

ORDINANCE NO. 198

An Ordinance amending in part and affirming in substance the Provisions of Ordinance No. 103 regulating peddling within the Borough of Alburtis; requiring Peddlers to obtain licenses and describing penalties for certain violations.

BE IT ORDAINED AND ENACTED by the Council for the Borough of Alburtis as follows:

SECTION 1.

(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 the sale or distribution of any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Alburtis, provided: the word "peddling" shall also 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 and milk products.

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

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

(d) In this Ordinance, the singular shall include the feminine and the neuter.

SECTION 2. No person shall engage in peddling in the Borough of Alburtis without first having taken out a license as here provided:

(a) Organizations located within the Borough of Alburtis engaged in charitable or philanthropic enterprises, as well as all farmers and any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products, organized and existing or resident within the Borough of Alburtis shall be issued a license annually for a fee of one dollar (\$1.00) per annum.

(b) No "peddlers" license shall be valid without the signature of the Borough Secretary and the counter signature of the Mayor.

SECTION 3. Every person desiring to engage in peddling in the Borough of Alburtis shall first make application to the Borough Secretary for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. If unknown to the Borough Secretary, an applicant may first be required to establish his or her identity by the display of a valid driver's license, birth certificate or baptismal certificate. Following identification, the applicant shall give his name, address, 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.

SECTION 4. No license shall be issued under this Ordinance until the proper fee, as follows, shall be paid to the Borough Secretary, which shall be for the use of the Borough:

(a) Foot peddler: one dollar (\$1.00) per day; three dollars (\$3.00) per month; ten dollars (\$10.00) per year.

(b) Peddler operating from a motor vehicle: two dollars (\$2.00) per day; five dollars (\$5.00) per month; fifteen dollars (\$15.00) per year.

(c) Each and every additional peddler employed by a peddler operating from a motor vehicle; one dollar (\$1.00) per day; three dollars (\$3.00) per month; ten dollars (\$10.00) per year.

SECTION 5. Upon making application therefor and paying 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 application therefor. Every peddler shall at all times, when engaged in peddling in the Borough, carry such license upon their person, and shall exhibit such license, upon request, to all police officers, borough officials and citizens. 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 motor vehicle.

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 is annoyed.

SECTION 7. No person licensed as a peddler under this Ordinance, shall place 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 Borough for longer than 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 or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter.

SECTION 9. The Borough Secretary shall keep a record of all licenses issued under this ordinance, and the Chief of Police shall apply to the Borough Secretary for a list of all licenses issued hereunder. The Borough Secretary and the Chief of Police shall supervise the activities of all holders of such licenses.

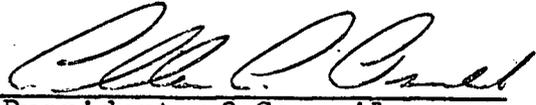
Ord. 198

SECTION 10. The Borough Secretary of the Borough of Alburdis 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. Any person who shall violate any of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than fifty dollars (\$50.00) and costs of prosecution, and in default of payment thereof, to imprisonment for not more than thirty (30) days.

SECTION 12. This ordinance is designed to revise and amend Ordinance No. 103 of the Borough of Alburdis, which is hereby repealed. 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 not 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 provision not been included therein.

Ordained and enacted by Council this 13th day of September, A.D. 1978.



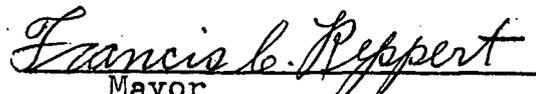
President of Council

ATTEST:



Secretary

Approved this 13th day of September, A.D., 1978.



Mayor