

An Ordinance of the Township of Pymatuning, Mercer County, Pennsylvania, providing for the regulation of and licensing of peddlers, canvassers and transient merchants and providing penalties for the violation of the regulations.

BE IT ORDNANED AND ENACTED by the Township of Pymatuning, Mercer County, Pennsylvania, and it is hereby enacted and ordained by and with the authority of the same as follows:

SECTION 1. License Required.

It shall be unlawful for any peddler, canvasser or transient merchant as defined in Section 2 of this ordinance, to engage in any such business within the Township of Pymatuning, Mercer County, Pennsylvania, without first obtaining a license therefor in compliance with the provisions of this ordinance.

SECTION 2. Definitions.

When used in this ordinance, the following terms shall have the following meanings:

(a) "Peddler" and "Transient Merchant" shall include any person who goes from house to house, from place to place, or street to street, conveying or transporting goods, wares, or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

(b) "Canvasser" shall include any person who goes from house to house, from place to place, or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

SECTION 3. Exemptions;

The terms of this ordinance shall not be held to include the acts of persons selling property at wholesale to dealers in such articles, nor to news-boys, nor to the acts of merchants with a permanent place of business in the Township of Pymatuning, or their employees in delivering goods in the regular course of business, nor shall the terms of this ordinance be held to include or apply to any farmer or truck gardener who shall vend, sell, or dispose of, or offer to sell, vend, or dispose of the products

of the farm or garden occupied and cultivated by him; nor shall it apply to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products. Nothing contained in this ordinance shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

SECTION 4. Application.

Applicants for a license under this ordinance must file with the Chief of Police of Pymatuning Township a sworn application in writing on a form to be furnished by the Chief of Police which will give the following information:

- (a) Name and physical description of applicant;
- (b) Complete permanent home and local address of the applicant and in the case of transient merchants, the local address from which proposed sales will be mailed;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (e) The source or supply of the goods or property proposed to be sold, or orders taken for the sale thereof; and the proposed method of delivery;
- (f) A recent photograph of the applicant which picture shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (g) Submit his or her finger prints upon a non-criminal file card which can be reclaimed upon the expiration of license;
- (h) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor, or any violation of any municipal ordinance, other than traffic violations, and the nature of the offense and punishment or penalty assessed therefor.

SECTION 5. Religious, charitable and civic organizations, exemption.

Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature, various types of tokens or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets,

in office buildings, by house to house canvass, or in public places for a charitable, religious, patriotic, civic or philanthropic purpose shall be exempt from the provisions of Section 4, 7, and 8 of this ordinance provided there is filed a sworn application in writing on a form furnished by the Township of Pymatuning which will give the following information:

- (a) Name and purpose of the cause for which permit is sought;
- (b) Name and address of the officers and directors of the organization;
- (c) Period during which solicitation is to be conducted;
- (d) Whether or not any commission, fees, or wages are to be expended in connection with such solicitation and the amount thereof.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic, civic or philanthropic organization, the Township of Pymatuning shall issue a permit without charge.

SECTION 6. Investigation and issuance of license;

(a) Upon receipt of each application, it shall be referred to the Chief of Police who shall immediately institute such investigation of the applicant's business or moral character as he deems necessary for the protection of the public safety.

(b) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and upon payment of the prescribed license fee he shall deliver to the applicant his or her license. Each application shall be acted upon by the Chief of Police within 72 hours after the same has been filed with the Chief of Police.

Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date as well as the license number and other identifying description of any vehicle used in such licensed business.

Each peddler, canvasser or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Chief of Police shall keep a permanent record of all licenses issued and those rejected, and shall also issue a monthly report to the Supervisors of Pymatuning Township of said applicants and monies received.

SECTION 7. License fee.

Every applicant for a license under this ordinance shall pay an annual license fee of \$10.00. Any license issued shall be effective for the balance of the calendar year in which issued. In the event a licensee changes his permanent home or local address, the licensee shall notify the Chief of Police within 72 hours of the new address.

SECTION 8. Procedure for revocation of license.

(a) Permits and licenses issued under the provisions of this ordinance may be revoked by the Chief of Police of Pymatuning Township after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler;
- (3) Any violation of this Ordinance;
- (4) Conviction of any crime or misdemeanor;
- (5) Conducting the business of peddling 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.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. The Chief of Police shall conduct the hearing and notice of his decisions shall be mailed, postage prepaid, to the licensee within 72 hours of the date of the hearing.

SECTION 9. Appeal.

Any person aggrieved by the action of the Chief of Police in the denial of an application for a permit or license or in the revocation of a license shall have the right of appeal to the Supervisors of Pymatuning Township. Such appeal shall be taken by filing with the Supervisors, within fifteen (15) days of the date of the denial of the permit or license or of the revocation, a written statement setting forth fully the grounds for the appeal. The Supervisors shall set a time and place for a hearing on such appeal and notice of such hearing shall be given applicant in the

manner provided in Section 8 of the Ordinance for notice of hearing on revocation.

SECTION 10. Loud noises and speaking devices.

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound or amplifying device upon any of the streets, alleys, parks or other public places of Pymatuning Township, or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

SECTION 11. Use of streets and time restrictions.

(a) No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.

(b) No licensee shall be permitted to solicit upon Sundays, or before 9:00 A.M. or after 9:00 P.M. week days, Eastern Standard Time.

SECTION 12. Exhibition of license.

Licensees are required to exhibit their certificate of license at the request of any citizen.

SECTION 13. Penalty.

Any person, firm or corporation that shall violate any of the provisions of this ordinance shall forfeit and pay to the Township of Pymatuning for each and every separate offense a sum of not less than ten (\$10.00) dollars or more than one hundred (\$100.00) dollars, to be sued for and recovered as other fines and penalties are now by law recoverable and in default of payment of the fine and costs of prosecution shall be committed to the County Jail for a period not exceeding thirty (30) days. Each day of continued violation of the terms of this Ordinance shall constitute a separate and distinct offense.

SECTION 14. Severance clause.

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining

sections, sentences, clauses or phrases of this ordinance byt they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

SECTION 15.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Ordained and Enacted into law this 10 day of July, 1961.

Wayne Hurst

L. G. McRae

SUPERVISORS