

ORDINANCE NO. 94-4

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, DEFINING, REGULATING AND LICENSING TRANSIENT RETAIL BUSINESSES AND PROVIDING FOR EXCEPTIONS; AUTHORIZING APPLICATION FORMS AND FEE SCHEDULES; REQUIRING THE CUSTODY, DISPLAY AND EXHIBIT OF THE LICENSE; DESIGNATING SUPERVISORY AND ENFORCEMENT OFFICIALS AND PROHIBITING CERTAIN ACTS BY LICENSEES; AUTHORIZING THE DENIAL, SUSPENSION OR REVOCATION OF LICENSES AND APPEALS THEREFROM; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Hilltown Township hereby ordains:

**SECTION 1. Definitions**

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

**Legal Holiday** - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

**Person** - Any natural person, partnership, association, corporation, or other legal entity.

**Transient Retail Business** -

A. 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 municipality; and

B. Selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the municipality, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**SECTION 2. License Required; Conditions of Issuance; Fee**

No person shall engage in any transient retail business within the municipality without first having obtained from

Chief of the Hilltown Township Police Department or his designee, a license, for which a fee, which shall be for the use of the municipality, shall be charged, said fee to be in such amount established, from time to time by Resolution of the Hilltown Township Board of Supervisors.

### SECTION 3. Exceptions

No license fee shall be charged:

- 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 baker products, meat and meat products, or milk and milk products.
- D. To children under the age of eighteen (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.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Chief of the Hilltown Township Police Department or his designee and obtain a license without fee; provided, any person dealing in one (1) or more of the above-mentioned exempted categories, and 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 on connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided, further, the Chief of the Hilltown Township Police Department 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 a nonprofit corporation. Provided, further, every license issued under the provisions of this Ordinance 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, however, each person must apply individually for a photo I.D. card.

#### **SECTION 4. License Application**

Every person desiring a license under this Ordinance shall first make application to the Chief of the Hilltown Township Police Department or his designee for such license. 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 criminal record, if any.
- 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; in no event shall any license be granted for more than ninety (90) days.
- E. Type and license number of the vehicle to be used, if any.
- F. Proof of registration to collect sales tax in the Commonwealth of Pennsylvania. This information will be verified through the Pennsylvania Department of Revenue (No. 270-1780). The Department of Revenue can issue a temporary sales tax identification number for out-of-state merchants.

#### **SECTION 5. Issuance of License; Custody, Display and Exhibit**

Upon receipt of such application and the prescribed fee, the Chief of the Hilltown Township Police Department or his designee, shall conduct a criminal record history check within three (3) days after receiving the completed application. Any false information supplied in the application will be grounds for denial of the license. The police department shall issue a photo identification to each applicant after approval by the Chief of Police or his designee. This photo I.D. must be carried at all times while soliciting in the municipality. Each licensed applicant shall exhibit such license, upon request, to all police officers and municipal officials, and shall display the photo I.D. card visibly on their person at all times while engaged in transient retail business while in Hilltown Township.

**SECTION 6. Prohibited Act**

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 municipality.

C. When operating from a vehicle, stop or park such a vehicle upon any of the streets or alleys in the municipality for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

D. Park a vehicle upon any of the streets or alleys in the municipality for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 A.M. or after 5:00 P.M. on any day of the week other than a Sunday or legal holiday.

**SECTION 7. Supervision; Records and Reports**

The Chief of the Hilltown Township Police Department or his designee shall supervise the activities of all persons holding licenses under this Ordinance. He shall keep a record of all licenses issued hereunder and shall make a report thereof of each month to the Hilltown Township Board of Supervisors.

**SECTION 8. Denial, Suspension and Revocation of License; Appeal**

The Chief of the Hilltown Township Police Commission or his designee is hereby authorized to deny, suspend or revoke any license issued under this Ordinance when he deems such denial, suspension or revocation to be beneficial to the public health, safety, or morals, or for violation of any provision of this Ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Supervisors at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (30) days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

**SECTION 9. Penalties**

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Six Hundred Dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**SECTION 10. Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Ordinance No. 73-5


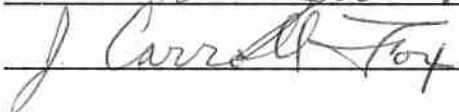
**SECTION 11. Severability**

If any sentence, clause, section, subsection, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, subsections or parts of this Ordinance. It is hereby declared as the intent of the Township of Hilltown that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, subsection, or part thereof not been included herein.

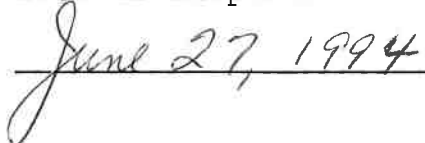
**SECTION 12. Effective Date**

This Ordinance shall become effective five (5) days after adoption.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
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Date of Adoption:

  
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