

CHAPTER III

LICENSES AND PERMITS

Article 1

Business Licenses

(53 P.S. §§ 65739; 53 P.S. §§ 66801 to 66813)

101. PEDDLING. An Ordinance of the Township of Middletown, Delaware County, Pennsylvania, regulating peddling within said Township, requiring peddlers to obtain and display licenses and prescribing penalties for violation.

A. Definitions.

1. The word "peddling," as used in this Ordinance shall mean engaging in peddling, canvassing, soliciting or taking 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 Township of Middletown. PROVIDED: the word "peddling" shall not apply (1) to farmers selling their own produce, (2) to 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, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.

2. The word "peddler," as used in this Ordinance, shall mean any person who shall engage in peddling, as hereinabove defined.

3. The word "person" as used in this Ordinance, shall mean any natural person, association, partnership, firm¹ or corporation.

4. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

B. License Required. No person shall engage in peddling in the Township of Middletown without first having² taken out a license³ as herein provided.

C. Application for License. Every person desiring to engage in peddling in the Township of Middletown shall first make application to the Township Manager for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such

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1. In the original ordinance the word "firm" was spelled "form."
 2. In the original ordinance the word "having" was spelled "haveing."
 3. In the original ordinance the word "license" was spelled "licanse."

application, exhibit a valid county license. Upon such application, such person shall give his name; address; his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle, the length of time for which he wishes to be licensed; the type of vehicle he uses, if any; and the number of helpers he has. PROVIDED; where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this Ordinance shall be transferable from one person to another.

D. License Fee. No license shall be issued under this Ordinance until the proper fee, as follows, shall be paid to the Township of Middletown:

1. Foot peddler: Fifteen (\$15.00) Dollars per day; Thirty-Five (\$35.00) Dollars per month; Fifty (\$50.00) Dollars per year.

2. Peddler operating from a motor vehicle: Twenty (\$20.00) Dollars per day; Fifty (\$50.00) Dollars per month; Seventy-Five (\$75.00) Dollars per year.

3. Each and every additional peddler employed by or with a foot peddler or peddler operating from a motor vehicle: Fifteen (\$15.00) Dollars per day; Thirty-Five (\$35.00) Dollars per month; Fifty (\$50.00) Dollars per year. "

(Ordinance No. 65, approved April 10, 1961, as amended by Ordinance No. 199, approved June 21, 1976.)

E. Display of License. Upon making application therefor and paying for the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Township wear prominently upon his person such license as is supplied by the Township. No peddler shall engage in selling any product not mentioned upon such license nor shall any person having a foot peddler's license operate from or with any horse-drawn or motor vehicle.

F. Permitted Selling Times. No person, licensed as a peddler under this Ordinance, shall engage in peddling at any time on Sunday, or upon any other day of the week before nine o'clock A. M. or after five o'clock P. M.

G. Noise Prohibited. No person, licensed as a peddler under this Ordinance, shall hawk or cry his wares upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

H. Parking. No person, licensed as a peddler under this Ordinance, shall park any vehicle upon any of the streets or alleys of the Township in order to sort, re-arrange or clean any of his goods, wares or

merchandise; nor may any such person place¹ or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary to sell therefrom to persons residing in the immediate vicinity.

I. Fixed Location Prohibited. No person, licensed as a peddler under this Ordinance, shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

J. Records. The Township Manager shall keep a record of all licenses issued under this Ordinance, and the Chief of Police shall apply daily to the Township Manager for a list of all licenses issued hereunder since the previous day. The Township Manager and the Chief of Police shall supervise the activities of all holders of such licenses.

K. Suspension of License. The Township Manager of the Township of Middletown is hereby authorized to suspend any license issued under² 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.

L. Violation and Penalties. 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 Fifty (\$50.00) Dollars and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than thirty (30) days.

M. Severability Clause. The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included therein. (Ordinance No. 65, approved April 10, 1961.)

102. GARBAGE OR REFUSE HAULERS LICENSE. See CHAPTER VI, Article 1, Section 101. C.

1. In the original ordinance the word "place" was spelled "piece."
2. In the original ordinance the word "under" was spelled "uner."