

Chapter 146

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 3-4-1982 by Ord. No. 82-3. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 102.

Loitering — See Ch. 126.

§ 146-1. Short title.

This chapter shall be known and may be cited as the "Township Transient Retail Business Ordinance."

§ 146-2. Definitions and interpretation.

A. As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZATION — License; but shall not connote a tangible document to be carried or possessed by the licensee.

PERSON — Includes any natural person, partnership, association, firm or corporation.

PROMOTER — Any person (as defined in this chapter) who organizes the gathering of five or more persons (as defined in this chapter) engaged in transient retail business.

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 street or alley, sidewalk or public ground, or from house to house, within the Township of North Middleton; and
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the township, 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.

- (3) Transient retail business shall not include sidewalk sales when held by authority of the ordinance governing the same.
- (4) Transient retail business shall not include school students through and including the 12th grade who engage in peddling, canvassing, soliciting or taking orders for any school-approved activity or for any activity sanctioned by a nonprofit organization or group. [Added 3-6-1997 by Ord. No. 97-3]

B. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

§ 146-3. Authorization required to engage in business; fees; exemptions.

A. No person shall engage in any transient retail business within the Township of North Middleton without first having obtained from the Police Chief or his delegate authorization to do so, for which the following fees, which shall be for the use of the township, shall be charged:

- (1) One week: as set from time to time by resolution of the Board of Supervisors.
- (2) One month: as set from time to time by resolution of the Board of Supervisors.
- (3) One year: as set from time to time by resolution of the Board of Supervisors.

B. No authorization fee shall be charged under this section:

- (1) To farmers selling their own produce.
- (2) 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.
- (3) To any manufacturer or producer in the sale of milk or milk products, bread and bakery products, or meat and meat products, but all persons exempted hereby from the payment of the authorization fee shall be required to register with the Police Chief or his delegate and obtain authorization without fees.

C. 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 authorization fee fixed by this section for his activities in connection with peddling, canvassing, soliciting or taking orders for goods, wares and merchandise not in such exempted categories.

D. The Board of Supervisors may similarly exempt from payment of the authorization fee, but not from registering, persons working without compensation and selling or taking orders for goods, wares or merchandise for the sole benefit of any nonprofit corporation.

E. Every authorization granted under the provisions of this chapter shall be granted on an individual basis to persons engaging in such business; every individual shall obtain an

authorization, granted to him in his name, and the authorization fee hereby imposed shall be applicable to every such individual authorization.

§ 146-4. Representation by promoter; fees. [Amended 7-1-1982 by Ord. No. 82-8]

- A. In lieu of the requirements imposed by § 146-3 of this chapter, a promoter representing five or more persons engaged in transient retail business may, on behalf of such persons, obtain the authorization provided for in § 146-3 of this chapter, in which case such authorization shall be granted to such promoter in his name, for which the following fees, which shall be for the use of the township, shall be charged:
- (1) For one day for every person represented by such promoter, up to and including 100 persons: as set from time to time by resolution of the Board of Supervisors.
 - (2) For one day for every person represented by such promoter in excess of 100 persons: as set from time to time by resolution of the Board of Supervisors.
- B. The fee exemptions set forth in § 146-3 of this chapter shall apply in instances where a group of persons engaged in transient retail business falling into one or more of the exempted categories are represented by a promoter.

§ 146-5. Application for authorization.

- A. Application required.
- (1) Except as provided in Subsection B of this section, every person desiring to engage in a transient retail business within the township shall first make application to the Police Chief or his delegate for authorization on a form to be furnished by the township. The application, when completed, shall be verified by an oath or affirmation. Where a person makes application for himself and one or more helpers, an application form shall be completed for each helper. The required fee shall accompany the application. A receipt clearly marked "This is not a permit," or words to that effect, shall be issued in return for each fee.
 - (2) In lieu of the requirements of Subsection A(1) of this section, a promoter representing five or more persons engaged in transient retail business within the township may, on behalf of such persons, make application to the Police Chief or his delegate for authorization, on a form to be furnished by the township. The application shall be verified by oath or affirmation. The required fee shall accompany the application. A receipt clearly marked "This is not a permit," or words to that effect, shall be issued in return for each fee.
- B. In the case of any person desiring to engage in a transient retail business by working without compensation for the sole benefit of a nonprofit corporation or in the case of a promoter representing five or more such persons, such person or promoter shall make written application to the Board of Supervisors, setting forth the names and addresses of all persons who shall be so engaged in a transient retail business with him, and, if such application shall be approved by the Board, authorization may be granted by the Chief or

his delegate without fee, covering all such persons, which authorization shall be valid on the day or days designated under the terms of the authorization as granted.

§ 146-6. Investigations and granting of authorization.

- A. Upon receipt of such application, the Chief of Police or his delegate shall cause such investigation of the applicant's business or organization and moral character to be made as he deems necessary for the protection of the public welfare.
- B. If, as a result of such investigation, the applicant's business or organization or moral character is found to be unsatisfactory, the Chief of Police or his delegate shall endorse on such application his disapproval and his reasons for the same, and return said application to the applicant.
- C. If, as a result of such investigation, the business or organization and moral character of the applicant are found to be satisfactory, the Chief of Police or his delegate shall endorse on the application his approval and record the name of the applicant, date, duration of authorization, and other data of public interest which he deems relevant in a book of "Peddling Authorizations Granted," which shall be available for public inspection at reasonable times. The Chief or his delegate shall keep a permanent record of all applications made, authorizations granted, and authorizations refused. No evidence of authorization shall, however, be issued in tangible form to the person authorized.

§ 146-7. Prohibited acts. [Amended 3-6-1997 by Ord. No. 97-3]

No person engaging in any transient retail business, when working from house to house, shall engage in such business at any time on Sundays or official holidays, or upon any other day of the week prior to 10:00 a.m., prevailing time, and shall cease at sunset or 7:00 p.m., prevailing time, whichever shall first occur, except that this prohibition shall not apply to any person who shall have made an advance appointment with a prospective customer for a specific day and hour.

§ 146-8. Denial or revocation of authorization.

Authorization may be denied, or authorizations granted under the terms of this chapter may be revoked, by the Chief of Police or his delegate for any of the following causes:

- A. Fraud, misrepresentation, or false statement contained in the application for authorization;
- B. Fraud, misrepresentation or false statement made in the course of the business of the person authorized or seeking authorization;
- C. Any violation of this chapter;
- D. Conviction of a crime involving moral turpitude; or

- E. Conduct of a person authorized, or seeking authorization, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

§ 146-9. Appeal from denial or revocation of authorization.

Any person aggrieved by the action of the Chief of Police or his delegate in denying authorization, or in the decision with reference to the revocation of authorization, shall have the right of appeal to the Board of Supervisors of North Middleton Township. Such appeal shall be taken by filing with the Board, within five days after notice of the action complained of has been mailed to such person's last address or otherwise placed in his possession, a written statement setting forth the grounds for the appeal. The Board of Supervisors shall set a time and place for a hearing on such appeal, which hearing shall be held not later than 30 days after the date of such filing. The Board of Supervisors may take whatever action with respect to the matter that it deems appropriate.

§ 146-10. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.