

ORDINANCE NO. 59-1

BOARD OF SUPERVISORS OF THE TOWNSHIP OF HILLTOWN

AN ORDINANCE

Providing for the regulation of peddling within the Township of Hilltown, requiring peddlers to obtain licenses and prescribing penalties for the violation thereof.

BE IT ORDAINED by the Supervisors of the Township of Hilltown pursuant to the Act of May 1st, 1933, P. L. 103 Sec. 1801, its amendments and supplements, as follows:

SECTION 1. DEFINITIONS

(a) The word "peddling" as used in this ordinance, shall mean engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, by house to house solicitation in the Township.

(b) The word "Township" as used in this ordinance, shall refer to the Township of Hilltown.

(c) Provided, the word "peddling" shall not apply to:

- (1) Calls made by a prior appointment;
- (2) To milkmen, breadmen, and hucksters of farm products, if they have a regularly established route in the Township;
- (3) To farmers selling their own produce;
- (4) The selling of goods, wares or merchandise, donated by the owners thereof, the proceedings whereof are to be applied to any charitable or philanthropic purpose;
- (5) To insurance companies, their agents or insurance brokers, authorized to transact business under the Insurance Laws of the Commonwealth of Pennsylvania.

(6) To any persons taking orders for merchandise by sample from dealers or merchants.

(d) The word "peddler" as used in this ordinance, shall mean any person who shall engage in any activity hereinabove defined to constitute peddling.

(e) The word "person" as used in this ordinance, shall mean any natural person, association or partnership, firm or corporation.

(f) In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

## SECTION 2. APPLICATION FOR LICENSE

No person shall engage in peddling in the Township without obtaining a license from a constable of the said Township. The person desiring to obtain such a license shall make an application to a constable, under oath. Such application shall state the person's name, address, telephone number, occupation, the purpose for which the license is sought, the applicant's prior criminal record, if any, the name of the applicant's employer, if any, and the same information with regard to the employer. The applicant shall also submit either printed material or other evidence satisfactory to the constable substantiating the business or the purpose for which the license is sought.

## SECTION 3. LICENSE FEE

No license shall be issued under this ordinance until a fee of Five Dollars (\$5.00) shall be paid to the issuing constable, which shall be for the use of the Township treasury. Said fee shall cover the cost of the license issued for the day it is issued, and as many days thereafter as it may be renewed within a period of thirty calendar days from the date of initial issue, as herein-

after provided ~~for~~ in Section 4. Provided, no fee shall be charged for a license to solicit for a charitable or philanthropic purpose.

#### SECTION 4. ISSUANCE OF LICENSE AND RENEWAL THEREOF

Upon making proper application therefor and payment of the proper fee, a license shall be issued to every peddler, provided, neither the applicant nor his employer has a criminal record, and evidence substantiating the purpose for which the license is sought is submitted to the satisfaction of the issuing constable. Said license shall be good only for the day it is issued, but shall be renewable for thirty calendar days by making application to the issuing constable for each additional day that the holder wishes to peddle in the Township. Every peddler shall at all times when engaged in peddling in the Township, carry such license on his person, and shall exhibit such license upon request to do so.

#### SECTION 5. PLACES AND HOURS FOR PEDDLING

The license shall specify the particular area of the Township in which the applicant seeks permission to peddle on the day of issue and shall further specify the particular hours during which the applicant will peddle in the area so designated. Each renewal thereof shall likewise specify the same information as it pertains to each particular day of renewal. No license or renewal shall be issued which shall allow peddling either before eight o'clock A. M. or after six o'clock P. M., nor on a Sunday. Provided, solicitation for charitable or philanthropic organizations shall be allowed during weekdays until ten o'clock P. M. No person shall peddle in any area or at any hour other than as specified in the license or renewal.

SECTION 6. PENALTIES

Any person who shall falsify the aforesaid application or who shall violate any of the provisions hereof, shall upon conviction by summary proceeding, before any Justice of the Peace in the Township, be sentenced to pay a fine of not more than Two Hundred Dollars (\$200.00), and, in default thereof, be imprisoned in the County Jail for a period of not exceeding thirty (30) days. The proceedings for the violation of the provisions hereof may be commenced by warrant or by summons at the discretion of the Justice of the Peace of the Township before whom the proceeding is begun.

SECTION 7. SAVING PROVISIONS

The provisions of this ordinance shall be severable, and if any provisions thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not effect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

*Paul Frankensfeld Klaman*

ABRAM K. YOTHERS, Secretary

*Elmer H. High*

*Albert T. Agui*