

AN ORDINANCE REPEALING ORDINANCES 5-61B AND 2-64 AND ADOPTING IN THEIR PLACE THIS ORDINANCE WHICH SHALL BE KNOWN AS THE RIMERSBURG BOROUGH PEDDLER'S ORDINANCE

ORDINANCE NO. 6-2017

The Borough of Rimersburg hereby ordains as follows:

Section 1. All words and phrases shall be defined according to their normal and common usage unless otherwise identified herein.

(a) The word "peddling," as used in this ordinance, shall mean engaging in peddling, canvassing, soliciting, or taking of orders, either by sample or otherwise, for any goods, wares, or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Rimersburg. Provided: the word "peddling" shall not apply to:

- (1) farmers selling their own produce,
- (2) 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
- (3) any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(b) The word "peddler," as used in this ordinance, shall mean any person who shall engage in peddling, as hereinabove defined.

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

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

Section 2. Unlawful Act. No person shall engage in peddling in the Borough of Rimersburg without first having taken out a license as herein provided.

Section 3. License Application. Every person desiring to engage in peddling in the Borough of Rimersburg shall first make application to the Borough Office for license. If such person shall also be required to obtain a license from any county officer, he shall, when making application, exhibit a valid county license. Upon such application, such person shall give his name, valid physical and mailing addresses, and valid telephone numbers; valid driver's license or other identification; his previous criminal record if any; the name of the person for whom he works if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he wishes to be licensed; the type of vehicle he uses if any; and the number of helpers he has. He and each helper shall be subject to a back ground check. Provided: 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 an individual license shall be required for each helper. No license issued under this ordinance shall be transferable from one person to another.

Section 4. Fee. No license shall be issued under this ordinance until the proper fee shall be paid to Rimersburg Borough, which shall be for the use of the Borough, which fee shall be determined by Rimersburg Borough Council Resolution.

Section 5. Issuance of License. Upon making application therefor, paying the proper fee, and obtaining the approval of the Mayor, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Borough of Rimersburg, carry such license upon his person, and shall exhibit such license to every citizen he approaches, and upon request to all police officers, Borough officials, and citizens. No peddler shall engage in selling any product not mentioned upon such license.

Section 6. Expiration of License. Any license issued pursuant to this ordinance shall become null and void fourteen (14) consecutive calendar days after the date of issuance.

Section 7. Usage Restriction. No person licensed as a peddler under this ordinance shall engage in peddling at any time on Sunday or upon any other day of the week before nine o'clock a.m. (9:00 a.m.) or after five o'clock p.m. (5:00 p.m.).

Section 8. Conduct. No person licensed as a peddler under this ordinance shall hawk or cry his wares upon any of the streets or sidewalks of the Borough, nor shall he use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

Section 9. Parking Restrictions. No person licensed as a peddler under this ordinance shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange, or clean any of his goods, wares, or merchandise; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary to sell therefrom to persons residing in the immediate vicinity.

Section 10. Roadway Restrictions. No person, licensed as a peddler under this ordinance shall occupy any fixed location upon any of the streets, alleys, or sidewalks of the Borough for the purpose of peddling, with or without stand or counter.

Section 11. Record Keeping and Notice to Police Department. Borough Office shall keep a record of all licenses issued under this ordinance and shall inform the Police Department of all active licenses under this ordinance as they are issued or renewed.

Section 12. Grounds for Denial. The Mayor of the Borough of Rimersburg is hereby authorized to deny any license and to suspend any license issued under this ordinance when he deems such denial or suspension to be beneficial to the public health, safety, or morals, or for violation of any of the provisions of this ordinance, or for giving false information upon any application for a license hereunder.

Section 13. Violation and Penalties. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs, and in default of said fine and costs to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues shall be deemed a separate offense. All penalties for all violations of this ordinance will be decided by Council Resolution.

Section 14. Repealer. This ordinance specifically repeals Ordinance 5-61b and Ordinance 2-64 and any other provision of an ordinance which is contrary to, or inconsistent with this Ordinance.

Section 15. Severability. The provisions of this ordinance shall be severable, and if any provision thereof shall be held unconstitutional, invalid, or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid, or illegal provision not been included herein.

DULY ENACTED AND ORDAINED this _____ day of _____, 2017.

ATTEST:

RIMERSBURG BOROUGH

Secretary

President

(Municipality Seal)

Approved this _____ day of _____, 2017.

Mayor of Rimersburg Borough
Clarion County