

## Chapter 167. Peddling and Soliciting

[HISTORY: Adopted by the Board of Supervisors (now Township Council<sup>[1]</sup>) of the Township of Middletown 4-10-1961 by Ord. No. 65 (Ch. 111, Art. 1, of the 1976 Ordinance Book). Amendments noted where applicable.]

### GENERAL REFERENCES

Food establishments — See Ch. 127.

Noise — See Ch. 155.

Streets and sidewalks — See Ch. 204.

[1] *Editor's Note: The name of the Township's governing body became the Township Council as of 1-1-1978, the effective date of the Home Rule Charter.*

### § 167-1. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

#### **PEDDLER**

Any person who shall engage in peddling, as hereinabove defined.

#### **PEDDLING**

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 sidewalks or from dwelling unit to dwelling unit within the Township of Middletown; provided, the word "peddling" shall not apply to:

[Amended 9-23-2019 by Ord. No. 811]

- (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 or milk products.

#### **PERSON**

Any natural person, association, partnership, firm or corporation.

#### **SOLICITING**

The seeking or taking of contracts or orders for any goods, wares or merchandise for immediate or future delivery, or seeking contributions of money, property or services, or for services performed for the homeowner by a private individual or for-profit corporation, from dwelling unit to dwelling unit within the Township.

[Added 9-23-2019 by Ord. No. 811]

## **SOLICITOR**

Any person who shall engage in soliciting as hereinabove defined.  
[Added 9-23-2019 by Ord. No. 811]

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

## **§ 167-2. License required.**

No person shall engage in peddling in the Township of Middletown without first having taken out a license as herein provided.

## **§ 167-3. Application for license.**

[Amended 9-23-2019 by Ord. No. 811]

- A. Every person desiring to engage in peddling in the Township of Middletown shall first make application to the Township Manager for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name; address; 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; 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 chapter shall be transferable from one person to another.
- B. Each license shall be for the current year. No abatement of the annual license fee shall be made for any fractional part of a year, other than the annual license fee applied for on or after August 1 of each year, whereupon the said license fee shall be reduced to 1/2 of the original fee. All licenses shall expire on December 31 of the year in which they were issued.

## **§ 167-4. License fee.**

[Amended 6-21-1976 by Ord. No. 199; 9-23-2019 by Ord. No. 811]

Fees shall be established by the Master Fee Schedule adopted from time to time by Council resolution.

## **§ 167-5. Display of license.**

Upon making application therefor and paying for the proper fee as herein specified, 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 Township wear prominently upon his person such license as is supplied by the Township. No peddler shall engage in selling any product not mentioned upon such

license nor shall any person having a foot peddler's license operate from or with any horse-drawn or motor vehicle.

### **§ 167-6. Permitted selling times.**

No person licensed as a peddler under this chapter shall engage in peddling at any time on Sunday, or upon any other day of the week before 9:00 a.m. or after 5:00 p.m.

### **§ 167-7. Noise prohibited.**

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

### **§ 167-8. Parking.**

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

### **§ 167-9. Fixed location prohibited.**

No person licensed as a peddler under this chapter 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.

### **§ 167-10. Records.**

[Amended 9-23-2019 by Ord. No. 811]

The Township Manager shall keep a record of all licenses issued under this chapter and shall supervise the activities of all holders of such licenses.

### **§ 167-11. Suspension of license.**

The Township Manager of the Township of Middletown is hereby authorized to suspend any license issued under this chapter when he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this chapter, or for giving false information upon any application for a license hereunder.

### **§ 167-12. Additional requirements.**

[Added 9-23-2019 by Ord. No. 811<sup>[1]</sup>]

Every person to whom a license has been issued hereunder shall, in the carrying on of his business or activities in the Township, comply with the following:

- A. The licensee shall not permit any other person to have possession of their license card and shall immediately report its loss to the Police Department. The licensee shall not cause or permit their license card to be altered or defaced.
- B. The licensee shall not enter or attempt to enter any dwelling unit without invitation or permission of the occupant and shall immediately leave any premises upon request.
- C. The licensee shall immediately surrender their license card upon revocation of his license.
- D. No peddling or soliciting of any goods to any resident who has posted upon the resident's property signs such as "No Solicitation," "No Peddling," "No Trespassing," or such similar signs indicating a prohibition of entry upon resident's property.
- E. Any peddler entering upon a resident's property shall immediately leave said property when asked or instructed to do so by anyone present on the property.
- F. No peddling or soliciting of any goods from a semi-tractor/tractor trailer truck on any street, highway, sidewalk or other locations in the Township.

[1] *Editor's Note: This ordinance also renumbered former § 167-12, Violations and penalties, as § 167-13.*

## § 167-13. Violation and penalties.

[Amended 9-23-2019 by Ord. No. 811]

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than 30 days.