

BOROUGH OF ORWIGSBURG

Schuylkill County, Pennsylvania

ORDINANCE NO. 193

AN ORDINANCE REGULATING PEDDLING AND PEDDLERS;
REQUIRING PEDDLERS TO OBTAIN LICENSES; REGULATING
TRANSIENT RETAIL MERCHANTS; REQUIRING TRANSIENT
DETAIL MERCHANTS TO OBTAIN LICENSES; PRESCRIBING
PENALTIES FOR THE VIOLATION HEREOF.

BE IT ENACTED and ORDAINED by the Borough Council of the
Borough of Orwigsburg, in council duly assembled, and it is hereby
enacted and ordained by authority of the same, as follows:

Section 1. Definitions.

(a) The word "peddling" as used in this ordinance shall
mean engaging in peddling, canvassing, soliciting or taking of orders,
either by sample or otherwise, for any goods, wares or merchandise,
upon any of the streets or sidewalks, or from house to house, within
the Borough of Orwigsburg. Provided, however, the word "peddling"
shall not apply to:

1. Farmers, selling their own produce;
2. 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 or
bakery products, meat and meat products, or milk and
milk products;
4. To any insurance company, or their agents or insurance
brokers, authorized to transact business under the laws
of the Commonwealth of Pennsylvania;
5. Any disabled veteran duly licensed for said purpose under
the laws of the Commonwealth of Pennsylvania;
6. Any charitable, religious, civic, educational or philan-
thropic organizations and groups;

7. Any persons taking orders for merchandise by sampling, from dealers or merchants within the Borough of Orwigsburg.

(b) The word "peddler" as used in this ordinance shall mean any person shall engage in "peddling" as hereinabove defined.

(c) Transient retail merchant is one who establishes a fixed place of business within the Borough of Orwigsburg, for the sale of goods and who hires or rents any room, store, lot or building for the exhibition and sale of goods.

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

(e) In this ordinance the singular shall include the plural.

Section 2. No person shall engage in "peddling" in the Borough of Orwigsburg without first having procured a license, as herein provided.

Section 3. Every person desiring to engage in "peddling" in the Borough of Orwigsburg shall first make application to the Mayor or the Borough Manager of the Borough of Orwigsburg for a license. If such person shall also be required to obtain a license from any State or County Officer, he shall, when making such application, exhibit a valid license upon the application for the license to peddle within the Borough of Orwigsburg. Such person shall give his name, address, his previous criminal record, if any; the name of the person by whom he is employed, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which the license is to be issued; the type of vehicle to be used, if any; and the number of helpers or assistants he may have. Provided, however, where a person makes application for himself, with one or more assistants, all applicable information hereinabove specified shall be given for each such assistant and an individual license shall be required for each assistant. No license issued under the provisions of this ordinance shall be transferable from one person to another.

Section 4. Upon the completion of the information on the application for the license, the Mayor or the Borough Manager, if he finds the application to be in proper and good order, shall issue a license to the person or persons his assistant or assistants, upon payment to him of the following fee or fees.

For one (1) day	.....	\$ 5.00
For one (1) week	.....	15.00
For one (1) month	.....	25.00
For one (1) year	.....	150.00

For each additional assistant:

For one (1) day	.....	\$ 2.50
For one (1) week	.....	7.50
For one (1) month	.....	17.50
For one (1) year	.....	75.00

Section 5. Upon making application therefor and on payment of a proper fee, a license shall be issued to every peddler. Such license shall contain the information to be given upon the application. Every peddler shall, at all times when engaged in peddling in the Borough of Orwigsburg, carry such license upon his person and shall exhibit such license, upon request, to all police officers, borough officials and local citizens. No peddler shall engage in selling any product not mentioned in any license.

Section 6. No person, licensed as a peddler under this ordinance, shall hawk or cry his wares upon any of the streets or sidewalks of the borough, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public may be so annoyed.

Section 7. No person, licensed as a peddler under this ordinance, shall park any vehicle upon any of the streets or alleys of the borough, nor on any lots or land within the borough, in order to sort, rearrange or clean any of his goods, wares, or merchandise, nor may any such person place or deposit any refuse upon any such street or alley, nor may such person maintain or keep a curbstome market by parking any vehicle upon any streets or alleys in the borough for a period of time longer than may be necessary in order to sell therefrom to persons residing in the immediate vicinity.

Section 8. No person, licensed as a peddler under this ordinance, shall occupy any fixed location upon any of the streets, alleys, sidewalks or anywhere within the borough for the purpose of peddling with or without a stand or counter.

Section 9. The Mayor shall keep a record of all licenses issued under this ordinance and shall make a report thereof each month to the Borough Council. The Mayor shall supervise the activities of all licensees hereunder.

Section 10. The Mayor or the Borough Manager of the Borough of Orwigsburg is hereby authorized to suspend any license issued under this ordinance when he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this ordinance or for giving false information upon any application for a license hereunder.

Section 11. Every person, whether principal or agent, entering into or desiring to begin a transient retail business within the Borough of Orwigsburg, for the sale of any goods, wares or merchandise, and who hires a place or occupies any room, store, lot, building, or other structure or place whatever, for the exhibition and sale of such goods, wares or merchandise, shall before starting such sale obtain a license from the Mayor.

Section 12. The fee to be paid for such license shall be One Hundred (\$100.00) Dollars for each month or fractional part thereof and shall be collected by the Mayor or the Borough Manager before he shall issue any license under the provisions of this ordinance. Such license shall be renewed monthly by the Mayor or the Borough Manager upon the payment of the license fee herein provided.

Section 13. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before a Justice of the Peace of the Borough of Orwigsburg, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution and, in default thereof to imprisonment in the County prison for a period not exceeding thirty (30) days. Provided, each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

Section 14. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed insofar as the same affects this ordinance.

Section 15. If any sentence, clause, section 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 or parts of this ordinance. It is hereby declared as the intent of the Borough Council and Mayor of the Borough of Orwigsburg, that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ENACTED and ORDAINED into an ordinance this 14th day of May, A. D., 1969, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG

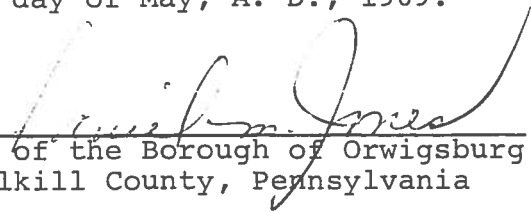
By:


President of Council

ATTEST:


Secretary

EXAMINED and APPROVED this 14th day of May, A. D., 1969.


MAYOR of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania