

SECTION 3
APPLICATION FOR LICENSE
REQUIREMENTS

All persons, partnerships and corporations required to obtain a license under the provisions of this Ordinance shall make and transmit an application therefor which shall contain the following:

- (a) Name of applicant;
- (b) His address;
- (c) The person, partnership or corporation he represents, and his or its main office, address and telephone number;
- (d) A description of the goods, wares and merchandise involved;
- (e) The length of time for which the license is desired;
- (f) A description, including the license number of any vehicles to be used in connection with the proposed activities;
- (g) The number of other individuals involved as employees, helpers or otherwise in the proposed activities;
- (h) A statement that the applicant has no previous criminal record;
- (i) Pennsylvania Sales Tax Number;
- (j) If the activity occurs on any highway, road or street under the jurisdiction of the Department of Transportation, a copy of the Highway Occupancy Permit;
- (k) A certification that no electric service, water or sewer lines or facilities are used on the facilities. If all or part of such systems are to be used, detailed plans must be submitted and the applicant shall pay reasonable review and engineering fees.
- (l) Copies of workmen compensation insurance as may be required by law.
- (m) A detailed plan of any temporary structure (including any tent), intended to be used. Licensee shall be responsible for reasonable and necessary expenses of the Borough appointed engineer or other authorized officer for reviewing same.

All persons connected with the proposed activities, as employees, helpers or otherwise, shall obtain individual licenses, submit all information required by this Section, and exhibit any additional licenses required by the laws and statutes of the Commonwealth.

Nothing contained in this Ordinance shall be construed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth or complying with any other Ordinance of the Borough.



BOROUGH OF TAYLOR

ORDINANCE NUMBER 180 OF 1993

AN ORDINANCE

AMENDING SECTION 1, 2, 3, 4, AND 12 OF ORDINANCE NO. 48 OF 1974 AND ADDING SECTION 15 THERETO, WHICH ORDINANCE DEFINES THE REGULATIONS FOR SELLING, PEDDLING, SOLICITING, CANVASSING OR TAKING ORDERS FOR GOODS, WARES AND MERCHANDISE WITHIN THE BOROUGH OF TAYLOR, PROVIDING FOR CERTAIN EXEMPTIONS, IMPOSING LICENSE FEES AND REQUIREMENTS, PROHIBITING HAWKING OR PUBLIC OUTCRY, PROVISING FOR REVOCATION OF LICENSES AND PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, on June 12, 1974, the Borough Council of the Borough of Taylor duly enacted an Ordinance defining the regulations for selling, peddling, soliciting, canvassing or taking orders for goods, wares and merchandise within the Borough of Taylor, providing for certain exemptions, imposing license fees and requirements, prohibiting hawking or public outcry, and providing for the revocation of licenses and penalties for the violation of said Ordinance No. 48 of 1974; and

WHEREAS, Section 1. of said Ordinance No. 48 of 1974 provided for activities for which license is required, Section 2 provided exemptions, Section 3 outlined the application procedure and requirements, Section 4 provided for the fees for said license, and Section 12 provided for the penalties for violation of said Ordinance; and

WHEREAS, the Borough Council of the Borough of Taylor wishes to amend said Ordinance and hereby amends Sections 1, 2, 3, 4 and 12 and adds Section 15 to said Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Taylor, and it is hereby enacted and ordained by the authority granted to Boroughs under the laws of the Commonwealth of Pennsylvania, as follows:

**SECTION 1
ACTIVITIES FOR WHICH
LICENSE IS REQUIRED**

No person, partnership or corporation, either as principal or agent, shall engage in selling, peddling, and soliciting, canvassing or taking orders for goods, wares, merchandise, including magazines and periodicals, by sample or otherwise, upon the streets or sidewalks, or from house to house, or from any vehicle or from space occupied on a temporary basis in any house, building, structure or upon land within the Borough of Taylor, unless a license from the Borough is first obtained in the manner provided hereinafter.

**SECTION 2
EXEMPTIONS**

This Ordinance shall not apply to nor shall licenses be required for the following:

- (a) The sale of milk, butter and other dairy products, bread and bakery products, meat and meat products, and other food products and produce, by any farmer, manufacturer or producer, or by the employee, authorized agents or representatives of any farmer, manufacturer, or producer of the same.
- (b) Solicitation of contributions for religious, charitable, educational and philanthropic purposes, and for the promotion of public health and welfare, by members of or volunteer workers for any religious denomination, organized non-profit corporation or association, society or fund, and the sale of goods, wares and merchandise by the same when proceeds of such sales are devoted to such purposes.
- (c) The business transacted by insurance companies, and their agents, and by insurance brokers licensed to transact such business under the laws of the Commonwealth of Pennsylvania.

- (d) Temporary activities transacted by existing business so long as said activities remain on the original business site (including open spaces or parking areas) and the proceeds of such activities are paid to said existing entity.

