

ORDINANCE 1962-No. 1

ORDINANCE REGULATING PEDDLING WITHIN THE BOROUGH OF WEST NEWTON, WEST-MORELAND COUNTY, PENNSYLVANIA, REQUIRING PEDDLERS TO OBTAIN LICENSES AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED by the Council of the Borough of West Newton and it is ordained and enacted 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 any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the BOROUGH OF WEST NEWTON. 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.

(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 plural and the masculine shall include the feminine and the neuter.

SECTION 2. No person shall engage in peddling in the BOROUGH OF WEST NEWTON without first having taken out a license as herein provided.

SECTION 3. Every person desiring to engage in peddling in the BOROUGH OF WEST NEWTON shall first make application to the Mayor for a license. Upon such application, such person shall give his name, permanent address, temporary address if any, place and date of birth, social security number, personal description including fingerprints, personal identification, firm represented, address thereof, name and address of immediate superior, type of goods, wares and merchandise to be sold, terms of sale and method of delivery, type and description of vehicle to be used, previous criminal record if any, and the length of time to be licensed. The information above required 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. Falsification of any statement in the application shall be considered a violation of this ordinance.

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

\$ 2.00 per day
 \$ 5.00 per week
 \$10.00 per month
 \$20.00 per year

SECTION 5. Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Every peddler shall at all times when engaged in peddling in the Borough, carry such license upon his 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.

SECTION 6. 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.

SECTION 7. 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 8. No person licensed as a peddler under this ordinance shall maintain or keep a street or curbstome 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 and no persons so licensed 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 counter.

SECTION 9. The Mayor of the BOROUGH OF WEST NEWTON is hereby authorized to revoke 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 10. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, before the Mayor or any Justice of the Peace, be sentenced to pay a fine of not more than fifty dollars (\$50.00) and costs of prosecution to be paid into the Borough Treasury for the use of the borough and in default of payment thereof, to imprisonment for not more than thirty (30) days.

ORDAINED AND ENACTED this 16th day of March, 1962.

James L. Welsh
President of Council

ATTEST:

B. T. Lash
Secretary

EXAMINED AND APPROVED by me this 16th day of March, 1962.

Robert C. Umbarger
Mayor