

# Plainfield Township

6292 Sullivan Trail  
Nazareth, Penna. 18064

Phone 610-759-6944



## **TRANSIENT RETAIL BUSINESS LICENSE APPLICATION**

***\*IMPORTANT: This application shall be completed by the individual who will be physically conducting the transient retail business activities. No one else may complete this application on behalf of that individual. \****

### **APPLICANT INFORMATION:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Driver's License Number: \_\_\_\_\_

### **REQUIRED INFORMATION (Per Ordinance §13-104):**

1. Criminal Record (if any): \_\_\_\_\_

2. Name and address of employer (if applicable):

Employer Name: \_\_\_\_\_  
Employer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

3. Type of goods, wares or merchandise you wish to sell:

\_\_\_\_\_  
\_\_\_\_\_

4. Length of time for which license is requested (maximum one year from start date):

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

5. Vehicle Information (if applicable):

Vehicle Type: \_\_\_\_\_ License Plate Number: \_\_\_\_\_  
Make/Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

### **STATE/COUNTY LICENSES:**

Do you hold any other required state or county licenses for this business? Yes \_\_\_\_ No \_\_\_\_

If yes, please provide type: \_\_\_\_\_

License Type: \_\_\_\_\_

Issuing Authority: \_\_\_\_\_  
License Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

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**ORDINANCE COMPLIANCE ACKNOWLEDGMENT:**

I acknowledge that I have read and understand the requirements of Plainfield Township Ordinance Chapter 13 (Attached). I agree to comply with all provisions of Plainfield Township Ordinance Chapter 13. Providing false information may result in denial or revocation of the license.

**SIGNATURE:**

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Full Name: \_\_\_\_\_

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**FOR OFFICE USE ONLY:**

Application Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_ Payment Method: \_\_\_\_\_ Check Number: \_\_\_\_\_

Background Check: Complete \_\_\_\_\_ Pending \_\_\_\_\_ N/A \_\_\_\_\_

State/County License Verified: Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

License Number Issued: \_\_\_\_\_ Issue Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ Approved By: \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

Reason for Denial (if applicable):

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## Chapter 13. Licenses, Permits and General Business Regulations

### Part 1. TRANSIENT RETAIL BUSINESS

#### § 13-101. Definitions.

[Ord. 375, 8/12/2015<sup>[1]</sup>]

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**LEGAL HOLIDAY**

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

**PERSON**

Any natural person, partnership, association, corporation or other legal entity.

**TRANSIENT RETAIL BUSINESS**

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Township of Plainfield. Said activity may not be conducted on any Township land designated as a public park or used by the Township for recreation purposes; or
  - B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Township of Plainfield, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays. However, said activity may not be conducted on any Township land designated as a public park or used by the Township for recreation purposes.
2. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter,

[1] *Editor's Note: This ordinance also specifically repealed Ords. 216, 280, and 299.*

#### § 13-102. License Required; Conditions of Issuance; Fee.

[Ord. 375, 8/12/2015]

No person shall engage in any transient retail business within the Township of Plainfield without first having obtained a permit from the Township Secretary, for which a fee for said permit shall be charged, which fee shall be established pursuant to a resolution of the Board of Supervisors.

#### § 13-103. Exceptions.

[Ord. 375, 8/12/2015]

No transient retail business license fee shall be charged:

1. To farmers selling their own produce;
2. For 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;
3. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;
4. To children under the age of 18 years who are taking orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations;
5. To any honorable discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. § 61 (1982), hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;
6. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;
7. To any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. § 160-1 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; or
8. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Secretary and obtain a license without the payment of a fee; provided, any person dealing in one or more of the above-mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided further, the Secretary may similarly exempt from payment of the license fee, but not from registering with him/her, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. Provided further: every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

## § 13-104. License Application.

[Ord. 375, 8/12/2015]

Every person desiring a license under this Part shall first make application to the Secretary for such license. When making such application, said person shall exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

1. His criminal record, if any;
2. Name and address of the person by whom he is employed;
3. Type of goods, wares or merchandise he wishes to deal with in such transient retail business;
4. Length of time for which license is to be issued; and
5. Type and license number of the vehicle to be used, if any.

## § 13-105. Application Fee.

[Ord. 375, 8/12/2015]

Every person desiring a license shall file with the application as described in § 13-104, a fee in the amount of \$25, which shall be nonrefundable in the event of rejection of the application or revocation of the license.

## § 13-106. Issuance of License; Custody, Display and Exhibit.

[Ord. 375, 8/12/2015]

Upon receipt of such application and the prescribed fee, the Secretary, if he/she shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officers and citizens and residents of the Township of Plainfield.

## § 13-107. Prohibited Acts.

[Ord. 375, 8/12/2015]

No person in any transient retail business shall:

1. Sell any product or type of product not mentioned in his license;
2. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township of Plainfield;
3. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township of Plainfield for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
4. Park any vehicle upon any of the streets or alleys in the Township of Plainfield for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which become unsaleable through handling, age or otherwise;
5. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after 5:00 p.m., on any day of the week other than a Sunday or legal holiday; and
6. Engage in any business activity, peddle, solicit, sell and/or take orders on real property owned by Plainfield Township, which property is designated as a park, and/or recreation area and which property's uses include but are not limited to, baseball, softball, soccer and/or any other recreational activities.

## § 13-108. Supervision; Records and Reports.

[Ord. 375, 8/12/2015]

The Secretary shall supervise the activities of all persons holding licenses under this Part. He/she shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Supervisors.

## § 13-109. Denial, Suspension and Revocation of License; Appeal.

[Ord. 375, 8/12/2015]

The Secretary is hereby authorized to deny, suspend or revoke any license issued under this Part when he/she deems such denial, suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provisions of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Board of Supervisors at any time within 10 days after such suspension, revocation or denial and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

## § 13-110. Waiver Request.

[Ord. 375, 8/12/2015]

Any person may, pursuant to a written request to the Board of Supervisors of Plainfield Township, seek a waiver from the strict requirements of this Part. The Board of Supervisors, upon the receipt of such written request, shall review the request in a timely manner and consider how the waiver would impact the Township at large. If the Board of Supervisors finds that granting the waiver request will not negatively impact the Township and/or have an adverse effect on the residents of Plainfield Township, then the Board of Supervisors may grant such waiver request.

## § 13-111. Penalties.

[Ord. 375, 8/12/2015]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$500, and in default of payment, to imprisonment for not more than 30 days. Each day that a violation of this Part continues shall constitute a separate offense.