

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 34 – LICENSED OCCUPATIONS

[HISTORY: Adopted by the Council of the Borough of Northumberland: Article II, 5-3-26 as Ord. No. 60; Article I and III upon adoption of Code, and ~ 34-13 amended upon adoption of Code; see Ch. 1 General Provisions. Other amendments noted where applicable.]

ARTICLE I – PEDDLING, CANVASSING, TRANSIENT MERCHANTS

General References: Amusements - see Ch. 22

Peace and good order - see Ch. 40.

Zoning - see Ch. 61.

34.1.01 License required. (34-1)

It shall be unlawful for any peddler, canvasser or transient merchant, as defined in 34.1.2 of this Article, to engage in any such business within the Borough of Northumberland without first obtaining a license therefor in compliance with the provisions of this Article.

34.1.02 Definitions. (34-2)

When used in this Article, the following terms shall have the following meanings:

Canvasser

Any person, whether a resident of the Borough of Northumberland or not, who goes from house to house, from place to place or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

Peddler

Any person, whether a resident of the Borough of Northumberland or not, who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers.

Transient Merchant

Any person, whether a resident of the Borough of Northumberland or not, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a market stand, at or near the highways or streets of the borough, for sale of goods, wares, merchandise or to offer or expose the same for the sale or for future delivery and sale. [Temporarily and short time shall be construed as three (3) months or less.]

34.1.03 Exemptions. (34-3)

The terms of this Article shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor newsboys, nor the acts of merchants or their employees in delivering goods in the regular course of business; nor shall the terms of this Article be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of, or offer to vend, sell or dispose of, the products of the farm or garden occupied and cultivated by him; nor shall it apply to any manufacturer or producer selling bread

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and bakery products, meat and meat products, or milk and milk products; nor shall it apply to the sale of the Holy Bible or any religious or holy object, medal, crucifix or cross used in the worship of God; nor shall this Article apply to a veteran of the armed forces of the United States who shall have participated in any war of the United States, who has first previously been authorized by the proper authorities of Northumberland County, Pennsylvania, as a vendor or peddler; provided, however, that the peddlers or vendors of Bibles and other religious articles and said veterans of the armed forces must first register and make application for a license as required in 34.1.4 of this Article, without fee. Nothing contained in this Article shall be held to prohibit any sale required by statute or by order of any court nor to prevent any person from conducting a bona fide auction sale pursuant to law.

34.1.04 Application. (34-4)

- A. Applicants for a license under this Article must file with the Borough Secretary a sworn application in writing on a form to be furnished by the borough, which will give the following information:
 - 1. Name and physical description of applicant.
 - 2. Complete, permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
 - 3. A brief description of the nature of the business and the goods to be sold.
 - 4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
 - 5. The source of supply of the goods or property proposed to be sold, or for which orders are to be taken for the sale thereof, and the proposed method of delivery.
 - 6. A recent photograph of the applicant, which picture shall be approximately two by two (2 x 2) inches, showing the head and shoulders of the applicant in a clear and distinguishable manner.
 - 7. Submit his or her fingerprints upon a noncriminal file card.
 - 8. A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or any violation of any municipal ordinance other than traffic violations, and the nature of the offense and punishment or penalty assessed therefor.
- B. This application shall be accompanied by an initial fee as set by council resolution to cover the expense of investigation, which fee shall be payable to the Borough of Northumberland.
- C. The application, containing information as to all matters inquired of, shall be turned over by the Borough Secretary to the Police Department of the borough for investigation of the applicant.

34.1.05 Investigation and issuance of license. (34-5)

- A. Upon receipt by the Police Department of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public safety.
- B. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the Borough Secretary, who shall, upon payment of the prescribed license fee, deliver to the applicant his or her license within seventy-two (72) hours after the application has been filed by the applicant with the Secretary, except as provided in 34.1.6.
- C. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Borough Secretary shall keep a permanent record of all

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licenses issued and applications rejected, and shall also issue a monthly report to the Borough Council of said applicants and moneys received.

34.1.06 Review of certain applications after investigation. (34-6)

- A. After investigation of an applicant and approval by the Chief of Police of the application as set forth in ~ 34-5 hereof, but before the issuance of a license, the Borough secretary and the Chief of Police shall determine; in the case of an applicant purporting to be engaged in interstate commerce or claiming a statutory exemption:
1. Whether or not the applicant is of good personal and moral character, and
 2. Whether the product to be sold by said peddler or canvasser is a nationally known and advertised brand of household article or articles, and
 3. Whether applicant has proved that he is the lawfully appointed representative of said nationally advertised brand of household goods and wares, and
 4. Whether the applicant serves a regular route or clientele of not less than fifty (50) customers in the Borough of Northumberland.
- B. The Chief of Police and the Borough Secretary shall, upon such proof, certify said application to the Borough Council at the next regular meeting of said Council for determination as to whether the applicant must pay the fees as set forth in 34.1.8 hereof and file a bond as set forth in 34.1.9 hereof.
- C. If Council at said regular meeting, by a majority vote, approves a resolution to that effect, and the Mayor approves said resolution, then the Secretary may issue said applicant a license without paying the fees as set forth in 34.1.8-of this Article or filing a bond as set forth in 34.1.9.

34.1.07 Religious and charitable organizations: exemption. (34-7)

- A. The provisions of 34.1.4, 34.1.8 and 34.1.9 shall not apply to any person, organization, society, corporation, or other entity which is purely religious, political, charitable, or otherwise not for profit in character and which executes the sworn application furnished by the Borough Office: [Amended 9-4-01 by Ord. 2001-9.]
1. Name and purpose of the cause for which permit is sought.
 2. Name and address of the officers and directors of the organization.
 3. Period during which solicitation is to be conducted.
 4. Whether or not any commission, fees or wages are to be expended in connection with such solicitation, and the amount thereof.
- B. This ordinance does not require the issuance of a permit to any person, organization, society, corporation or other entity who is entitled by the United States Constitution to engage in canvassing without a permit. [Added 9-4-01 by Ord. 2001-9.]

