

**ARTICLE I, Peddlers and Solicitors [Adopted 7-13-1964 by Ord. No. 64-11  
(Art. 323 of the 1960 Code)]**

- § 137-1. Definitions; word usage.
- § 137-2. License required.
- § 137-3. License application.
- § 137-4. License fee.
- § 137-5. License term; new license.
- § 137-6. License exhibition.
- § 137-7. Hours.
- § 137-8. Parking vehicle on street; littering.
- § 137-9. Fixed location prohibited.
- § 137-10. Record of licenses.
- § 137-11. License suspension or revocation.
- § 137-12. Prohibited activities.
- § 137-13. Violations and penalties.

**ARTICLE II, Transient Retail Merchants [Adopted 6-7-1982 by Ord. No. 82-01  
(Art. 325 of the 1960 Code)]**

- § 137-14. Definitions; word usage.
- § 137-15. License required.
- § 137-16. License application.
- § 137-17. License application for flea markets.
- § 137-18. Initial license fee and monthly term.
- § 137-19. License renewal and fee.
- § 137-20. Annual license as alternative.
- § 137-21. Property owners permission required.
- § 137-22. License exhibition.
- § 137-23. Prohibited acts.
- § 137-24. Use of streets or sidewalks.
- § 137-25. License revocation.
- § 137-26. Appeal.
- § 137-27. Violations and penalties.

**ARTICLE III, Pawnbrokers [Adopted 10-4-1982 by Ord. No. 82-07 (Art. 329 of  
the 1960 Code)]**

- § 137-28. Definitions.
- § 137-29. Records required.
- § 137-30. Police reports required.
- § 137-31. Prohibited clients.
- § 137-32. Retention of articles by pawnbrokers.
- § 137-33. Retention of articles by secondhand dealers.
- § 137-34. Transient merchant records required.
- § 137-35. Transient merchant police reports required.
- § 137-36. Transient merchant termination notice.
- § 137-37. Retention of articles by transient merchants.
- § 137-38. Transient merchant prohibited clients.
- § 137-39. Defense for nonretention of articles.

- § 137-40. Records open to police.  
§ 137-41. Violations and penalties.
- 

**§ 137-1. Definitions; word usage.**

- **A.** As used in this article, the following terms shall have the meanings indicated:

*PEDDLER* -- Any person who shall engage in peddling, as herein defined.

*PEDDLING and SOLICITING:*

1. **PEDDLING** -- The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the township.
2. **SOLICITING** -- The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the township, and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvement and alterations, and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses or other building improvements or repairs upon or from the places aforesaid within the township.
3. "Soliciting" and "peddling" shall not apply to:
  - **(a)** Farmers seeking or taking orders for the sale of their own products;
  - **(b)** The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products;
  - **(c)** 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;
  - **(d)** The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance;
  - **(e)** Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes; or

- (f) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

*PERSON* -- Any natural person, association, partnership, firm, organization or corporation

*SOLICITOR* -- Any person who shall engage in soliciting, as hereinabove defined.

- **B.** In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

### **§ 137-2. License required.**

No person shall engage in soliciting or peddling in the township without first having taken out a license as herein provided.

### **§ 137-3. License application.**

- **A.** Every person desiring to engage in soliciting or peddling in the township shall first make application to the Secretary of the Board of Supervisors for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license.
  1. The application shall be upon a blank provided by the Township Secretary and shall contain at least the following information verified by oath or affirmation:
    - (a) Full name of the applicant and local address, if any.
    - (b) Permanent address.
    - (c) Name of employer or a statement that such applicant is self-employed.
    - (d) The nature of the goods, wares, services or merchandise offered for sale.
    - (e) A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed there.
    - (f) The type of vehicle to be used, if any.
  2. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
- **B.** Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this article shall be transferable from one person to another.

#### **§ 137-4. License fee.**

No license shall be issued under this article until the sum as set forth from time to time by resolution of the Board of Supervisors shall be paid to the Township Secretary, and it shall be for the use of the township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

#### **§ 137-5. License term; new license.**

The license granted pursuant to this article shall be valid for 30 days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee. Such licenses may be issued, in advance, for consecutive thirty-day periods not exceeding 12 in number, upon payment, in advance, of the license fee for each thirty-day period provided in § 137-4.

