

ORDINANCE NO. 232

An Ordinance relating to and regulating transient retail business in the Borough of Freeport providing for the licensing thereof; prescribing penalty for violation; and repealing certain prior ordinances.

The Borough of Freeport hereby ordains as follows:

Section 1. (a) The term "transient retail business," as used in this ordinance, 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 of the streets or alleys, sidewalks, or public grounds, or from house to house, within the Borough of Freeport; 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 may include, but shall not be limited to, such activities conducted at the time of special occasions of celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

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

(c) In this ordinance, the masculine shall include the feminine and the neuter, the singular shall include the plural and the plural shall include the singular.

Section 2. No person shall engage in any transient retail business within the Borough of Freeport without first having

obtained from the Mayor a license, for which the following fee, which shall be for the use of the ~~Township~~ ^{Borough}, shall be charged:

~~TWO~~ ^{FIVE} dollars (\$5.00) for one day;

~~TWO~~ ^{TEN} dollars (\$10.00) for one week or fraction thereof;

~~TWO~~ ^{TWENTY FIVE} dollars (\$25.00) for one month 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 exempted hereby from the payment of the license fee shall be required to register with the Mayor and to obtain a license without fee. Provided further: any person dealing in one or more of the abovementioned 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 further: the Mayor may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit organization. Provided further: every license issued under the provisions of this ordinance shall be issued on an individual basis to persons engaging in such business; every individual

shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license.

Section 3. Every person desiring a license under the provisions of this ordinance shall first make application to the Mayor for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid State or County license. In such application, such person shall give his name and address; his previous criminal record, if any; the name of the person by whom he is employed; the type of goods, wares and merchandise he wishes to deal with in such transient retail business; the length of time for which such license is to be issued; and the type and license number of vehicle to be used, if any.

Section 4. Upon receipt of such application and the prescribed fee, the Mayor, if he shall find such application in order, shall issue the license required under this ordinance. Such license shall contain the information required to be given on 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 of the streets, alleys, sidewalks, or public grounds, 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.

Section 5. No person engaging in any transient retail business shall:

- (a) Sell any product or type of product not mentioned in his license;
- (b) Hawk or cry any of his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough;
- (c) When selling from vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
- (d) Park any vehicle upon any of the streets or alleys 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 food-stuffs which have become unsaleable through handling, age or otherwise;
- (e) When working from house to house, engage in such business at any time on Sunday ^{or Holiday} or at any time before nine o'clock A. M. and after ~~five~~ o'clock P. M. on any day of the week other than Sunday.

Section 6. The Mayor shall supervise the activities of all persons holding licenses under this ordinance, and he shall keep a record of all licenses issued hereunder, and shall make a report thereof each month to the Borough Council.

Section 7. The Mayor is hereby authorized to suspend any

license issued under this ordinance when he shall deem such suspension 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 application for a license hereunder.

Appeals from any suspension may be made to the Borough Council at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

Section 8. Any person who shall violate any provision of this ordinance shall, for every such violation, upon conviction thereof, be sentenced to pay a fine of not 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.

Section 9. The provisions of this ordinance 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 section, parts of sections or provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part hereof.

Enacted and ordained this 11th day of July 1973

Kenneth L. Miller
President of Borough Council

Attest:

Elizabeth J. Cantone
Secretary

Approved this 11th day of July 1973 .

W. Brant Sr.
Mayor