

ORDINANCE NO. 14

AN ORDINANCE PROHIBITING CERTAIN NUISANCES AND REGULATING ANY AND ALL TRANSIENT RETAIL BUSINESS WITHIN THE TOWNSHIP OF GREAT BEND.

WHEREAS, the Board of Supervisors of the Township of Great Bend, Susquehanna County, Pennsylvania, (the "Supervisors") has, pursuant to the Second Class Township Code, as amended, the power to license and regulate certain transient retail businesses (53 P.S. §65739; Acts of May 1, 1933, P.L.103, art. VII, §702, cl. XXXIX, added 1947, July 10, P.L. 1481, §9.) and;

WHEREAS, said Supervisors have the power to ordain for the proper maintenance of peace, good government, and welfare of the Township, as delegated to them by the Code, as amended: Acts of August 27, 1963, P.L. 1280 §1, 53 P.S. 65762) and;

WHEREAS, it is the intention of the Supervisors of the Township of Great Bend to herein provide fair notice as required by law to those persons conducting and wishing to conduct such business of the requirements for such business hereunder.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Great Bend in meeting assembled and it is hereby ordained and enacted by and with the authority of same as follows:

SECTION I. DEFINITIONS.

A. Transient retail business - shall mean and include the following:

1. Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street, alley, sidewalk or public place, or from house-to-house, within the Township;
2. Selling, soliciting or taking orders for any goods, wares, or merchandise, from a fixed location within the Township, on a temporary basis, which shall include, but shall not be limited to, any activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

SECTION II. LICENSE REQUIREMENTS.

No person shall engage in any transient retail business within the Township without first having obtained from the Secretary, a license for which a fee of Twenty-five Dollars (\$25.00) for one (1) calendar year, Fifteen Dollars (\$15.00) for one (1) month, or Ten Dollars (\$10.00) for one (1) week, which shall be for the use of the Township, shall be paid.

Provided: no license fee shall be required under this section:

1. From farmers selling their own produce;
2. For the sale of goods, wares and merchandise, donated by their owners, the proceeds of which 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.

Provided further: any person dealing in one (1) or more of the above-mentioned exempted categories, and selling other goods, wares and merchandise not so exempted, shall be subject to payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not so exempted.

Provided further: the Secretary may similarly exempt from payment of the license fee persons working without compensation and selling goods, wares or merchandise for the sole benefit of non-profit corporations.

Provided further: every license issued under the provisions of this article shall be issued on an individual basis to persons engaging in a transient retail business; every individual shall obtain a separate license, issued to him in his name, and the license fee imposed by this section shall be applicable to every individual license.

SECTION III. APPLICATION FOR LICENSE.

Every person desiring a license under this article shall first make application to the Secretary for the license. If the person



shall also be required to obtain a license from any state or county officer, he shall, when making the applicationm exhibit a valid license from the state or county officer. The applicant shall give his name and address; the name of the person by whom he is employed; the type of goods, wares and merchandise he wishes to deal with in transient retail business; the number of persons to be employed by him in the Township; and the type and license numbers of all vehicles to be used, if any. The application shall be accompanied by the license fee required by Section II herein, and shall include a photograph of the applicant.

SECTION IV. INVESTIGATION; ISSUANCE OR REFUSAL OF LICENSE.

Following the making of the application by the applicant, no license shall be issued until the police department has investigated the application, but the waiting period for the purpose of the investigation shall not exceed twenty-four (24) hours. Following the investigation, the police department shall report the results of it to the Secretary, and the Secretary may refuse the license in any case where the investigation discloses a criminal record or any false or misleading statement on the application. When a license is refused, the Township shall return to the applicant the license fee that had been paid to the Township at the time of making the application, less the sum of Five Dollars (\$5.00), which shall be retained by the Township to partially reimburse the Township for the expenses of investigation.

SECTION V. CUSTODY, DISPLAY AND EXHIBIT OF LICENSE.

Every license holder shall carry the license upon his person or shall display it upon his vehicle, if he is engaged in a transient retail business from house-to-house or upon any street, alley, sidewalk or public ground, or he shall display the license at the fixed location where he shall engage in business if doing so from a fixed location. He shall exhibit the license, upon request, to all police officers, Township officials and citizens or residents of the Township.

SECTION VI. PROHIBITED ACTS.

No person engaged in any transient retail business shall:

1. Sell any product or type of product not mentioned in his license.
2. Hawk or cry his wares upon any street, alley, sidewalk or public ground in the Township, or use any loud speaker or horn or other device for announcing his presence by which the public may be annoyed.
3. When selling from a vehicle, stop or park the vehicle upon any street or alley in the Township for longer than necessary in order to sell from the vehicle to persons residing or working in the immediate vicinity.
4. Engage in any house-to-house activity, except by prior appointment, before 9:00 a.m. or after 5:00 p.m. or on Sunday.

SECTION VII. SUSPENSION OR REVOCATION OF LICENSE.

The Secretary is hereby authorized to suspend or revoke any license issued under this article when he deems the suspension or revocation to be in the interest of the public health, safety or morals, or for violation of any provision of this article, or for giving false information upon any application for a license under this article.

Appeals from any suspension or revocation may be made to Supervisors at any time within ten (10) days after suspension or revocation. No part of a license fee shall be refunded to any person whose license has been suspended or revoked.

SECTION VIII.

The provisions of this Ordinance are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

This Ordinance will take effect fifteen (15) days from date hereof.



ORDAINED AND ENACTED this  
1982.

4<sup>th</sup> day of March

ATTEST:

(Seal)

W.D. Gilling

Frederick Post

James A. [Signature]



Edmund E. [Signature]  
Township Secretary