

Peddlers' License

53 P.S. Sections 65739, 66801, 66802

3.51 PEDDLERS' LICENSE

This Ordinance shall be known and may be cited as "The Peddlers' and Transient Retail Merchants' License Ordinance".

3.52 DEFINITIONS

(a) The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section unless the context clearly indicates a difference meaning:

"Peddling" - As used in this Ordinance, shall mean engaging in "peddling", canvassing, soliciting orders or contributions for charitable purposes, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Township of Lower Nazareth.

"Peddler" - As used herein, shall mean any "person" who shall engage in "peddling", as hereinabove defined.

"Person" - As used herein, shall mean any natural person, association, partnership, firm or corporation.

"Transient Retail Merchant" - As used herein, shall mean any person, whether principal or agent, who conducts a transient retail business for the sale of any goods, wares or merchandise whatsoever, and who hires, leases, occupies or uses any room, apartment, store, shop building, railway car or other place or structure for the exhibition and sale of such goods, wares or merchandise.

(b) None of the foregoing definitions shall be deemed to apply to:

(1) Farmers selling their own produce;

(2) The sale of goods, wares and merchandise donated or consigned by the owners thereof, the proceeds whereof are to be applied to any charitable, philanthropic or municipal purpose;

(3) Any manufacturer or producer in the sale of bread, bakery products, meat, meat products, milk or milk products;

(4) Self-employed natural persons selling on a commission basis, where commissions earned shall not exceed the sum of \$200.00 per annum.

(c) In this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.  
(Ordinance No. 58, enacted January, 12, 1977.)

### 3.53 LICENSE REQUIRED

No person shall engage in peddling or in conducting a transient retail business in the Township of Lower Nazareth without first having procured a license as herein provided, such license to be renewed monthly during the continuation of business.

(Ordinance No. 58, enacted January 12, 1977.)

### 3.54 APPLICATION

Every person desiring to engage in peddling or to conduct a transient retail business in the Township of Lower Nazareth shall first make application to the Township Secretary for a license. If such person is also required to obtain a license from any County official, he must, when making such application, exhibit a valid County license. Upon such application, such person shall give his name, address, the name of the person for whom he works, if any, the type of goods, wares and merchandise he wishes to sell, the length of time which he wishes to be licensed; in the case of peddlers, the type of vehicle he uses, if any, and the license number thereof; or in the case of transient retail merchants, the address and description of the location at which he intends to conduct sales; the number, name and address of the helpers he has; provided, where a person makes application for himself alone and one or more helpers, all applicable personal information specified above shall be given for each helper, and in the case of peddlers, an individual license shall be required for each helper. No license issued under this Ordinance shall be transferable from one person to another; nor shall it be transferable from one location to another in the case of transient retail merchants; shall any license issued for peddling be valid to conduct a transient retail business and no license issued for conducting a transient retail business shall be valid to engage in peddling. The application shall be further specify whether application is being made for a peddlers' license or a transient retail merchants' license.

(Ordinance No. 58, enacted January 12, 1977.)

### 3.55 FEES

No license shall be issued under this Ordinance until an application has been made as above required and a fee of \$25.00 per month, or fractional part thereof, been paid to the Secretary of the Township, which shall be for the use of the Township. Persons soliciting contributions for charitable or non-profit organizations shall be exempt from the payment of this fee.

(Ordinance No. 58, enacted January 12, 1977.)

### 3.56 DISPLAY OF LICENSE

Upon making application therefore and paying the proper fee as herein specified, a license shall be issued. Such license shall contain the information required to be given upon the application therefore. Every peddler shall, at all times when engaged in peddling in the Township, carry such license upon his person, and shall exhibit such license, upon request to all police officers, Township officials and citizens. Transient retail merchants shall conspicuously display such license at their place of business at all times during the conduct of the sale. No person shall engage in selling any product not mentioned upon such license.

(Ordinance No. 58, enacted January 12, 1977.)

3.57 CRYING OF WARES PROHIBITED

No person licensed as a peddler under this Ordinance shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.  
(Ordinance No. 58, enacted January 12, 1977.)

3.58 PARKING OF VEHICLES; DEPOSIT OF REFUSE

No person licensed as a peddler under this Ordinance shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise, nor may any such person place or deposit any refuse upon any of such streets or alleys, nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.  
(Ordinance No. 58, enacted January 12, 1977.)

3.59 FIXED LOCATION PROHIBITED

No person licensed as a peddler under this Ordinance shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.  
(Ordinance No. 58, enacted January 12, 1977.)

3.60 DUTIES OF TOWNSHIP SECRETARY: RECORDS, SUPERVISION OF ACTIVITIES

The Township Secretary shall keep a record of all licenses issued under this Ordinance and shall supervise all activities of all holders of such licenses.  
(Ordinance No. 58, enacted January 12, 1977.)

3.61 SUSPENSION OF LICENSE

The Township Secretary is hereby authorized to suspend any license issued under this Ordinance where there is a violation of any of the provisions of this Ordinance or for giving false information upon any application for a license hereunder.  
(Ordinance No. 58, enacted January 12, 1977.)

3.62 PENALTIES

Any person who shall violate any of the provisions of this Ordinance, shall upon conviction before a District Magistrate, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and the costs of prosecution, and in default of payment thereof, to imprisonment for not more than thirty (30) days.  
(Ordinance No. 58, enacted January 12, 1977.)