

# LOWER MT. BETHEL TOWNSHIP

## ZONING OFFICE

P.O. Box 257  
MARTINS CREEK, PA 18063  
TELEPHONE: 610-252-5074  
FAX: 610-253-8971  
E-MAIL: zoning@lowermtbethel.org

### PEDDLERS AND TRANSIENT RETAIL MERCHANTS LICENSE APPLICATION

**DIRECTIONS:** Please complete all of the following sections below. All sections must be completed with the required information requested. If the required information is not provided, a license will not be issued. Please note that any false statement or misrepresentation of fact within this application is criminal offense and subject to severe penalties of the Pennsylvania Criminal Codes.

1. Name of applicant as it will appear on the license:

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2. Address of applicant:

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3. Phone number of applicant:

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4. Drivers license number: State of issue:

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5. Year, type and color of vehicle driven:

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6. License plate number on vehicle: State of issue:

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7. Social Security number:

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8. Name, address and phone number of person for whom applicant works for:

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9. Types of goods, wares and merchandise to be peddled or solicited:

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10. Are you peddling or soliciting for funds? (circle one) Yes No If yes, what is the name of the organization? Is this organization a 501C(3) organization as registered by the Internal Revenue Service? (circle one) Yes No If you answered yes to this question, you must supply the tax identification number: \_\_\_\_\_

11. What are these solicited funds being used for?  
\_\_\_\_\_

12. How long will you be soliciting or peddling in Lower Mt. Bethel Township? \_\_\_\_\_

13. Where in the township will you be soliciting or peddling? You must be site specific. Please provide a map.  
\_\_\_\_\_

14. What type of application is this being made to peddle? (circle one) Peddlers' License Transient Retail Merchants'

## LICENSE LIMITATIONS AND REQUIREMENTS

1. Each INDIVIDUAL intending to peddle or solicit for on behalf of any legal entity shall make a personal application for such license, which individual license shall be required for each individual engaged in peddling or soliciting in Lower Mt. Bethel Township (LMBT).

2. This license is not transferable from one person to another person.

3. No person licensed as a peddler under LMBT Ordinance #2013-08 shall occupy any fixed location upon any of the streets, alleys or sidewalks of the township for the purpose of peddling, with or without any stand or counter.

4. The township may suspend any license issued under this LMBT Ordinance #2013-08 where there is a

violation of any provisions of this ordinance.

5. All licenses must be displayed if the applicant is a transient retail merchant or if a peddler, must carry the license upon his/her person and shall exhibit such license upon request to all police officers, township officials and citizens. No person shall engage in selling product not mentioned upon such license.

6. Transient retail merchants must display their goods in commercially zoned areas and cannot impede traffic flow, sight distances, parking or be in violation of any other township ordinance.

7. The license expires after one year from the date of issuance.

I HAVE READ THE ABOVE LICENSE LIMITATIONS AND REGULATIONS AND AGREE TO COMPLY WITH THESE LIMITATIONS AND REGULATIONS AND WITH ALL OTHER LOWER MT. BETHEL TOWNSHIP ORDINANCES

INCLUDING BUT NOT LIMITED TO LMBT ORDINANCE #2013-08. I ALSO UNDERSTAND AND ACKNOWLEDGE THAT

FAILURE TO COMPLY WITH THESE LIMITATIONS AND REGULATIONS AND ANY OTHER LOWER MT. BETHEL TOWNSHIP ORDINANCE SHALL BE GROUNDS FOR THE REVOCATION OF THIS LICENSE. FURTHERMORE, I VERIFY THAT THE FACTS SET FORTH IN THIS APPLICATION ARE TRUE TO THE BEST OF THEIR KNOWLEDGE, INFORMATION AND BELIEF. THIS VERIFICATION IS MADE SUBJECT TO THE PENALTIES OF THE PA. CRIMES CODE (18 Pa C.S.A. SECTION 4904) RELATING TO UNSWORN FALSIFICATION TO MUNICIPAL AUTHORITIES.

DATE

SIGNATURE OF APPLICANT

FOR OFFICE USE ONLY

LICENSE# _____	DATE OF APPLICATION _____	DATE LICENSE ISSUED _____
AMOUNT _____	CASH    CHECK	RECEIPT# _____
LICENSE EXPIRATION DATE _____	ISSUED BY _____	

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LOWER MOUNT BETHEL TOWNSHIP  
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE 2013- OF \_\_\_\_\_

"The Peddlers Ordinance"

AN ORDINANCE OF LOWER MOUNT BETHEL TOWNSHIP,  
NORTHAMPTON COUNTY, PENNSYLVANIA  
PROVIDING FOR THE LICENSING AND REGULATION OF  
PEDDLING IN LOWER MOUNT BETHEL TOWNSHIP AND  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF;  
REPEALING ORDINANCE NO. 124 AND ALL OTHER  
ORDINANCES, RESOLUTIONS, OR PARTS THEREOF  
THAT CONFLICT HEREWITH; PROVIDING FOR THE  
SEVERABILITY OF UNENFORCEABLE PROVISIONS OF  
THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE  
DATE.

