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ARTICLE 303  
Transient Merchants

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**303.01 LICENSE REQUIRED**

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor as defined in Section 303.02 of this Article to engage in such business within the corporate limits of the City of Franklin without first obtaining a license therefor in compliance with the provisions of this Article. (Ord. 26 of 1973, Sect. 1, Passed 12-31-73)

**303.02 DEFINITIONS**

For the purpose of this Article, a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, room, shop, or any other location within the City, for the exhibition and sale of such goods, wares and merchandise, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying a temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. Transient and itinerant merchants or vendors, as defined herein, shall not be relieved from complying with the provisions of this Article merely by reason of associating temporarily with a local dealer, trader or merchant, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader or merchant. The provisions of this Article shall not be deemed as applying to farmers or other persons selling their own produce. (Ord. 26 of 1973, Sect. 2, Passed 12-31-73)

**303.03 APPLICATION**

Applicants for license under this Article, whether a person, firm or corporation, shall file a written sworn application, signed by the applicant, if any individual, by all partners if a partnership and by the President if a corporation, with the City Clerk, showing:

- a.) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be operating in the city of Franklin; the local address or addresses of such person or persons while engaged in such business; the permanent address or

addresses of such person or persons; the capacity in which each will act (that is, whether as a proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;

- b.) The fingerprints of the person or persons having the management or supervision of applicant's business or, in lieu thereof, at least three letters of recommendation from reliable property owners in Venango County, Pennsylvania, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Mayor the good character and business responsibility of such person or persons;
- c.) The place or places in the City of Franklin where it is proposed to carry on the applicant's business, and the length of time during which it is proposed that said business shall be conducted;
- d.) The place or places other than the permanent place of business of the applicant where applicant within six months preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- e.) A statement of the nature, character and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the City of Franklin, together with a statement showing where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time the application is filed;
- f.) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising, whether by handbill, circular, newspaper advertisement, or otherwise, shall be attached to said application as exhibits thereto;
- g.) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
- h.) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative;

- i.) Such other reasonable information as to the identify or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purposes of this Article in the protection of the public good;
- j.) All applications shall be accompanied by payment of a fee in the amount of Twenty-five (\$25.00) Dollars, payable to the City, to defray the cost of registration, regulation and supervision, as provided in this Article.

(Ord. 26 of 1973, Sect. 3, Passed 12-31-73)

#### 303.04 INVESTIGATION AND ISSUANCE

Upon the receipt of an application, the City Clerk shall cause such investigation of the applicant's business responsibility and moral character to be made as is deemed necessary to protect the public good. If, as a result of said investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the City Clerk shall so certify and a license shall be issued. The City Clerk shall keep a full record of all licenses issued. Such licenses shall contain the number of the license, the date of issuance, the nature of the business authorized to be carried on, the amount of fee paid, the expiration date of said license, and the name or names of the person or persons authorized to carry on the same. No license issued hereunder shall be transferred without written consent from the Mayor as evidenced by an endorsement on the face of the license by the City Clerk showing to whom the license is transferred and the date of the transfer.  
(Ord. 26 of 1973, Sect. 3, Passed 12-31-73)

#### 303.05 BOND REQUIRED

Before any license, as provided by this Article, shall be issued for engaging in a transient or itinerant business as defined in Section 303.02 of this Article, such applicant shall file with the City Clerk a bond running to the City of Franklin in the amount of One Thousand (\$1,000.00) dollars, executed by the applicant, as principal, and two sureties upon which service of process may be made in the Commonwealth of Pennsylvania; said bond to be approved by the City Solicitor, conditioned that the said applicant shall comply fully with all the provisions of the Ordinances of the City of Franklin and the statutes of the Commonwealth of Pennsylvania, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against such applicant for any violation of such said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practised by the owner or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved persons. Such bond must be approved by the City Solicitor, both as to form and as to the responsibility of the sureties thereon.  
(Ord. 26 of 1973, Sect. 5, Passed 12-31-73)

### 303.06 EXHIBITION OF LICENSES

The license issued under this Ordinance must be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one location within the City, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business. (Ord. 26 of 1973, Sect. 6, Passed 12-31-73)

### 303.07 ENFORCEMENT

It shall be the duty of the police officers of the City of Franklin to examine all places of business and persons in their respective territories subject to the provisions of this Article to determine if this Article has been complied with and to enforce the provisions of this Article against any person found to be violating the same. (Ord. 26 of 1973, Sect. 7, Passed 12-31-73)

### 303.08 RECORDS

The City Clerk shall deposit the record of fingerprints of the licensee, together with the license number, with the Public Safety Director. The Public Safety Director shall report to the City Clerk all complaints received against any person licensed under the provisions of this Article and any conviction for violation of this Article. The City Clerk shall keep a record of all such licenses and of such complaints and violations. (Ord. 26 of 1973, Sect. 8, Passed 12-31-73; Ord. 6 of 1986, Sect. 2, Passed 8-18-86)

### 303.09 REVOCATION OF LICENSE

The permits and licenses issued pursuant to this Article may be revoked by the Mayor of the City of Franklin, after notice and hearing, for any of the following causes:

- a.) Any fraud, misrepresentation or false statement contained in the application for the license;
- b.) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- c.) Any violation of this Article;
- d.) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- e.) Conducting the business licensed under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

Notice of a hearing for the revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing. (Ord. 26 of 1973, Sect. 9, Passed 12-31-73)

### 303.10 APPEAL

Any person aggrieved by the decision of the City Clerk in regard to the denial of an application for license as provided in this Ordinance or in connection with the revocation of a license shall have the right to appeal to the Franklin City Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the decision of the City Clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. Council shall set a time and place for the hearing of such appeal and notice shall be given to such person in the same manner as provided in this Article for notice of hearing on revocation. The order of Council on such appeal shall be final. (Ord. 26 of 1973, Sect. 10, Passed 12-31-73)

### 303.11 EXPIRATION OF LICENSE

All licenses issued under the provisions of this Article shall expire ninety (90) days after the date of issuance thereof, unless a prior date is fixed thereon. (Ord. 26 of 1973, Sect. 11, Passed 12-31-73)

### 303.99 PENALTY

A person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed One Hundred (\$100.00) Dollars or by imprisonment not to exceed sixty (60) days or both fine and imprisonment. (Ord. 26 of 1973, Sect. 12, Passed 12-31-73)