#### **§ 137-6. License exhibition.**

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the township, carry such license upon his person and shall exhibit it upon request to all police officers, township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

#### **§ 137-7. Hours.**

No person licensed as a solicitor or peddler under this article shall engage in soliciting or peddling on any day of the week before 8:00 a.m. or after 8:00 p.m. During the time of the year when Eastern standard time is effective, the aforesaid hours shall be Eastern standard time, and during the time of the year when daylight saving time is effective, the aforesaid hours shall be daylight saving time.

#### **§ 137-8. Parking vehicle on street; littering.**

No person licensed as a solicitor or peddler under this article shall park any vehicle upon any of the streets, highways or alleys of the township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

#### **§ 137-9. Fixed location prohibited.**

No person licensed as a solicitor or peddler under this article shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of the township for the purpose of soliciting or peddling with or without any stand or counter. 3

**§ 137-10. Record of licenses.**

The Secretary shall keep a record of all licenses issued under this article, and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

**§ 137-11. License suspension or revocation.**

Any license issued under this article may be suspended or revoked at any time by the Secretary of the township upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license and that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the township.

**§ 137-12. Prohibited activities.**

No person licensed as a solicitor or peddler under this article shall hawk or cry his wares or services upon any of the streets or sidewalks of the township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

**§ 137-13. Violations and penalties.**

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

**§ 137-14. Definitions; word usage.**

- **A.** As used in this article, certain terms are defined as follows:

*FLEA MARKET* -- Any location where two or more transient retail merchants or transient retail businesses are located for the purposes of principally selling secondhand goods and antiques.

*PERSON* -- Any natural person, association, partnership, firm, organization or corporation.

*TEMPORARY BASIS* -- Any business which operates for less than three days per week on a monthly basis.

*TRANSIENT RETAIL BUSINESS* -- Includes the following:

1. Engaging in peddling, canvassing, soliciting and taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or alleys, sidewalks or public grounds within the township, but does not include the sale or delivery of products house to house; and
2. Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the township, on a temporary basis, which includes, 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.

*TRANSIENT RETAIL MERCHANT* -- Every person, whether principal or agent, entering into, beginning or desiring to begin a transient retail business in the township for the sale of any goods, wares or merchandise whatsoever and who hires, leases, occupies or uses any room, apartment, store, shop, building, vehicles or other place or structure for the exhibition and sale of such goods, wares or merchandise.

- **B.** In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

### **§ 137-15. License required.**

No person shall engage in a transient retail business in the township without first having obtained a license as herein provided, except that no license shall be required for the following:

- **A.** Farmers selling their own produce.
- **B.** The sale of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
- **C.** Any individual employed by or representing a church, township civic association, scouting organization or school.
- **D.** Individuals selling goods, wares and merchandise at a licensed flea market.

### **§ 137-16. License application.**

Every person desiring to engage in a transient retail business in the township shall first make application to the Police Department. If such person shall also be required to obtain a license from any county officer, he or she shall, on making such application, exhibit a valid county license.

- **A.** The application shall be upon a blank provided by a representative of the township and shall contain at least the following information:
  1. Full name of the applicant and local address, if any.
  2. Permanent address.
  3. Nature of the goods, wares, services or merchandise offered for sale.
  4. A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is affirmative, the nature of the offense or offenses and the punishment or punishments imposed.
  5. If a vehicle is to be used, a description of the same, together with license number or other means of identification.
  6. Location of transient business while doing business within the township and length of time for which such license is desired.
- **B.** The applicant shall submit to fingerprinting and photographing.

### **§ 137-17. License application for flea markets.**

Every person desiring to operate a flea market in the township shall first make application to the Police Department providing the information referred to in § 137-16. In addition, the operator of the flea market shall require each individual selling at the flea market to complete an application form upon a blank provided by the township which shall contain the information set forth in § 137-16A(1) through (3). Such records shall be maintained by the owner or operator of the flea market and shall be available for inspection by the township.

### **§ 137-18. Initial license fee and monthly term.**

The sum as set forth from time to time by resolution of the Board of Supervisors shall cover the cost of processing the application and the whole or any part of the first day of operation as a retail merchant. The whole or any part of the second day or any subsequent days within the month shall be as set forth from time to time by resolution of the Board of Supervisors per day up to a maximum per month of as set forth from time to time by resolution of the Board of Supervisors.

### **§ 137-19. License renewal and fee.**

Transient retail merchant licenses shall be renewed each month. A fee as set forth from time to time by resolution of the Board of Supervisors shall be required

for each renewal license. The fee starting with the second day, as set forth from time to time by resolution of the Board of Supervisors, shall also prevail with each renewal.

