

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1

Transient Merchants

§13-101. Definitions.

1. The word "soliciting" as used in this Part shall mean 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, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the Township of Tuscarora and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations, and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for house, or other building improvements or repairs, upon or from the places aforesaid with the said Township.

2. The word "peddling" as used in this Part shall mean the 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, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the said Township.

Provided: The words "soliciting" and "peddling" shall not apply:

A. To farmers seeking or taking orders for the sale of their own products.

B. To the sale of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.

C. To the seeking or taking of orders for insurance by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

D. To the persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 64, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes.

E. Any person who is engaged in agro business, selling agricultural wares to farmers.

3. Any person who is engaged in the business of "soliciting" and/or "peddling" shall be termed a "transient merchant."

4. The word "person" as used in this Part, shall mean any natural person, association, partnership, firm, organization, or corporation.

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

(Ord. 2-2006, 4/3/2006, §1)

§13-102. License Required.

No person shall engage in soliciting or peddling or in the business of transient merchant in the Township of Tuscarora without first having secured a license as herein

provided.

(*Ord. 2-2006, 4/3/2006, §2*)

§13-103. Application for License.

1. Every person desiring to engage in the business of transient merchant in the Township of Tuscarora shall first make application to the Tuscarora Township Board of Supervisors for a license. The application shall be upon a form prescribed by the Township Supervisors and shall contain at least the following information:

- A. Full name of the applicant and local address.
- B. Name of employer or a statement that such applicant is self-employed.
- C. The nature of the goods, wares, services or merchandise offered for sale.
- D. 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 there.
- E. The type of vehicle to be used.
- F. Applicant shall provide photo I.D.

2. 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 the applicant and an individual license shall be required for each helper. No license under this Part shall be transferable from one person to another.

(*Ord. 2-2006, 4/3/2006, §3*)

§13-104. License Fee.

No license to engage in the business of transient merchant shall be issued under this Part until the required license fee shall be paid to the Township of Tuscarora. Such fees shall be in accordance with the Schedule of Fees then in effect in the Township and established by resolution of the Board of Supervisors. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(*Ord. 2-2006, 4/3/2006, §4*)

§13-105. Duration of License.

The fee schedule adopted by the Board of Supervisors may provide for different fees for different periods of time. No license shall be issued for a period of time in excess of 1 month. Should the transient merchant desire to continue his activities for a period of 1 month, a new application must be filed and the appropriate fee paid. All fees shall be nonrefundable.

(*Ord. 2-2006, 4/3/2006, §5*)

§13-106. Display of License; Standards of Conduct.

1. Such a license when issued shall state the products to be sold or services to be rendered by the licensee. Every transient merchant shall at all times, when engaged

in soliciting or peddling in the Township of Tuscarora, carry such a license upon his person and shall exhibit it upon request, to all Township officials and citizens.

2. The transient merchant shall conform to the following standards of conduct:

A. No transient merchant shall engage in selling any product or service not specified on his license.

B. No transient merchant shall enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

C. No peddling or soliciting of business shall occur on Sundays or official holidays.

D. No peddling or soliciting of business shall occur prior to 9:30 a.m., prevailing time, and shall cease at sunset or 6:00 p.m., prevailing time, whichever shall occur first.

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

(Ord. 2-2006, 4/3/2006, §6)

§13-107. Record of Licenses.

The Board of Supervisors shall keep a record of all licenses issued under this Part. The Board of Supervisors shall supervise the activity of all holders of such licenses.

(Ord. 2-2006, 4/3/2006, §7)

§13-108. Suspension or Revocation of License.

1. Any license which has been issued under the terms of this Part may be suspended by the Board of Supervisors upon the filing of complaints by two or more residents of the Township regarding the misconduct or adverse behavior of any licensed transient merchant.

2. Any license which has been issued under the terms of this Part may be revoked by the Board of Supervisors upon failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made a false statement in his application for a license hereunder, or that the licensee was convicted of a crime after the issuance of such license or was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township of Tuscarora. Notice of revocation shall be given by written notice personally served or sent by certified mail to the address designated for this purpose in the application for license.

(Ord. 2-2006, 4/3/2006, §8)

§13-109. Reinstatement of License.

Any person whose license has been revoked shall be entitled to appear, with counsel, if he so desires, before the Board of Supervisors at any regular or special meeting and be heard in behalf of a request for reinstatement of his license.

(Ord. 2-2006, 4/3/2006, §9)

§13-110. Annoying Noise Prohibited.

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

(Ord. 2-2006, 4/3/2006, §10)

§13-111. Penalties.

Any person who shall violate any of the provisions of this Part, or who permits the violation of this Part by any of his helpers, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of Tuscarora, pay a fine of \$300 plus all court costs, including reasonable attorney fees, incurred by the Township of Tuscarora. No judgment shall be imposed until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township of Tuscarora may enforce the judgement pursuant to the applicable rules of civil procedure.

(Ord. 2-2006, 4/3/2006, §11)