

Part 2**Peddlers****§13-201. Definitions and Word Usage.**

As used in this Part, the following terms shall have the meanings indicated:

Authorization - license, permit or registration.

Peddler - any person who shall engage in peddling as hereinabove defined.

Peddling - the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him in travel, or has in his possession or control, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the said Township.

Person - includes any natural person, partnership, association, firm or corporation.

Promoter - any person, as defined hereinabove, who organizes the gathering of five or more persons, as defined hereinabove, engaged in transient retail business.

Soliciting - the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the Township of East Pennsboro, and shall further mean seeking or taking of contracts or orders for home or other building repairs, improvements and alterations; and also orders or contracts for new mechanical, electrical pumping, or heating device or equipment of houses, or other building improvements or repairs upon or from the places aforesaid within the Township.

Solicitor - any person who shall engage in soliciting as hereinabove defined.

Township - the Township of East Pennsboro.

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

(Ord. 748-2008, 9/3/2008, §1)

§13-202. Exemptions.

No license, permit or application shall be required and no fee shall be charged under this Part:

- A. To farmers selling their own products.
- B. For the sale of goods, wares and merchandise donated by the owners thereof, the proceeds of which are applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of milk or milk products, bread and bakery products or meat and meat products.
- D. To the seeking or taking of orders by insurance agents or brokers licensed

under the insurance laws of the Commonwealth of Pennsylvania for insurance.

E. To persons, their agents or employees, who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, December 19, 1990, P.L. 1200, No. 202, 10 P.S. §162.1 *et seq.*, and are exempt from registration under the said Act, as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

F. To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

G. To the collection or delivery of laundry or day cleaning.

Any person dealing in one or more of the above-mentioned exempted categories and dealing with other goods, wares, services or merchandise not so exempted shall be subject to the application requirements and payment of the license fee fixed by this Part for such person's activities in connection with a peddling, canvassing, soliciting or taking orders for goods, wares and services merchandise, not included in such exempt categories.

(*Ord. 748-2008, 9/3/2008, §2*)

§13-203. Application Procedure.

1. Every person desiring to engage in peddling in the Township of East Pennsboro shall submit a written application to the Township Manager, accompanied by two photographs (2½" by 3") of himself, taken within 6 months prior to the date of the application.

2. The application shall be a form provided by the Township and shall state name, age, sex, home address, business address, name and address of employer, if any, what he desires to peddle, the make and type of vehicle, if any, he will use, its registration number, and whether he has ever been convicted of a felony, misdemeanor, or a crime of any kind involving moral turpitude. Said application shall further state the length of time for which he wishes to be licensed and the number of helpers he has; provided, where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be required for each helper.

3. The Township Manager will issue to the applicant a license (to which one of the applicant's photographs will be affixed) within 15 days from the date of the filing of application provided that the proper fee, in an amount as established from time to time by resolution of the Board of Commissioners, has been paid. [*Ord. 757-2009*]

4. A license will not be issued to any person who has been convicted of a felony, misdemeanor, or a crime of any kind involving moral turpitude, and such persons shall not be permitted to engage in peddling or soliciting in the Township.

(*Ord. 748-2008, 9/3/2008, §3; as amended by Ord. 757-2009, 7/1/2009*)

§13-204. License Restrictions.

1. No peddler shall engage in the selling or dealing with any product not mentioned upon such license.

2. No person shall engage in peddling or soliciting in the Township of East Pennsboro without first having taken out a license as herein provided.

(*Ord. 748-2008, 9/3/2008, §4*)

§13-205. Prohibited Acts.

No peddler or solicitor shall (A) hawk or cry his wares from any of the streets or sidewalks of the Township, nor shall he use any speaker or horn or any other device for announcing his presence, by which the public is annoyed; (B) 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; (C) deposit any refuse upon any of such streets or alleys; (D) 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; (E) 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.

(Ord. 748-2008, 9/3/2008, §5)

§13-206. Denial and Revocation.

Licenses approved under the terms of this Part may be revoked, by the Township Manager (or his delegate) for any of the following reasons:

A. Fraud, misrepresentation or false statement made in the course of the business of the person authorized or seeking authorization.

B. Fraud, misrepresentation or false statement made in the course of the business of the person authorized seeking authorization.

C. Any violation of this Part.

D. Conviction of a crime involving moral turpitude.

E. Past or present conduct of any 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.

(Ord. 748-2008, 9/3/2008, §6)

§13-207. Appeal.

Any person aggrieved by the action of the Township Manager (or his delegate) in denying authorization in the decision with reference to the revocation of authorization of a permit shall have the right of appeal to the Board of Commissioners of the Township of East Pennsboro. Such appeal shall be taken by filing with the Board, within 5 days after notice of the revocation complained of has been mailed to such person's last address or otherwise placed in his or her possession, a written statement setting forth the grounds for the appeal. The Board of Commissioners shall set a time and place for a hearing on such appeal, which hearing shall be held and decision made not later than 30 days after the date of such filing.

(Ord. 748-2008, 9/3/2008, §7)

§13-208. Violations.

Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution and in default of payment thereof, to imprisonment of not more than 30 days. Such fines or penalties shall be collected as like fines or penalties are now by law collected. Each violation of this Part shall constitute a separate offense.