SECTION 3 APPLICATION FOR LICENSE REQUIREMENTS

All persons, partnerships and corporations required to obtain a license under the provisions of this Ordinance shall make and transmit an application therefor which shall contain the following:

- (a) Name of applicant;
- (b) His address;
- (c) The person, partnership or corporation he represents, and his or its main office, address and telephone number;
- (d) A description of the goods, wares and merchandise involved;
- (e) The length of time for which the license is desired;
- (f) A description, including the license number of any vehicles to be used in connection with the proposed activities;
- (g) The number of other individuals involved as employees, helpers or otherwise in the proposed activities;
- (h) A statement that the applicant has no previous criminal record;
- (i) Pennsylvania Sales Tax Number;
- (j) If the activity occurs on any highway, road or street under the jurisdiction of the Department of Transportation, a copy of the Highway Occupancy Permit;
- (k) A certification that no electric service, water or sewer lines or facilities are used on the facilities. If all or part of such systems are to be used, detailed plans must be submitted and the applicant shall pay reasonable review and engineering fees.
- (l) Copies of workmen compensation insurance as may be required by law.
- (m) A detailed plan of any temporary structure (including any tent), intended to be used. Licensee shall be responsible for reasonable and necessary expenses of the Borough appointed engineer or other authorized officer for reviewing same.

All persons connected with the proposed activities, as employees, helpers or otherwise, shall obtain individual licenses, submit all information required by this Section, and exhibit any additional licenses required by the laws and statutes of the Commonwealth.

Nothing contained in this Ordinance shall be construed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth or complying with any other Ordinance of the Borough.

SECTION 4 FEES

No license shall be issued until the applicant shall pay for any license or licenses issued, for the use of the Borough, a fee of \$5.00 except any license using a structure (including tent) shall pay a fee of \$50.00. Said license shall be valid for a period of thirty (30) days.

Nothing herein create any obligation or affirm any duty on the part of the Borough to perform any or all of any part of this Ordinance, or any liability for willful, partial or negligent performance.

SECTION 12
PENALTIES

Any person who shall violate any of the provisions of this Ordinance upon conviction thereof shall be sentenced to pay a fine of no more than Three Hundred (\$300.00) Dollars, and costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than thirty (30) days. Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty may be imposed.

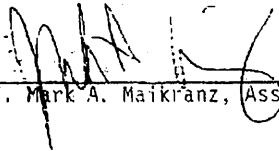
SECTION 15
SAVING CLAUSE

All other Sections of Ordinance Number 48 of 1974 shall continue in full force and effect and are not to be considered inconsistent with the terms of this Ordinance.

ENACTED this 8th day of April 1993.

ATTEST:

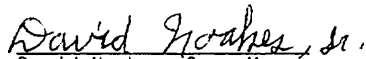
BOROUGH OF TAYLOR
LACKAWANNA COUNTY, PENNSYLVANIA



J. Mark A. Maikranz, Ass't Secretary

James P. Digwood, Vice-President
Taylor Borough Council

EXAMINED AND APPROVED this 3th day of April 1993.



David Noakes, Sr., Mayor

ORDINANCE NO. 48 1974

AN ORDINANCE REGULATING THE SELLING, PEDDLING AND SOLICITING, CANVASSING OR TAKING ORDERS FOR GOODS, WARES AND MERCHANDISE WITHIN THE BOROUGH OF TAYLOR, PROVIDING FOR CERTAIN EXEMPTIONS, IMPOSING LICENSE FEES AND REQUIREMENTS, PROHIBITING HAWKING OR PUBLIC OUTCRY, PROVIDING FOR THE REVOCATION OF LICENSES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Section 1. Activities for which license is required. No person, partnership or corporation, either as principal or agent, shall engage in selling, peddling, and soliciting, canvassing or taking orders for goods, wares, merchandise, including magazines and periodicals, by sample or otherwise, upon the streets or sidewalks or from house to house, or from any vehicle, or from space occupied on a temporary basis in any house, building or structure within the Borough of Taylor, unless a license from the Borough is first obtained in the manner provided hereinafter.

Section 2. Exemptions This Ordinance shall not apply to nor shall licenses be required for the following:

(a) The sale of milk, butter and other dairy products, bread and bakery products, meat and meat products, and other food products and produce, by any farmer, manufacturer or producer, or by the employees, authorized agents or representatives of any farmer, manufacturer, or produce of the same.

(b) Solicitation of contributions for religious, charitable, educational and philanthropic purposes, and for the promotion of public health and welfare, by members of or volunteer workers for any religious denomination, organized non-profit corporation or association, society, charity, or fund, and the sale of goods, wares and merchandise by the same when the proceeds of such sales are devoted to such purpose.

