
ARTICLE 305
Peddlers

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305.01 LICENSE REQUIRED

No person shall engage in the business of peddler, as defined in Section 305.02 of this Article, within the corporate limits of the City of Franklin without first obtaining a permit and license as herein provided. (Ord. 25 of 1973, Sect. 1, Passed 12-31-73)

305.02 DEFINITIONS

a.) The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society, or any other organization, and any masculine term shall include the feminine and neuter.

b.) The word "peddler", as used herein, shall include any person, whether a resident of the City of Franklin or not, traveling by foot, vehicle or any type of conveyance from place to place, from house to house, or from street to street, carrying and offering for sale, making sales, and delivering articles to purchasers, taking, or attempting to take orders for sales of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not; provided, however, that the term peddler, canvassor or solicitor, as used herein, shall not apply:

- 1) To farmers selling their own produce;
- 2) To persons selling 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; or

- 4) To persons legally engaged in the sale of and delivery of newspapers.
(Ord. 25 of 1973, Sect. 2, Passed 12-31-73)

305.03 APPLICATION

Applicants for permits and licenses under this Article must file with the City Clerk a sworn application executed in duplicate on a form to be furnished by the City Clerk, which shall give the following information:

- a.) Name and description of applicant;
- b.) Addresses, both legal and local
- c.) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant;
- d.) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- e.) The length of time for which the right to do business is desired;
- f.) If a vehicle is to be used, a description of the same, together with license number or other means of identification;
- g.) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two (2") inches by two (2") inches, showing the head and shoulders of the applicant in a clear, distinguishing manner;
- h.) Fingerprints of the applicant and the name of at least two reliable property owners of Venango County, Pennsylvania, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- i.) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;
- j.) A copy of any printed contract, agreement, or order form used in the transaction, as well as any printed material advertising or describing the subject of the transaction;

- k.) At the time of filing the application, a fee of Twenty-five (\$25.00) Dollars shall be paid to the City Clerk to cover the cost of processing and investigation. (Ord. 25 of 1973, Sect. 3, Passed 12-31-73)

305.04 INVESTIGATION

Upon receipt of such application described in Section 305.03, the original shall be referred to the Public Safety Director, who shall cause investigation of the applicant's business and moral character to be made as he deems necessary for the production of the public good. (Ord. 25 of 1973, Sect. 4 (a), Passed 12-31-73; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

305.05 DISAPPROVAL OF LICENSES

If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Public Safety Director shall endorse on such application his disapproval and his reasons for the same and return said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit or license will be issued. (Ord. 25 of 1973, Sect. 4(b), Passed 12-31-73; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

305.06 ISSUANCE OF LICENSES

a.) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Public Safety Director shall endorse on the application his approval and return said application to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued, and the type of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and any other identifying description of any vehicle used by the licensee. The Clerk shall keep a permanent record of all licenses issued. (Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

- b.) No license issued hereunder shall be transferable from one person to another. (Ord. 25 of 1973, Sects. 4(c) and 4(d), Passed 12-31-73)

305.07 FEES

No license shall be issued under this Article until the proper fee, payable to the City Clerk for the use of the City, shall be paid as follows: Five (\$5.00) Dollars per day, Fifteen (\$15.00) Dollars per week, Twenty-five (\$25.00) Dollars per year or any part of a year greater than thirty (30) calendar days. (Ord. 25 of 1973, Sect. 5, Passed 12-31-73)

305.08 BADGES

The City Clerk shall issue to each licensee at the time of delivery of his license a badge bearing the words "licensed peddler", containing the photograph of the licensee and indicating the period for which the license is issued and the number of the license in letters and figures plainly discernible. Every peddler, canvasser and solicitor shall at all times when

engaged in peddling, soliciting and canvassing within the City of Franklin carry such license upon his person and shall exhibit the same on request to all police officers and citizens. (Ord. 25 of 1973, Sect. 6, Passed 12-31-73)

305.09 NOISES AND SPEAKING DEVICES

No peddler, nor any person in his behalf, shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Ord. 25 of 1973, Sect. 7, Passed 12-31-73)

305.10 HOURS

No person licensed hereunder shall engage in peddling, canvassing or soliciting at any time on Sunday, or upon any other day of the week before the hour of nine o'clock a.m. or after six o'clock p.m. (Ord. 25 of 1973, Sect. 8, Passed 12-31-73)

305.11 LOCATION

No person licensed as a peddler, canvasser or solicitor shall be permitted a stationary location upon the public streets nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this Article, the judgment of the police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 25 of 1973, Sect. 9, Passed 12-31-73)

305.12 POLICE TO ENFORCE

It shall be the duty of the police officers of the City of Franklin to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this Article against any person found to be violating the same. (Ord. 25 of 1973, Sect. 10, Passed 12-31-73)

305.13 REVOCATION OF LICENSES

Permits and licenses issued under the provisions of this Article may be revoked by the Mayor of the City of Franklin, or his authorized deputy, after notice and hearing, for any of the following causes:

- a.) Fraud, misrepresentation or false statement contained in the application for license;
- b.) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler;
- c.) Any violation of this Article;
- d.) Conviction of any crime or misdemeanor involving moral turpitude;

- e.) Conducting the business of peddling, canvassing or soliciting in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(Ord. 25 of 1973, Sect. 11(a), Passed 12-31-73)

305.14 SUSPENSION OF LICENSES

Any license issued under the provisions of this Article may be suspended at any time upon well-founded complaint of any resident or police officer of the City of Franklin, and shall be forthwith surrendered upon demand to the City Clerk or to any police officer of the City of Franklin and following a hearing of said complaint within twenty-four (24) hours after suspension of the license, the Mayor may, for proper cause shown, revoke the license. The licensee shall present himself before the Mayor upon notice to do so by any police officer and his failure to appear shall be sufficient cause for the revocation of the license. (Ord. 25 of 1973, Sect. 11(b), Passed 12-31-73)

305.15 APPEAL

Any person aggrieved by the action of the Public Safety Director or the City Clerk in the denial of an application for permit or license, as provided in this Article, or in the decision with reference to the revocation of a license as provided in this Article, shall have the right to appeal to the Franklin City Council. Such appeal shall be taken by filing with the Council within thirty (30) days of the action complained of a written statement setting forth fully the grounds of the appeal. The Council shall set the time and place for a hearing on such appeal and shall give timely notice of such hearing to the appellant. The decision of the Council on such an appeal shall be final and conclusive. (Ord. 25 of 1973, Sect. 12, Passed 12-31-73; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

305.16 EXPIRATION OF LICENSES

All annual licenses issued under the provisions of this Article shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date issued specified in the license. (Ord. 25 of 1973, Sect. 13, Passed 12-31-73)

305.99 PENALTY

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed One Hundred (\$100.00) Dollars and costs of prosecution or by imprisonment not to exceed thirty (30) days, or both fine and imprisonment. (Ord. 25 of 1973, Sect. 14, Passed 12-31-73)