

## CHAPTER XIII

### LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- Section 1. Definitions and Interpretation
- Section 2. License Required to Engage in Transient Retail Business; Fee
- Section 3. Application for License
- Section 4. Issuance of License; Information Thereon; Custody and Display Thereof
- Section 5. Prohibited Acts
- Section 6. Suspension or Revocation of License
- Section 7. Penalty for Violation
- Section 8. Severability

#### Section 1. Definitions and Interpretation.<sup>1</sup>

(a) The term "transient retail business," as used in this ordinance,<sup>2</sup> shall mean and include the following: (1) engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street or alley, sidewalk or public ground, or from house to house, within the Borough of Harrisville; and (2) selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, 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.

(b) The word "person," as used in this ordinance, shall mean and include any natural person, association, partnership, firm or corporation.

(c) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and neuter.<sup>3</sup>

(Ordinance 67, October 2, 1972, Section 1)

- 
1. This heading and the headings of Sections 2 to 8 of this chapter are part of this ordinance as enacted.
  2. Sections 1 to 8 of this chapter.
  3. Section 9 of this ordinance repealed an ordinance of January 7, 1963 on peddlers, canvassers and transient merchants.

Section 2. License Required to Engage in Transient Retail Business; Fee. No person shall engage in any transient retail business within the Borough without first having obtained from the Borough a license, for which the following fee, which shall be for the use of the Borough, shall be charged:

Three dollars (\$3.00) for one day;

Ten dollars (\$10.00) for one week or fraction thereof;

Fifteen dollars (\$15.00) for one month or fraction thereof;

Thirty dollars (\$30.00) for one year or fraction thereof.

Provided: no license fee shall be charged under this section: (a) to farmers selling their own produce; (b) for 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 (c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products, but all persons excepted hereby from payment of the license fee shall be required to register with the Borough Secretary and to obtain a license without fee. Provided further: any person dealing in one or more of the hereinabove mentioned exempted categories, and selling other goods, wares or merchandise not so exempted, 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 and merchandise not in such exempted categories. Provided: the Borough Council may similarly exempt from payment of the license fee, but not from registering with the Borough Secretary, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. (Ordinance 67, October 2, 1972, Section 2)

Section 3. Application for License. Every person desiring a license under this ordinance<sup>4</sup> shall first file with the Borough Secretary a sworn application in writing on a form to be furnished by the Borough, on which shall be stated: the name and physical description of the applicant; his permanent home address and local address; and in case of persons without a local address, the address from which goods, wares and merchandise ordered from him will be mailed; a brief description of the nature of the business and the goods to be sold, or, if employed by another person, the name and address of his employer, together with credentials therefrom establishing the exact relationship; the source of the supply of the goods, wares or merchandise proposed to be sold or for which orders are proposed to be taken, and the proposed method of delivery; a recent photograph of the applicant; and a statement as to whether the applicant had previously been convicted of any felony, misdemeanor or offense, other than a traffic violation. (Ordinance 67, October 2, 1972, Section 4)

---

4. Sections 1 to 8 of this chapter.

Section 4. Issuance of License; Information Thereon; Custody and Display Thereof. Upon receipt of such application, it shall be referred to the Mayor, who shall immediately institute such investigation of the applicant's business and moral character as he shall deem necessary for the protection of the public safety, and if the character and business responsibility of the applicant are found to be satisfactory, the Mayor shall endorse upon the application his approval thereof, and shall return the application to the Borough Secretary who shall issue the license required under this ordinance.<sup>5</sup> Such license, which shall be issued to the applicant within seventy-two (72) hours from the time the application was originally filed, shall contain the information required to be given upon the application therefor. Every license holder shall carry such license upon his person, if engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground in the Borough, or shall display such license at the location where he shall engage in such business if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough. (Ordinance 67, October 2, 1972, Section 4)

Section 5. Prohibited Acts. No person engaged in any transient retail business shall:

- (a) Sell any product or type of product not mentioned in his license;
- (b) Hawk or cry his wares upon any street, alley, sidewalk or public ground in the Borough;
- (c) Blow a horn, ring a bell, or use any sound or sound-amplifying device upon any street, alley, sidewalk, or other public place in the Borough, or upon any private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard in the area, for the purpose of attracting attention to any goods, wares or merchandise which he proposes to sell;
- (d) Operate from a stationary location upon any street, alley, sidewalk or public place, or assume any exclusive right to any location thereon;
- (e) Operate in a congested area where such operation might impede or inconvenience the public use of any street, alley or sidewalk;

---

5. Sections 1 to 8 of this chapter.

(f) When selling from a vehicle, stop or park such vehicle upon any street or alley for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity;

(g) Park any vehicle upon any street or alley in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton or wrapping material or of any stock or wares or foodstuffs which shall have become unsaleable through handling, age or otherwise.

(h) Engage in such business at any time on Sunday, or at any time before nine o'clock A. M. or after five o'clock P. M. on any weekday, except that any person engaging in such business from house to house may call at a specific place before or after hours on a weekday in response to a specific appointment made with an occupant of such place.

(Ordinance 67, October 2, 1972, Section 5)

Section 6. Suspension or Revocation of License. The Mayor is hereby authorized to suspend or revoke any license issued under this ordinance<sup>6</sup> when he shall deem such suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provision of this ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council, at any time within ten (10) days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. (Ordinance 67, October 2, 1972, Section 6)

Section 7. Penalty for Violation. Any person who shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Provided: each day's violation of any provision of this ordinance shall constitute a separate violation. (Ordinance 67, October 2, 1972, Section 7)

---

6. Sections 1 to 8 of this chapter.

7. Sections 1 to 8 of this chapter.

Section 8. Severability. The provisions of this ordinance<sup>8</sup> shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions thereof. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid provision not been a part hereof. (Ordinance 67, October 2, 1972, Section 8)

---

8. Sections 1 to 8 of this chapter.