(c) The business transacted by insurance companies, and their agents and by insurance brokers licensed to transact such business under the laws of the Commonwealth of Pennsylvania.

Section 3. Application for license requirements. All persons, partnerships and corporations required to obtain a license under the provisions of this Ordinance shall make and submit an application therefor which shall contain the following:

- (a) Name of applicant;
- (b) His address;
- (c) The person, partnership or corporation he represents, and his or its main office address and telephone number;
- (d) A description of the goods, wares and merchandise involved;
- (e) The length of time for which the license is desired;
- (f) A description, including the license number of any vehicles to be used in connection with the proposed activities;
- (g) The number of other individuals involved as employees, helpers or otherwise in the proposed activities;
- (h) A statement that the applicant has not previous record.

All persons connected with the proposed activities, as employees, helpers or otherwise, shall obtain individual licenses, submit all information required by the laws and statutes of the Commonwealth.

Nothing contained in this Ordinance shall be constructed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth.

Section 4. Fees No license shall be issued until the applicant shall pay for any license or licenses issued, for the use of the Borough, a fee of \$5.00. Said license shall be valid for a period of thirty (30) days.

Section 5. License Application forms shall be available, and all applications containing the information required by this Ordinance shall be made at the Borough Building of the Borough of Taylor, Taylor, Pennsylvania, and the Borough Administrator is hereby authorized to issue licenses upon the payment of the fee herein specified. Every person subject to the provisions of this Ordinance shall carry such license subject to the provisions of this Ordinance shall carry such license upon his person at all times when engaged in his activities within the Borough, and shall exhibit such license upon request to the Borough officials and their representatives, and police or constables employed by the Borough, and to any resident of the Borough contacted by such person who shall so request. No license issued under the provisions of this Ordinance shall be transferred or assigned by the holder thereof.

The applicant shall not at any time sell or otherwise deal in goods, wares, and merchandise covered by the license.

Section 6. Subsequent revision of fees and designation of persons authorized to grant licenses. The Borough Council is hereby authorized to revise the fee schedule set forth in Section 4 of this Ordinance, either increasing or decreasing the said fee, and also to designate a person or persons to take applications and receive said fees, other than as provided in Section 5 of this Ordinance, by Resolutions adopted from time to time for such purposes.

Section 7. Time limitations No person licensed under this Ordinance shall engage in his activities at any time on Sunday, or on any other day of the week either before nine o'clock (9:00) A.M., or after five o'clock (5:00) P.M.; provided, however, that this time limitation shall not be applicable to demonstrations conducted within the home of a resident of the Borough for a group of persons.

Section 8. Prohibition of Noise No person licensed under this Ordinance shall hawk or cry his wares upon any street or sidewalk within the Borough, nor shall he use any loudspeaker or horn, or other device, for announcing his presence so as to create a public nuisance.

SECTION 9: Prohibition Against Parking No person licensed under this Ordinance shall park any vehicle upon any of the streets, alleys or lanes within the Borough in order to sort, rearrange or clean any goods, wares or merchandise, nor may such person deposit any refuse upon any of said streets, alleys or lanes; nor may any person keep or maintain a street or curbstone market by parking any vehicle upon any street, alley or lane within the Borough for a period of time longer than that required to sell therefore to residents residing in the immediate vicinity; nor shall any person occupy any fixed, location upon any of the streets, alleys or lanes within the Borough, either with or without a stand, counter or other portable structure.

Section 10. Records Copies of all applications and licenses shall be promptly transmitted to the Borough Secretary, and he shall keep a permanent record of all licenses issued under this Ordinance.

Section 11. Supervision and Suspension of License The Borough Council and the police or constables employed by them, or other representatives designated by them, shall supervise the activities of all holders of such licenses, and they are authorized to suspend any license for a violation of any of the provisions of this Ordinance, for giving false information upon any application for a license, or when deemed necessary for the protection of the health, safety, morals and general welfare of the residents of the Borough.

Section 12. Penalties Any person who shall violate any of the provisions of this Ordinance upon conviction thereof shall be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars, and costs of prosecution, and in default of payment thereof shall be subject to imprisonment for not more than thirty (30) days.

Section 13: Recitation of Statutory Authority This Ordinance is enacted pursuant to the provisions of the Pennsylvania Borough Code, 53 P.S. Section 46202(31).

Section 14; Severability of Provisions The provisions of this Ordinance 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 other provisions of this Ordinance, or the application thereof, and it is hereby declared as the legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision or application not been included therein or intended.

ENACTED AND ORDAINED THIS 12th DAY OF JUNE, 1974.

BOROUGH OF TAYLOR

BY John E. Connor
John E. Connor, Council President

ATTEST:

Andrew E. Lenne
Andrew E. Lenne, Secretary

APPROVED THIS 12th DAY OF JUNE, 1974.

David Hoakes
DAVID HOAKES, MAJOR