

## **ORDINANCE NO. 1 OF 1968**

AN ORDINANCE REGULATING THE SELLING, PEDDLING, AND SOLICITING, CANVASSING OR TAKING ORDERS FOR GOODS, WARES AND MERCHANDISE WITHIN THE TOWNSHIP OF NORTH ABINGTON, PROVIDING FOR CERTAIN EXEMPTIONS, IMPOSING LICENSE FEES AND REQUIREMENTS, PROHIBITING HAWKING OR PUBLIC OUTCRY, PROVIDING FOR THE REVOCATION OF LICENSES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

### **SECTION 1: ACTIVITIES FOR WHICH LICENSE IS REQUIRED**

No person, partnership or corporation, either as principal or agent, shall engage in selling, peddling, and soliciting, canvassing or taking orders for goods, wares, merchandise including magazines and periodicals, by sample or otherwise, upon streets or sidewalks, or from house to house, or from any vehicle, or from spaces occupied on a temporary basis in any house, building or structure within the Township of North Abington, unless a license from the Township is first obtained in the manner provided hereinafter.

### **SECTION 2: EXEMPTIONS**

This Ordinance shall not apply to nor shall licenses be required for the following:

- (a) The sale of milk, butter and other dairy products, bread and bakery products, meat and meat products, and other food products and produce, by any farmer, manufacturer or producer, or by the employees, authorized agents or representatives of any farmer, manufacturer, or producer of the same.
- (b) Solicitation of contributions for religious, charitable, educational and philanthropic purposes, and for the promotion of public health and welfare, by members of or volunteer workers for any religious denomination, organized non-profit corporation or association, society, charity or fund, and the sale of goods, wares and merchandise by the same when the proceeds of such sales are devoted to such purposes.
- (c) The soliciting or taking of orders for goods, wares and merchandise, by sample or catalogue, from established dealers and merchants, by employees, agents and representatives of established concerns within or without the Commonwealth of Pennsylvania.
- (d) The sale or solicitation within the Township of handicrafts or home made articles of a similar nature, made or assembled in the home of any resident of the Township by a resident of the Township.

- (e) The business transacted by insurance companies, and their agents, and by insurance brokers licensed to transact such business under the laws of the Commonwealth of Pennsylvania.

SECTION 3:  
APPLICATION FOR LICENSE  
REQUIREMENTS

All persons, partnerships and corporations required to obtain a license under the provisions of this Ordinance shall make and submit an application therefor which shall contain the following:

- (a) Name of applicant;
- (b) His address;
- (c) The person, partnership or corporation he represents, if any;
- (d) A description of the goods, wares and merchandise involved;
- (e) The length of time for which the license is desired;
- (f) A description, including the license number of any vehicles to be used in connection with the proposed activities;
- (g) The number of other individuals involved as employees, helpers or otherwise in the proposed activities;
- (h) A statement that the applicant has no previous criminal record.

All persons connected with the proposed activities, as employees, helpers or otherwise, shall obtain individual licenses, submit all information required by this section, and exhibit any additional licenses required by the laws and statutes of the Commonwealth.

Nothing contained in this Ordinance shall be construed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth.

SECTION 4:  
FEES

No license shall be issued until the applicant shall pay for any license or licenses issued, for the use of the Township, the following fees: \$1.00 per day; \$5.00 per month; \$20.00 per year.

SECTION 5:  
LICENSE

Application forms shall be available, and all applications containing the information required by this Ordinance shall be made at the offices of the Township Secretary upon the payment of the fees herein specified. Every person subject to the provisions of this Ordinance shall carry such license upon his person at all times when engaged in his activities within the Township, and shall exhibit such license upon request to the Supervisors and their representative, and police or constables employed by the Township, and to any resident of the Township contacted by such person who shall so request. No license issued under the provisions of this

Ordinance shall be transferred or assigned by the holder thereof.

The applicant shall not at any time sell or otherwise deal in goods, wares and merchandise not covered by the license.

SECTION 6:  
TOWNSHIP REVISION OF  
FEES AND DESIGNATION OF  
PERSON AUTHORIZED TO  
TAKE APPLICATIONS

The Supervisors are hereby authorized to revise the fee schedule set forth in Section 4 of this Ordinance, either increasing or decreasing the said fees, and also to designate a person or Persons to take applications and receive said fees, other than as provided in Section 5 of this Ordinance by Resolution adopted from time to time for such purposes.

SECTION 7:  
LIMITATIONS

No person licensed under this Ordinance shall engage in this activities at any time on Sunday, or on any other day of the week either before nine o'clock (9:00) A.M., or after five o'clock (5:00) P.M.; provided however, that this time limitation shall not be applicable to demonstrations conducted within the home of a resident of the Township for a group of persons.

SECTION 8:  
PROHIBITED ACTIVITIES

No person licensed under this Ordinance shall hawk or cry his wares upon any street or sidewalk within the Township nor shall he use any loud speaker or horn, or other device, for announcing his presence to as to create a public nuisance.

SECTION 9:  
PROHIBITION AGAINST  
PARKING

No person licensed under this Ordinance shall park any vehicle upon any of the streets, alleys or lanes within the Township in order to sort, rearrange or clean any goods, wares or merchandise, nor may such person deposit any refuse upon any of said streets, alleys or lanes; nor may any person keep or maintain a or curbstome market by parking any vehicle upon any street, alley or lane within the Township for a period of time longer than that required to sell therefrom to residents residing in the immediate vicinity; nor shall any person occupy any fixed location upon any of the streets, alleys or lanes within the Township, either with or without a stand, counter or other portable structure.

SECTION 10:  
RECORDS

The Township Secretary shall keep a permanent record of all licenses issued under this Ordinance.

SECTION 11:  
ENFORCEMENT AND SUSPENSION  
OF LICENSE

The Supervisors and the police or constables employed by them, or other representative designated by them, shall supervise the activities of all holders of such licenses, and they are authorized to suspend any license for a violation of any of the provisions of this Ordinance, for giving false information upon any application for a license, or when deemed necessary for the protection of the health, safety, morals and general welfare of the residents of the Township.

SECTION 12:  
PENALTIES

Any person who shall violate any of the provisions of this Ordinance upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars (\$100.00), and costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than thirty (30) days.

SECTION 13:  
AUTHORITY

This Ordinance is enacted pursuant to the provisions of Section 702, ch. XXII, Sections 1801 and 1802, and Section 702 ch. XXII of the Second Class Township Code, Act of 1933, May 1, P.L. 103, as amended.

SECTION 14:  
SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provisions hereof or its application shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this Ordinance, or the application thereof, and it is hereby declared as the legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions or application not been included or intended.

SECTION 15:

This Ordinance shall be known as the North Abington Township Peddlers License Ordinance.

Board of Supervisors of the  
Township of North Abington