

Chapter 126
PEDDLING AND SOLICITING

- | | |
|---|---|
| § 126-1. Definitions and word usage. | § 126-6. Issuance of license; custody, display and exhibit. |
| § 126-2. License required; conditions of issuance; fee. | § 126-7. Prohibited acts. |
| § 126-3. Exceptions. | § 126-8. Supervision; records and reports. |
| § 126-4. License application. | § 126-9. Suspension and revocation of license; appeal. |
| § 126-5. Conditions for issuance of permit. | § 126-10. Violations and penalties. |

[HISTORY: Adopted by the Board of Supervisors of the Township of Upper Southampton 1-21-1986 as Ch. 13, Part 2, of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 81.

Parks and recreation — See Ch. 123.

§ 126-1. Definitions and word usage. [Amended 3-5-1991 by Ord. No. 282]

- A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

HOLIDAYS — New Year's Day, Valentines Day, Independence Day, Thanksgiving Day, Christmas Day, and Easter Sunday.

PERSON — Any natural person, partnership, association, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS:

- (1) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the township; or
 - (2) Selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the township, on a temporary basis, limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of yearly holidays herein specified.
- B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 126-2. License required; conditions of issuance; fee. [Amended 3-5-1991 by Ord. No. 282]

- A. No person shall engage in any transient retail business as specified in Subsection (1) of the definition of "transient retail business" in § 126-1 within the township without first having obtained from the Chief of Police or his designee a license, for which a fee, which shall be for the use of the township, shall be charged in accordance with a resolution adopted by the Board of Supervisors from time to time.
- B. No person shall engage in any transient retail business as specified in Subsection (2) of the definition of "transient retail business" in § 126-1 within the township without first having obtained from the Code Official or his designee a license, for which a fee, which shall be for the use of the township, shall be charged in accordance with the resolution adopted by the Board of Supervisors from time to time. Licenses shall not be valid for more than one month.¹

§ 126-3. Exceptions. [Amended 3-5-1991 by Ord. No. 282]

- A. No license fee shall be charged:
- (1) To farmers selling their own produce.
 - (2) 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.
 - (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
 - (4) 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.²
 - (5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - (6) To any 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.³
 - (7) 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.
- B. All persons exempted hereby from the payment of the license fee shall be required to register with the Chief of Police or his designee and obtain a license without fee; provided that any person dealing in one or more of the above-mentioned exempted categories, and

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Former § 203, Subsection 5, regarding honorably discharged members of the armed services, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories; provided further that the Chief of Police or his designee may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation; provided further that every license issued under the provisions of this chapter shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants therein.

§ 126-4. License application. [Amended 3-5-1991 by Ord. No. 282]

Every person desiring a license under this chapter shall first make application to the Chief of Police, his designee or the Code Enforcement Official for such license in accordance with § 126-2A and B. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

- A. His name and permanent address and phone number;
- B. Name and address of the person by whom he is employed;
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business;
- D. Length of time for which license is to be issued; and
- E. Type and license number of the vehicle to be used, if any.
- F. Sales location if applicable under § 126-2B.

§ 126-5. Conditions for issuance of permit. [Amended 3-5-1991 by Ord. No. 282]

Each permit application shall be considered on its own merits, taking into account factors affecting the health, safety and welfare of the community including, but not limited to, traffic hazards, adequate parking for the proposed type of sales, proper fire prevention precautions, all fire-related building requirements and occupancies (as outlined in BOCA Building and Fire Codes and the Department of Labor and Industry).

§ 126-6. Issuance of license; custody, display and exhibit.

Upon receipt of such application and the prescribed fee, the Chief of Police or his designee, if he shall find such application in order, shall issue the license required under this chapter. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed

location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the township.

§ 126-7. Prohibited acts. [Amended 3-5-1991 by Ord. No. 282]

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the township.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the township for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping materials, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity, in accordance with this chapter, of the permit issued, at any time before 9:00 a.m. or after 10:00 p.m. on any day of the week.

§ 126-8. Supervision; records and reports. [Amended 3-5-1991 by Ord. No. 282]

The Chief of Police or his designee shall supervise the activities of all persons holding licenses under this chapter. Both the Chief of Police and the Code Enforcement Official shall keep records of all licenses issued hereunder.

§ 126-9. Suspension and revocation of license; appeal. [Amended 3-5-1991 by Ord. No. 282]

The Chief of Police, his designee, the Code Enforcement Official or the Township Manager are hereby authorized to suspend or revoke any license issued under this chapter when he deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this chapter, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Board of Supervisors at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 126-10. Violations and penalties. [Amended 6-7-1988 by Ord. No. 256; 3-5-1991 by Ord. No. 282⁴]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township before a District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