34.1.08 Fees. (34-8)

- A. Fees hereunder shall be set by resolution of council. [As passed 12/18/2001 as part of Ordinance 2001-13, all fees for this and subsequent parts of the borough code are determined by council resolution.]
- B. None of the license fees provided for under this section shall be so applied as to occasion an undue burden neither upon interstate commerce nor upon the manufactures within this commonwealth and their agents who are within Section 2905 of the Borough Code.
- C. Every applicant for a license as a transient merchant as defined in this Article, whether a resident of the borough or not, who hires, leases or occupies a room, apartment, store, shop, building or other structure

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for the exhibition and sale of goods, wares or merchandise, shall, before commencing such business, comply with this Article, and in addition to the initial fee provided for in ~ 34-4 hereof, shall pay for such license a set fee as determined by council resolution; and said license fee or fees shall be paid monthly in advance to the Borough Secretary.

34.1.09 Bond. (34-9)

Every applicant, whether a resident of the borough or not, who does not have real or personal assets, or both, to the clear value of at least one thousand dollars (\$1,000.00), within the Borough of Northumberland, or who represents a corporation whose principal place of business is located outside the County of Northumberland, shall file with the Borough Secretary a surety bond payable to the Borough of Northumberland in the amount of two hundred fifty dollars (\$250.00) if the license is issued for less than six (6) months, and five hundred dollars (\$500.00) if the license is issued for more than six (6) months, with surety acceptable to and approved by the Borough Secretary, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the Borough of Northumberland, Northumberland County, and the statutes of the State of Pennsylvania regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, and guaranteeing to any citizen of the Borough of Northumberland that all moneys paid as down payment will be accounted for and applied according to representations of the licensee, and further guaranteeing to any citizen of the Borough of Northumberland doing business with a solicitor that the property or object purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought by the person or persons aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying pursuant to order of the court the face amount of the bond to the clerk of court in which suit is commenced, be relieved without costs of all further liability.

34.1.10 Loud noises and speaking devices. (34.10)

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets, alleys, parks or other public places of the Borough of Northumberland or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

34.1.11 Use of streets; time restrictions. (34.11)

- A. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.
- B. No licensee shall be permitted to solicit before 9:00 a.m. or after 12:00 noon neither on Saturdays nor before 9:00 a.m. or after 4:00 p.m., weekdays, Eastern Standard Time. [Amended 9-4-01 by Ord. 2001-9.]
- C. A Farmers Market is permitted from 7:00 a.m. to Noon on Saturdays at such places as the council may designate by resolution. [Added 9-4-01 by Ord. 2001-9.]

34.1.12 Exhibition of license. (34.12)

Licensees are required to exhibit their certificate of license at the request of any citizen.

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ARTICLE II – MOBILE FOOD FACILITIES

[Amended 2022-12 by Ord. 2022-B] [Adopted 5-3-26 as Ord. No. 60]

34.2.01 License required. (34-13)

No person shall operate a mobile food facility (MFF) having a commissary/service area located within the Borough of Northumberland without first obtaining a license to operate a public eating and drinking place from the Pa Department of Agriculture or a Local Health Department. The license shall be posted in the food facility in a conspicuous place so as to be seen by customers, vendors, employees, and patrons of the subject facility. License application shall be made in accordance with the Mobile Food Facility Operation Guide published by the PA Department of Agriculture, and the licensing processes as outlined in Article II and the associated fees shall apply.

34.2.02 Operation of mobile food facilities. (34.14)

The owner/operator shall comply with statutes and regulations of the Commonwealth of Pennsylvania with regard to cooking, utensils, refrigeration, appliances, materials and food storage and other matters, and a license issued by the Department of Agriculture shall be prominently displayed on the MFF for view by patrons.

34.2.03 Mobile food facility design.

MFFs shall be designed to be attractive and shall not display any words or images that are obscene or pornographic.

34.2.04 Trash.

MFFs shall have a trash receptacle with a tight-fitting lid, and the owner/operator shall be responsible for the disposal of trash generated by its business. Owner/operators are responsible for proper disposal of the trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation, but not in receptacles provided for by the Borough of Northumberland.

34.2.05 Signage.

Only signs identifying the owner/operator's name, business name and contact/social media information and a listing of the items available for sale are permitted on an MFF.

34.2.06 Fire extinguisher required.

All MFFs equipped with a heat source shall be equipped with a serviceable fire extinguisher.

34.2.07 Operation locations/limitations.

While operating in the Borough of Northumberland, the following provisions regarding operating locations shall be followed.

- A. An MFF may operate on private property only with the permission of the owner of said property.
- B. When operating on a public street, the MFF shall be placed in such a way as the customer service area is positioned away from vehicle traffic.
- C. An MFF shall remove its portable facility each day and return to its permanent commissary or service area when having ceased food service operations.
- D. When operating in a Residential or Neighborhood Business Zoning District, the MFF shall be prohibited from running generators or creating noise in violation of the Borough's Noise Ordinance.

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ARTICLE III – PENALTIES

34.3.01 *Violations and penalties. (34-15)*

- A. [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of the borough code are determined by council resolution.]
- B. The Council may require a deposit in advance of a public gathering to offset costs associated with crowd control, traffic control, and other expenses of a large public gathering. Provided, however: nothing herein shall be deemed to limit the right of the public to peaceably assemble for purposes protected by the First Amendment of the U.S. Constitution.