

## TOWNSHIP OF WASHINGTON

## FRANKLIN COUNTY, PENNSYLVANIA

## ORDINANCE NO. 43

ORDINANCE

An Ordinance of the Board of Supervisors for the Township of Washington, Franklin County, Pennsylvania, concerning "transient retail business" and providing for the regulating of "transient retail business" within the jurisdiction of Washington Township, Franklin County, Pennsylvania.

WHEREAS, the Supervisors of Washington Township, Franklin County, Pennsylvania deem it necessary for the best interest, safety, and morals of the residents of the Township of Washington to regulate "transient retail business" and to set up rules and regulations governing the same.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Supervisors of the Township of Washington, Franklin County, Pennsylvania, as follows:

## SECTION 1: DEFINITIONS -

A. The term "Transient retail business" as used in this Ordinance shall mean and include the following:

(1) , Selling, soliciting or taking orders for any goods, wares, materials or merchandise, from a fixed location within the

Township of Washington, Franklin County, Pennsylvania, on a temporary basis, which shall include but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays; and

(2) Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares, materials or merchandise upon any of the streets, roads, alleys, walks or public grounds, or from house to house, within the Township of Washington, Franklin County, Pennsylvania.

B. The word "person" shall mean any natural person, association, partnership, firm or corporation.

C. For the purpose of this Ordinance, the masculine shall include the feminine and neuter, the singular shall include the plural, and the plural shall include the singular.

SECTION 2: LICENSE REQUIRED TO ENGAGE IN "TRANSIENT RETAIL BUSINESS" - No person shall engage in any "transient retail business" within the Township of Washington, Franklin County, Pennsylvania without first having obtained from the Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, a license for which the following fee, which is to be for the use of the Township of Washington, Franklin County, Pennsylvania, shall be charged: The sum of Five (\$5.00) dollars per year per person for individuals eighteen years of age and over; and the sum of Two dollars and fifty cents (\$2.50) per year per person for individuals

under age eighteen. Provided, however, no license fee shall be charged under this Section, as follows:

A. For the sale of goods, wares, materials and merchandise sold by the owners thereof for the purpose of profit at an event commonly known as a civic or charitable celebration conducted under the auspices or sponsorship of any civic, charitable or philanthropic association. But all persons exempted hereby from payment of the license fee shall be required to register with the Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania and to obtain a license without fee;

B. For the sale of goods, wares, materials 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 or bakery products, meat and meat products, or milk or milk products;

D. To farmers selling their own produce.

PROVIDED FURTHER: Any person dealing in one or more of the hereinabove mentioned exempt categories and selling other goods, wares, materials, and merchandise not exempt 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, materials and merchandise not in such exempt category.

PROVIDED FURTHER: The Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, shall similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods,

wares, materials and merchandise for the sole benefit of any non-profit corporation, and person selling goods, wares, materials and merchandise at an event commonly known as a civic or charitable celebration under the auspices or sponsorship of any civic, charitable or philanthropic association.

PROVIDED FURTHER: Every license issued under the provisions of this Ordinance shall be issued on an individual basis to persons engaging in such a business. Each 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 licensed, except, however, that any civic or charitable or philanthropic association conducting or sponsoring an event commonly known as a civic or charitable celebration may apply for such and shall be issued a license which shall apply to all persons selling goods, wares, materials and merchandise at such an event, and any civic, charitable or philanthropic association, conducting or sponsoring such an event shall be exempt from payment of the license fee fixed by this section.

SECTION 3: APPLICATION FOR LICENSE - Every person desiring a license under this Ordinance shall first make application to the Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, for such license. Every such person required to obtain a license from any Federal, State or County officer, shall, when making application, exhibit a validated license from said Federal, State or County officer. The applicant shall give his name and address; his previous criminal record, if any;

the name and address of the persons by whom he is employed; the type of goods or materials and merchandise he wishes to deal in such "retail transient business"; the length of time for which such license is to be issued; and the type and license number of the vehicle to be used by him, if any.

SECTION 4: ISSUANCE OF THE LICENSE - Upon receipt of such application and the prescribed fee, the Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, if he shall find such application in order, shall file such application with the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, and issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry the license upon his person when engaging in "transient retail business" from house to house or upon the streets, roads, alleys and public grounds, or he shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit his license request to all police officers, township officers or citizens or residents of the Township of Washington, Franklin County, Pennsylvania.

SECTION 5: PROHIBITED ACTS - No person engaging in "Transient retail business" shall:

A. Sell any products or type of products not mentioned in his license.

B. Hawk or cry his wares, goods, materials and merchandise on any of the streets, roads, alleys, sidewalks or public grounds

of the Township of Washington, Franklin County, Pennsylvania.

C. When selling from a vehicle, stop or park the vehicle upon any of the streets, roads, alleys or public grounds of the Township of Washington, Franklin County, Pennsylvania, for longer than necessary to sell therefrom or to work the immediate vicinity.

D. Park any vehicle upon any of the streets, roads, alleys or public grounds of the Township of Washington, Franklin County, Pennsylvania, for the purpose of sorting, rearranging or cleaning any of his goods, wares, materials or merchandise, or disposing of any <sup>CARTONS</sup> cartons, wrapping paper or any food stuff which have become unsellable from handling, age or otherwise.

E. Engage in such business at any time on Sunday, or on any other day of the week before 9:00 o'clock A.M. and after 7:00 o'clock P.M., prevailing time, unless from a fixed location, in which case the time shall be from 9:00 o'clock A.M. until 9:00 o'clock P.M., prevailing time. Hours may be extended upon receipt of special written permission from the Board of Supervisors of Washington Township, Franklin County, Pennsylvania.

#### SECTION 6: DUTIES OF THE SECRETARY OF THE BOARD OF SUPERVISORS

The Secretary of the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, shall supervise the activities of all persons holding licenses under this Ordinance, and he shall keep a record of all licenses issued and shall also make a report monthly to the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, of the licenses issued.

SECTION 7: SUSPENSION OF LICENSE - The Chief of police of Washington Township, Franklin County, Pennsylvania, is hereby authorized to suspend any license issued under this Ordinance when he deems the suspension to be in the best interest, safety and morals of the residents of the Township of Washington, Franklin County, Pennsylvania, or for violation of any provisions of this Ordinance, or for giving false or incomplete information upon any application for a license hereunder. Appeals from any suspension may be made to the Board of Supervisors of Washington Township, Franklin County, Pennsylvania at any time within ten (10) days after the suspension of the license. No part of the license fee shall be refunded to a person whose license shall have been suspended.

SECTION 8: PENALTY FOR VIOLATION - Any person who shall violate any provision of this Ordinance shall for every such violation, upon conviction thereof, be sentenced to pay a fine of not less than \$10.00 and not more than \$100.00 and costs of prosecution, and in default of payment of such fine and costs, shall be subject to imprisonment for not more than 30 days. Provided, however, each day's violation of this Ordinance shall constitute a separate violation.

SECTION 9: SEVERABILITY - The provisions of this Ordinance shall be severable, and if any section, part or any one provision thereof shall be deemed to be unconstitutional, or illegal, such decision shall not affect the validity of any of the remaining sections, parts or provisions of this Ordinance. It is hereby

declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein and a part hereof.

DULY ENACTED AND ORDAINED, this 16 day of July, A.D.; 1973, by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

Beverly A. Fabrey  
Secretary

Andrew D. Felt  
William Miller

John W. Sively