of Waynesboro, which are contrary to this Ordinance, are expressly repealed.

SECTION 3. Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION 4. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this Ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5. Effective Date. This Ordinance shall take effect in accordance with law.

ENACTED, ORDAINED, and APPROVED this _____ day of _____, 2025.

Waynesboro Borough Council

By: _____
C. Harold Mumma, President

ATTEST:

Melinda Knott, Secretary

Dade Royer, Mayor