

## CHAPTER 13

### LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

#### PART 1

#### SOLICITING AND PEDDLING

- §101. Definitions; Exceptions**
- §102. License Required**
- §103. License Application**
- §104. License Fee**
- §105. License Term; New License**
- §106. License Exhibition**
- §107. Hours**
- §108. Parking Vehicles on Street; Littering**
- §109. Fixed Location Prohibited**
- §110. Crying Wares, Using Noisemakers Prohibited**
- §111. Record of Licenses**
- §112. License Suspension; Appeals Therefrom**
- §113. Penalties**



**PART 1**

**SOLICITING AND PEDDLING**

**§101. Definitions; Exceptions.**

1. Definitions.

PEDDLER — any person who shall engage in peddling as herein defined.

PEDDLING — 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 traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences, by entering in or upon private property within the Township, or by setting up a temporary sales area within the Township.

PERSON — any natural person, association, partnership, firm, organization or corporation.

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, from house to house, by visitation to private residences, or by entering in or upon private property within the Township.

SOLICITOR — any person who shall engage in soliciting as herein defined.

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

2. Exceptions. The words “soliciting” and “peddling” shall not apply to:

- A. To farmers selling their own produce.
- B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

[Ord. 1999-1]

(Ord. 1984-1, 1/8/1984, §301; as amended by Ord. 1999-1, 6/14/1999)

### **§102. License Required.**

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

(Ord. 1984-1, 1/8/1984, §302)

### **§103. License Application.**

1. Every person desiring to engage in soliciting or peddling in the Township shall first make application to the Secretary of the Board of Supervisors for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license. The application shall be upon a blank provided by the Township Secretary and shall contain at least the following information verified by oath or affirmation.
  - A. Full name of the applicant and local address, if any.
  - B. Permanent address.
  - C. Name of employer or a statement that such applicant is self-employed.
  - D. The nature of the goods, wares, services or merchandise offered for sale.
  - E. A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed.
  - F. The type and license number of vehicles to be used, if any.
  - G. Upon request, the applicant shall furnish a photograph.

H. The location or locations where solicitation or peddling will take place.

Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this Part shall be transferable from one person to another.

2. The Supervisors of Smithfield Township may exercise discretion in the granting of a license. The Supervisors may refuse to grant a license if the activity applied for is detrimental to the safety, health or welfare of the citizens of Smithfield Township.

(Ord. 1984-1, 1/8/1984, §303)

**§104. License Fee.**

No license shall be issued under this Part until fees, as established from time to time by resolution of the Board of Supervisors, are paid to the Township Secretary for the use of said Township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct in the soliciting or peddling, and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(Ord. 1984-1, 1/8/1984, §304; as amended by Ord. 1999-1, 6/14/1999)

**§105. License Term; New License.**

The license granted pursuant to this Part shall be valid for a period of 30 days in the case of a temporary permit, said period extending from the date of such license. An application for an annual permit shall be accompanied with a fee in an amount as established from time to time by resolution of the Board of Supervisors, said annual permit extending from January 1 of the year for which it is applied and extending until December 31 of that year. The fee shall be as established no matter on what date during the year the annual permit is requested for any calendar year. Upon expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee.

(Ord. 1984-1, 1/8/1984, §305; as amended by Ord. 1999-1, 6/14/1999)

**§106. License Exhibition.**

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall ex-

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

hibit it upon request to all police officers, Township official and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

(Ord. 1984-1, 1/8/1984, §306)

### **§107. Hours.**

No person licensed as a solicitor or peddler under this Part shall engage in soliciting or peddling any day of the week before 9:00 o'clock a.m. or after 8:00 o'clock p.m. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time, and during the time of the year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

(Ord. 1984-1, 1/8/1984, §307)

### **§108. Parking Vehicles on Street; Littering.**

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(Ord. 1984-1, 1/8/1984, §308)

### **§109. Fixed Location Prohibited.**

No person licensed as a solicitor or peddler under this Part shall occupy any fixed location upon any of this sidewalks or the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter.

(Ord. 1984-1, 1/8/1984, §309)

### **§110. Crying Wares, Using Noisemakers Prohibited.**

No person licensed as a solicitor or peddler under this Part shall hawk or cry wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

(Ord. 1984-1, 1/8/1984, §310)

**§111. Record of Licenses.**

The Secretary shall keep a record of all licenses issued under this Part. The Code Enforcement Officer shall supervise the activities of all license holders hereunder and shall, upon request of the Secretary, the Board of Supervisors or upon his own volition, enforce the provisions of this Part.

(Ord. 1984-1, 1/8/1984, §311; as amended by Ord. 1999-1, 6/14/1999)

**§112. License Suspension; Appeals Therefrom.**

Any license issued under this Part may be suspended at any time by the Secretary of the Township for violation of any of the provisions of this Part or for giving false information on any application for a license hereunder or for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for the licensee having been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township. Appeals from any suspension may be made to the Board of Supervisors at any time within 10 days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

(Ord. 1984-1, 1/8/1984, §312)

**§113. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1984-1, 1/8/1994, §314; as amended by Ord. 1999-1, 6/14/1999)