

ORDINANCE NO. 73-5

AN ORDINANCE REGULATING PEDDLING, INCLUDING SOLICITING, WITHIN THE TOWNSHIP OF HILLTOWN, REQUIRING PEDDLERS TO OBTAIN LICENSES; PROVIDING FOR APPLICATION FOR LICENSES; ESTABLISHING PROCEDURE FOR IDENTIFICATION; ESTABLISHING RULES OF CONDUCT; PROVIDING FOR REVOCATION OR LICENSES UNDER CERTAIN CONDITIONS; EXEMPTING CERTAIN PERSONS FROM THE TERMS HEREOF AND FIXING PENALTIES FOR VIOLATION.

Hilltown Township Supervisors, in the exercise of the police power, and in order to protect the health, safety, morals and general welfare of the citizens of the Township of Hilltown, does hereby enact and ordain 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 services, goods, wares or merchandise, or engaging in soliciting contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of Hilltown Township. Provided: the word "peddling" shall not apply to (1) farmers selling their own produce, (2) persons soliciting contributions in behalf of organizations exempted from the provisions of, or duly registered pursuant to, the Act of Assembly of 1925, May 13, P.L. 644, as amended; who while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for such organization or corporation, (3) any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products, (4) persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity mentioned above, including, without

limitation, real estate, insurance, or securities brokers and salesmen.

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

c. The word "peddler" as used in this ordinance, shall mean any person who shall engage in peddling, as hereinabove defined.

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

SECTION 2. No person shall engage in peddling or soliciting within the Township of Hilltown without first having taken out a license for this purpose as herein provided.

SECTION 3. Every person desiring to engage in peddling within the Township of Hilltown shall first make application to the Chief of Police for license. Licenses may be applied for and issued for the period of one day, one week, one month or one year. Both the application and the license shall set forth the following information:

- a. Name of applicant.
- b. Home address of applicant.
- c. Name and address of employer for whom applicant will be working, if any.
- d. The period of time for which the application is made and the expiration date of the license.
- e. The type of goods or the nature of the activity in which the applicant wishes to engage within the Township.
- f. The applicant's previous criminal record, if any.

g. The type of vehicle he will use, if any, together with its license number.

h. The number and the names of the persons with whom the applicant will be working.

i. A brief physical description of the applicant.

Nothing herein contained shall be construed as permitting the licensure of more than one person under a single license. No license issued under this ordinance shall be transferable from one person to another.

SECTION 4. No license shall be issued under this ordinance until the applicable fee is paid by the applicant, except that a fee shall not be required or charged in the case of solicitors for charitable or community undertakings. The schedule of fees shall be as follows:

License for one day	\$ 3.00
License for one week	5.00
License for one month	8.00
License for one year	10.00

SECTION 5. Upon making application therefor and paying the proper fee as herein specified, a license shall be issued for every peddler, provided the issuance of such license shall not in any way endanger the general safety, morals or welfare of the citizens of Hilltown Township.

SECTION 6. Every person to whom a license has been issued hereunder shall, in the carrying on of his business or activities in the Township, comply with the following rules of conduct:

a. He shall carry his license card upon his person at all times and exhibit it upon request of any police officer, Township supervisor or citizen.

b. He shall not permit any other person to have

possession of his license card and shall immediately report its loss to the Chief of Police. He shall not cause or permit his license card to be altered or defaced.

c. He shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

d. He shall not represent his license card to be an endorsement of himself or of his goods or services or of the goods or services of his principal or employer.

e. He shall immediately surrender his license card upon revocation of his license as hereinafter provided.

f. And he shall not engage in selling any product or service not mentioned upon his license.

SECTION 7. No person licensed as a peddler under this ordinance shall engage in peddling at any time on Sunday, on any legal holiday, or upon any other day of the week before nine o'clock A.M. or after four-thirty o'clock P.M.

SECTION 8. 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 loud speaker or horn or other device for announcing his presence by which the public is annoyed.

SECTION 9. No person licensed as a peddler under this ordinance, shall occupy any fixed location upon or along any of the streets, alleys, sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

SECTION 10. The Chief of Police shall keep a record of all licenses issued under this ordinance.

SECTION 11. Township Supervisors are authorized to

suspend or revoke any license issued under this ordinance when such suspension is deemed beneficial to the public health, safety, morals and/or welfare, or for violation of any of the provisions of this ordinance, or for giving false information upon any application for a license hereunder.

SECTION 12. Any person who shall violate any of the provisions of this ordinance shall, upon summary conviction before a District Justice or any Justice of the Peace, be sentenced to pay a fine or penalty of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) and the costs of prosecution, and, in default of payment thereof to imprisonment in the county prison for not more than thirty (30) days.

SECTION 13. If any section, provision or part of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts 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 herein.

SECTION 14. Ordinance No. 59-1, enacted January 8, 1959, and amended is hereby repealed.

SECTION 15. Effective Date. This Ordinance shall become effective from and after five days after enactment.

ENACTED AND ORDAINED this 5th day of July
A.D., 1973.

ATTEST:

HILLTOWN
BOARD OF SUPERVISORS

Robert Frank Judd

Robert Frank Judd

CHARLES S. WILSON, ESQ.
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