**§ 137-20. Annual license as alternative.**

In lieu of a monthly license, a transient retail merchant license for a calendar year shall be available upon payment of the sum as set forth from time to time by resolution of the Board of Supervisors. Such license shall be renewed annually.

**§ 137-21. Property owners permission required.**

Before any transient retail merchant license is issued, the owner or agent of such property where the transient retail business is to be located shall grant written permission for the transient retail business to be conducted on his property. Permission shall be granted by the property owner to the operator of the transient retail business prior to approval of the application for a transient retail merchants license.

**§ 137-22. License exhibition.**

Transient retail merchant licenses, when issued, shall list the license number, the person or organization to whom it has been issued and the date issued. Every person conducting a transient retail merchant business shall have their transient retail merchant license displayed in a prominent location in the room, apartment, store, shop, building, vehicle or other place or structure where the sale of their goods, wares or merchandise is conducted. No transient retail merchant shall engage in selling any product or service not mentioned on such license.

**§ 137-23. Prohibited acts.**

- No person engaged in any transient retail business shall:
  - **A.** Sell any product or type of product not mentioned on his license;
  - **B.** Hawk or cry his wares upon any street, alley, sidewalk or public place in the township or use any sound device, including any loudspeaker or sound-amplifying device upon any street, alley, sidewalk or public place or upon any private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon any street, alley, sidewalk or public place for the purpose of attracting attention to any goods, wares or merchandise that he proposes to sell;
  - **C.** 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 or working in the immediate vicinity; or
  - **D.** Engage in such business before 7:00 a.m. or after 10:00 p.m.

#### **§ 137-24. Use of streets or sidewalks.**

- No person engaged in a transient retail business shall:
  - **A.** Have any exclusive right to any location on any of the streets, alleys or sidewalks in the township;
  - **B.** Be permitted a stationary location; or
  - **C.** Be permitted to operate in a congested area where his operations might impede traffic or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested, the traffic impeded or the public inconvenienced.

#### **§ 137-25. License revocation.**

- **A.** Licenses issued under the provisions of this article may be revoked by the Township Manager after notice and hearing for any of the following causes:
  1. Fraud, misrepresentation or false statement contained in the application for license.
  2. Fraud, misrepresentation or false statement made in the course of carrying on such licensed business.
  3. Any violation of this article.
  4. Conviction of any crime or misdemeanor involving moral turpitude.
  5. Conduct of the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the township.
- **B.** Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the license holder at the address set forth in the application at least five days prior to the date set for the hearing.

#### **§ 137-26. Appeal.**

Any person aggrieved by the denial of an application for license or in a decision with reference to the revocation of a license shall have the right of appeal to the Board of Supervisors. Such appeal shall be taken by filing with the Board, within 10 days after notice of the action complained of shall have been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of hearing on revocation. The decision and order of the Board on such appeal shall be final and conclusive.

#### **§ 137-27. Violations and penalties.**

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

### **§ 137-28. Definitions.**

As used in this article, certain terms are defined as follows, unless the context clearly indicates otherwise:

*ANTIQUÉ DEALER or SECONDHAND DEALER* -- Any person who either wholly or in part engages in or operates the trade or business of buying and/or selling used goods such as antiques, precious stones, stained glass, metals, jewelry, any tools, any electrical devices, fixtures, appliances, household goods, firearms and bric-a-brac. The foregoing enumeration of articles, goods and property shall not be deemed to be exclusive or all-inclusive, and includes all articles and goods that are purchased, salvaged or received from any person, association, copartnership or corporation. This definition shall not be deemed to include:

- **A.** Judicial sales or sales by executors or administrators;
- **B.** Sales of unredeemed pledges by or on behalf of licensed pawnbrokers in the manner prescribed by law;
- **C.** Occasional or auction sales of household goods sold from private homes;
- **D.** Auctions of real estate; or
- **E.** Auctions conducted by licensed auctioneers.

*JUNK DEALER* -- Includes any person who carries on the business of buying or selling and dealing in junk, scrap iron, brass, lead, copper, aluminum and other metals or alloys or other materials commonly referred to as "junk."

*PAWNBROKER* -- Includes any person who engages in the business of accepting money on the deposit or pledge of personal property other than choses in action, securities or written evidence of indebtedness; or purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or accepts money for goods, wares or merchandise pledged, stored or deposited as collateral security.

*PLEDGE* -- An article or articles deposited with a pawnbroker as security for a loan in the course of his business as defined in "pawnbroker."

*TOWNSHIP* -- The Township of Lower Paxton.