WHEREAS, Lower Mount Bethel Township is a Second Class Township within the Commonwealth of Pennsylvania; and

WHEREAS, Section 1532 of the Second Class Township code, 53 P.s. 565101 et seq., as amended, authorizes the licensing and regulation of transient merchants/peddlers conducting business within the Township; and

WHEREAS, The Board of Supervisors has determined that the licensing and regulation of transient merchants/peddlers within the Township is in the best interests of the health, safety and welfare of the residents of the Township; and

WHEREAS, the Township adopted a peddlers ordinance, Ordinance 124, on or about the 10<sup>th</sup> day of April, 1972; and

WHEREAS, the Board of Supervisors desires to clarify and update the licensing and regulations of peddlers by replacing and repealing Ordinance 124 with this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Lower Mount Bethel Township, Northampton County, Pennsylvania, as follows:

SECTION 1. Short title. The Ordinance shall be known as the "Peddlers Ordinance.'

SECTION 2. Definitions.

A. The following terms shall have the meanings indicated:

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

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, or the seeking or taking of contracts or orders for any goods, wares, services or merchandise for delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences or be entering in or upon private property within the Township. The term "Peddling" shall also include the seeking or taking of contracts or orders for home or other building repairs, improvements 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.

PERSON — Any natural person, association, partnership, firm, organization, corporate entity or limited liability company.

B. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 3. License Required.

A. No person shall engage in peddling in the Township without first having obtained a license as herein provided.

B. No license shall be required for the following:

(1) Farmers selling their own produce.

(2) For 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.

(3) Children under the age of 18 years who take orders for newspapers, greeting cards, candy, bakery products, and the like for the Boy Scouts or Girl Scouts, school organizations, or similar organizations.

(4) The seeking or taking of orders by insurance agents or brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania.

#### SECTION 4. License Application.

A. Every person not falling within the license exceptions in Section 20B. above who desires to engage in peddling in the Township shall first make application to the Township Secretary 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. The application shall be upon a form provided by the Township and shall contain at least the following information:

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- (1) Full name of the applicant.
- (2) Permanent address.
- (3) Name of employer.
- (4) The nature of the goods, wares, services or merchandise offered for sale.
- (5) 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.
- (6) The type of vehicle to be used, if any.
- (7) Upon request, the applicant shall also submit to fingerprinting and furnish a photo identification.

B. Where a person makes application for himself and one or more employees, all information specified above shall be given for each employee. An individual license and fee shall be required for each employee. No license under this Ordinance shall be transferable from one person to another.

SECTION 5. License fee. The Board of Supervisors shall establish a license fee by Township Resolution which may thereafter be amended from time to time as the Board of Supervisors deems necessary. In no case will the application be accepted for review prior to payment of the applicable fee.

SECTION 6. License Term; New License. The license granted pursuant to this Ordinance shall be valid for one (1) year 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 peddling he shall be required to file a new application and pay a new license fee.

SECTION 7. License Exhibition. Such license, when issued, shall state, inter alia, the products to be sold, services to be rendered or subscriptions or contributions to be peddled by the licensee. Every peddler shall at all times, when engaged in 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 peddler shall engage in selling any product or service not mentioned on such license.

SECTION 8. Hours. No peddling shall take place on federal holidays, Sundays or on any other day of the week before 9:00 a.m. or after 6:00p.m,

#### SECTION 9. Certain Locations Prohibited.

A peddler shall not:

A. Occupy any fixed location upon any of the sidewalks, streets, highways or alleys of the Township with or without any stand or counter; or,

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B. Occupy the cartway or berm of any street or highway, or any portion or part contained within the cartway (e.g., median strip, fixed barrier, lined area, etc.).

SECTION 10. Record of Licenses, The Township Secretary shall keep a record of all licenses issued under this Ordinance.

SECTION 11. License Suspension. Revocation. Any license issued under this Ordinance may be suspended or revoked at any time by the Board of Supervisors upon proof being furnished thereto that licensee has violated any provision of this Ordinance, or that the application for the license contained false information, or that the licensee was convicted of a crime involving moral turpitude after the issuance of such license, or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township.

SECTION 12. Crying Wares, Using Noisemakers Prohibited. No peddler under this Ordinance 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.

SECTION 13. No Solicitation Sign. A resident or business may display a "No Solicitation" sign at their premises. If such a sign is displayed, a peddler shall not enter the premises for purposes of peddling.

SECTION 14. Violations and Penalties. Any person who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs; to a term of imprisonment not to exceed 90 days. Each day that a violation of this ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 15. Repealer. Ordinance 124 and any other ordinance, resolution and/or other regulation of the Township in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions and/or other regulations of Lower Mount Bethel Township, Northampton County Pennsylvania shall remain in full force and effect.

SECTION 16. Severability. The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance shall be held to be invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions hereof, other than the part determined to be invalid or unconstitutional.


SECTION 17. Effective Date. This Ordinance shall become effective five (5) days following the date of adoption by the Board of Supervisors.

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DULY ENACTED AND ORDAINED as an Ordinance of Lower Mount Bethel Township, this  / é.t day of April, 2013 by a majority of the Board of Supervisors of the Township of Lower Mount Bethel, Northampton County, Pennsylvania, at a duly advertised meeting of the Board of Supervisors at which a quorum was present. As part of this Ordinance,

the Board of Supervisors has directed that the Chairperson, or Vice-Chair in the absence of the Chairperson, execute this Ordinance on behalf of the Board.

**BOARD OF SUPERVISORS**



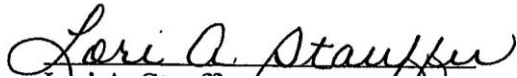
TOWNSHIP OF LOWER MOUNT BETHEL BOARD  
OF SUPERVISORS

By:

Stuart Gallaher, Chairperson

ATTEST:

ATTEST:



Lori A. Stauffer  
Township Secretary  
(Seal)



