

TOWNSHIP OF UPPER MILFORD

Ordinance No. 32

AN ORDINANCE REGULATING PEDDLING, CANVASSING, SOLICITING AND TAKING ORDERS FOR WARES AND MERCHANDISE WITHIN THE BOUNDARIES OF UPPER MILFORD TOWNSHIP; REQUIRING LICENSE THEREFOR; ITS EXHIBITION AND PENALTIES FOR THE VIOLATION THEREOF.

This Ordinance shall be known as the Peddlers, Solicitors and Canvassers Ordinance of 1982.

SECTION I. LICENSE REQUIRED; EXCEPTIONS

No peddler, solicitor or canvasser as defined in Section II shall engage in the business of peddling, soliciting or canvassing within the limits of the Township without first obtaining a license therefor in compliance with the provisions of this Ordinance, except:

- (a) Farmers selling their own produce;
- (b) the sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
- (c) the sale of goods, wares or merchandise by churches, scouting organizations, fire companies, ambulance and police corps, provided that the proceeds

thereof are to be applied to any charitable or philanthropic purpose;

(d) salesmen, manufacturers' representatives and agents, etc., selling goods to retail, wholesale, professional or industrial establishments;

(e) any manufacturer or producer in the sale of bread and bakery products, meat and meat products, poultry and poultry products or milk and milk products.

SECTION II. DEFINITIONS AND INTERPRETATION

(a) "Peddler, "Canvasser" or Solicitor" means any individual, whether a resident of the Township or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, selling or taking or attempting to take orders for sale of goods, wares and merchandise, books, magazines and periodicals, personal property of any nature whatsoever for immediate or future delivery, or for services furnished or to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale the subject of such sale, or a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. "Peddler", "Canvasser" or "Solicitor" includes any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place

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within the Township for the sole purpose of exhibiting samples and taking orders for present or future delivery. "Peddler", "Canvasser" or "Solicitor" also includes any person who for himself or for another person, firm or corporation, employs the telephone followed by a personal call for the sole purpose of attaining a signed order or contract or to deliver goods or services.

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

(c) The word "street", as used in this Ordinance, shall mean any street, road, highway or alley, and shall include the sidewalk within the lines of or alongside the same.

(d) In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

SECTION III. LICENSE APPLICATION

Applicants for license under this Ordinance shall file with the Township Code Enforcement Officer, Secretary, Treasurer or other designated employee of the Township, an application in writing, in duplicate, on a form to be furnished by the officer or employee which shall give the following information:

(a) The name and a description of the applicant;

(b) the permanent home address and full

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local address of the applicant;

(c) the motor vehicle registration, if any, and Social Security number or employee's identification number of the applicant;

(d) a brief description of the nature of the business and the goods or services to be sold or furnished;

(e) if employed, the name and address of the employer, together with credentials establishing the exact relationship;

(f) the length of time and hours for which the right to do business is desired in the Township;

(g) the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery; the place where he was engaged in peddling immediately prior to his making such application, if any; and the soliciting or canvassing place where he intends to go after completion of his work in the Township of Upper Milford;

(h) a statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of

the offense and the punishment or penalty assessed therefor;

(i) a statement as to whether the customer is to receive a signed receipt of a downpayment is made.

At the time of filing the application, the applicant shall submit copies of the receipt, contract and other forms that attend the sales transaction, and a recent photograph of himself or herself.

Any person, firm, corporation or organization subject to the provisions of this article may designate in writing one of his or its officers or employees to file the applications required herein. If such applicant shall also be required to obtain a license from any County officer, he shall, when making such application, exhibit a valid County license.

Each individual desiring a license shall make personal application for such license; an individual license shall be required for each person to engage in peddling, soliciting or canvassing in the Township; and no license issued under this Ordinance shall be transferable from one person to another person or corporation.

SECTION IV. APPLICATION INVESTIGATION; DISAPPROVAL OR LICENSE ISSUANCE

(a) Upon receipt of an application, the original shall be referred to the Township Code Enforcement Officer, who shall

cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Township Code Enforcement Officer shall endorse on the application his disapproval and his reasons for the same, and shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Township Code Enforcement Officer shall endorse on the application his approval, execute a license addressed to the applicant for the carrying on of the business applied for and shall, upon payment of the prescribed license fee, issue a license to the applicant as hereinafter set forth. The license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, soliciting or canvassing. The officer shall keep a permanent record of all licenses issued. Said licenses shall be nontransferable.

SECTION V. LICENSE FEES

No license shall be issued under this Ordinance until the fee therefor, which shall be for the use of the Township, shall have been paid to the Township Code Enforcement Officer, Secretary, Treasurer or other designated person of the Township, by the applicant for such license. The fee for the license shall be Twenty-five (\$25.00) Dollars per month or fractional part thereof. Said license shall be renewed monthly during the continuance of said peddling, soliciting or canvassing.

SECTION VI. LICENSE CARD ISSUANCE AND CONTENTS

The Township Code Enforcement Officer shall mail to each approved licensee within ten (10) days of approval a license card which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license. The card shall, during the time such licensee is engaged in soliciting, be carried constantly by the licensee.

No person shall engage in selling any goods, wares or merchandise other than that mentioned upon such license, nor shall any person engage in peddling within the Township unless he holds a valid and unexpired license issued to him in his name.

SECTION VII. EXHIBITION OF LICENSE

Peddlers, solicitors and canvassers are required to exhibit their licenses at the request of any person.

SECTION VII. PEDDLING, SOLICITING OR CANVASSING FROM FIXED LOCATION UNLAWFUL

No peddler, canvasser or solicitor shall occupy any fixed location upon any of the streets or public places in the Township for the purpose of peddling.

SECTION IX. REVOCATION OF LICENSES

The Township Code Enforcement Officer shall have authority to revoke any license issued under this Ordinance for any of the following causes:

(a) Fraud, misrepresentation or false statement contained in the application for license;

(b) fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser or peddler;

(c) any violation of the provisions of this article;

(d) conviction of any crime or misdemeanor involving moral turpitude;

(e) conducting the business of soliciting, or of canvassing or peddling, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Any applicant may appeal from such act of revocation to the Board of Supervisors at the next regular meeting thereof.

No license fee or portion thereof shall be refunded in the case of revocation.

SECTION X. PENALTY FOR VIOLATION

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Two Hundred (\$200.00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days.

SECTION XI. REPEALS

This Ordinance repeals Township of Upper Milford Ordinance No. 22, and any other Township of Upper Milford Ordinances which are inconsistent herewith.

TOWNSHIP OF UPPER MILFORD

Dated:

May 5, 1982

BY:

Paul D. Christman
Chairman
Board of Supervisors

Attest:

Shirley M. Portman
Secretary

Walter H. Lichtenwagner
Supervisor

Thomas A. Lasser
Supervisor