

**SILVER SPRING TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2015-06**

**AN ORDINANCE REGULATING TRANSIENT MERCHANTS CONDUCTING
BUSINESS WITHIN THE TOWNSHIP OF SILVER SPRING,
CUMBERLAND COUNTY, PENNSYLVANIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SILVER SPRING AS FOLLOWS:

SECTION 1. Definitions

“Transient Merchants” shall mean person seeking or taking or contracts or orders for any goods, wares, services or merchandise for future delivery or 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 or her in traveling, or has in his or her possession, or for subscriptions or contributions upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the Township of Silver Spring and shall further mean the seeking or taking of contracts or orders for home or other building repairs; improvements and alterations; and also order or contracts for any mechanical, electrical, plumbing or heating device or equipment for a house of other building improvements or repairs, upon places aforesaid within said Township.

“Person” shall mean any natural person, association, partnership, firm, organization or corporation.

SECTION 2. No person shall engage as a transient merchant in the Township of Silver Spring without first having been issued a license as herein provided.

SECTION 3. This ordinance shall not apply to farmers selling their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose or the imposition or collection of any of any license fee upon insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania.

SECTION 4.

(a) Every person desiring to engage as a transient merchant in the Township of Silver Spring shall first make application to the Township for a license. The said application shall be upon a form provided by the Township and shall contain at least the following information verified by oath or affirmation:

- (1) Full name of the applicant and local address, if any.
- (2) Permanent address

- (3) Name of employer or a statement that the applicant is self-employed.
- (4) The nature of the goods, wares, services or merchandise offered for sale and the manner in which it will be offered.
- (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 imposed.
- (6) The type of vehicle to be used, if any, including the make, model and year and license plate number.
- (7) Three business references who have known the applicant for three (3) years or more.

(b) Where a person makes application for himself and one or more other persons, all applicable personal information specified above shall be given for each person and verified or affirmed by oath or affirmation by the person to be licensed. An individual license shall be required for each transient merchant. No license under this Ordinance shall be transferable from one person to another.

(c) No license shall be issued under this Ordinance sooner than fifteen (15) days after the date of application for a license is made to the Township.

(d) The Township may refuse to issue a license to any applicant convicted of a crime.

SECTION 5: No license shall be issued under this Ordinance until the sum of Twenty-Five Dollars (\$25.00) per month has been paid to the Township for the use of the Township. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually engage as a transient merchant. This provision shall apply notwithstanding an employer desiring to secure licenses for more than one (1) employee, agent or servant.

SECTION 6: The licenses granted pursuant to this Ordinance shall be valid for three (3) months after the date of issuance. Such license when issued shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every transient merchant shall at all times when engaged as a transient merchant in the Township of Silver Spring, carry such license upon his or her person, as well as a photo identification badge issued to the applicant by the Township Police Department. Every transient merchant shall exhibit the license and photo identification badge to all police officers, Township officials and citizens. No transient merchant shall engage in selling any product or service not set forth on such license.

SECTION 7: No person licensed as a transient merchant under this Ordinance shall engage in the sale of any product or service on any day of the week before 9:00 a.m. prevailing time and after 8:00 p.m. prevailing time or sunset, whichever occurs first.

SECTION 8: The Township Secretary shall keep a record of all licenses issued under this Ordinance and the Township Police Department shall monitor the activities of all holders of such licenses.

SECTION 9: Any license issued under this Ordinance may be suspended or revoked at any time by the Township Secretary or the Township Police Department for the following reasons: (1) the application for the license contained false information; (2) the licensee was convicted of a crime after the issuance of such license; (3) the licensee violates any Township Ordinance or other applicable law; or (4) repeated complaints from Township residents.

SECTION 10: No person licensed as a transient merchant under this Ordinance shall hawk or cry his or her wares or services upon any of the streets or sidewalks of the Township nor shall he or she use any loudspeaker, bell, whistle or other device for announcing his or her presence.

SECTION 11: Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not exceeding one thousand dollars (\$1,000.00), plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned in the Cumberland County Prison, to the extent allowed by law for the punishment of summary offenses. Each day a violation exists shall constitute a separate offense.

SECTION 12: The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as it such unconstitutional, illegal or invalid provision had not been included therein.

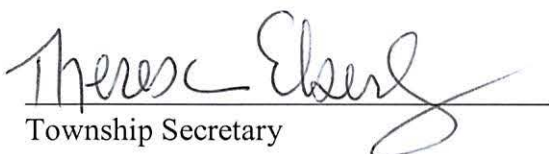
SECTION 13: Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 14: This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 2015-06 this 14th day of October, 2015 by the Board of Supervisors of the Township of Silver Spring.

ATTEST:

**BOARD OF SUPERVISORS
TOWNSHIP OF SILVER SPRING**


Township Secretary


Chairman