*TRANSIENT MERCHANT* -- Any person who occupies a room, apartment, store, shop, building, private lot or other fixed location for the purpose of purchasing and/or selling goods, wares or merchandise of any description with the intention of not remaining more than 100 days.

**§ 137-29. Records required.**

Every pawnbroker, junk dealer, antique dealer and secondhand dealer shall keep a book legibly written in the English language in which shall be recorded, where applicable:

- **A.** A full and accurate description of all articles purchased or left in pawn, salvaged or received, including brand names, model number, serial number, inscribed initials, dates or names of any other forms of identification.
- **B.** The date and time of pledging, pawning, purchasing, salvaging or receiving the same.
- **C.** The date and time within which such pawned or pledged article is to be redeemed.
- **D.** The amount of money lent or paid therefor.
- **E.** The description of the person or persons making the pledge, selling such articles or from whom the article was purchased, salvaged or received, including such person's name, address, date of birth, sex, race and operator's number.

**§ 137-30. Police reports required.**

All pawnbrokers, junk dealers, antique dealers and secondhand dealers shall, daily, before 12:00 noon of the following day of business, provide a written report to the Police Department containing a complete description of all articles received in the course of his respective business during the previous business day, together with the number of tickets and a description of the persons making such sale or pledge, including such personal name, address, date of birth, race, sex and operator's number. Forms for this purpose are to be provided by the Police Department.

**§ 137-31. Prohibited clients.**

No pawnbroker, junk dealer, antique dealer or secondhand dealer shall accept a pledge, article or goods from a person under the age of 18 years, any intoxicated person or any known thief.

**§ 137-32. Retention of articles by pawnbrokers.**

No pawnbroker shall sell or dispose of in any way to a person any article received by him in the course of his business until seven days have elapsed from the time of furnishing to the police a form containing the information on such articles as required by § 137-30.

**§ 137-33. Retention of articles by secondhand dealers.**

All junk dealers, antique dealers and secondhand dealers shall keep and retain on their premises all articles purchased or received in the course of their business, in the original form, shape and condition in which they were received, and shall not sell or dispose of the same in any way until seven days have elapsed from the time of furnishing to the police the form containing the information required in § 137-30.

**§ 137-34. Transient merchant records required.**

Every transient merchant shall keep a book legibly written in the English language in which shall be recorded:

- **A.** A full and accurate description of all articles received in any way in the course of business.
- **B.** The date and time of such transaction.
- **C.** The description of the persons with whom such a transaction was completed, including that person's name, address, date of birth, sex, race and operator's number.

**§ 137-35. Transient merchant police reports required.**

All transient merchants shall, within two hours of the close of their business day, provide a written report to the Police Department containing a full and accurate description of all articles received in the course of the business during that immediate business day, the amount of money paid therefor and a description of the persons from whom such goods were in any way received, including that person's name, address, date of birth, sex, race and operator's number. Forms for this purpose are to be provided by the Police Department.

**§ 137-36. Transient merchant termination notice.**

Notification shall be provided to the Police Department that the transient merchant intends to terminate his business operation within 48 hours of such termination. Such notification shall include an address at which the transient merchant may be reached for the 10 days immediately following the termination.

**§ 137-37. Retention of articles by transient merchants.**

All transient merchants shall retain, at their immediate local place of business, any goods received in the course of business, in the original shape, form and condition in which they were received, and shall not sell or dispose of such goods in any way until seven days have elapsed from the time of furnishing to the police a form containing the information on such articles as required by § 137-35.

**§ 137-38. Transient merchant prohibited clients.**

No transient merchant shall accept merchandise, goods or wares from a person under the age of 18 years nor from any intoxicated person or any known thief.

**§ 137-39. Defense for nonretention of articles.**

It shall be an affirmative defense to any prosecution or administrative proceeding brought for the violation of any section of this article pertaining to the retention of articles or goods obtained in the course of business operations that, in the case of precious metals, retention for the time period required would have resulted in serious and substantial economic losses to the dealer or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions in order to be a defense hereunder shall be such that financial analysts would characterize trading as at or approaching a level or occurrence in an atmosphere of panic so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.

**§ 137-40. Records open to police.**

Any police officer, upon showing a badge and proper identification, shall be given any information from all of the above classes of businesses that is legitimately required in the execution of his duties. This shall include but not be limited to names of employees and any and all records concerning transactions over the past 24 months. Failure to do so shall result in any and all licenses being revoked by the Police Department for operation of such business in addition to the penalties as stated in § 137-41.

**§ 137-41. Violations and penalties.**

provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

