

ORDINANCE NO. 5-2018

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AN ORDINANCE OF THE TOWNSHIP OF CENTER, BEAVER COUNTY,  
PENNSYLVANIA PROVIDING REASONABLE REGULATION OF  
TRANSIENT RETAIL BUSINESS AND SETTING FORTH PENALTIES FOR  
VIOLATIONS THEREOF

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Now therefore be it ORDAINED and ENACTED and it is hereby ordained and enacted by the Board of Supervisors of the Township of Center:

**Article I: DEFINITIONS**

As used in this article, the following terms shall have the meanings indicated such that the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter:

*PERSON*

Any natural person, partnership, association, firm, corporation, or business of any type

*TRANSIENT RETAIL BUSINESS*

Includes the following:

- (1) Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods wares or merchandise upon any street or alley, sidewalk or public ground or from house to house within the Township of Center; or
- (2) Soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township, on a temporary basis, which shall include but shall not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

**Article II: LICENSING REQUIREMENT; EXCEPTIONS**

No person shall engage in any transient retail business within the Township of Center without first having obtained from the Township Office a license, for which a fee shall be paid, for the use by the Township. Provided, however, that no license fee shall be charged to the following:

- (1) To farmers selling their own produce;
- (2) For the sale of goods, wares and merchandise, donated by the owner thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose; or
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;

All persons exempt hereby from payment of the license fee shall be required to register with the Township, obtain a license (without fee), and obtain a background check as set forth herein;

Provided, further, that any person dealing in one or more of the hereinabove-mentioned exempted categories and also selling other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed set forth in Article III for his or her activity in connection with the sale of goods, wares and merchandise not in such exempt categories;

Provided, further, that the Township may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares and merchandise for the sole benefit of any nonprofit group;

Provided, further, that every license issued under the provisions of this article shall be issued on an individual basis to 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.

### **Article III: LICENSE FEE**

The license fee, per individual, for engaging in transient retail business, regardless of whether on behalf of an employer, business entity or company, shall be \$300.00 per year. The license fee may be amended by Resolution of the Board of Supervisors, which fee is primarily established to defray the cost of background checks and license production and issuance.

### **Article IV: LICENSE APPLICATION**

Every person desiring a license under this article shall first make application to the Township for such license. If such person shall also be required to obtain a license from any state or county officer, he/she shall furnish proof of said license to the Township. The application shall contain the following information:

- (1) his/her full name and address;
- (2) his/her previous criminal record if any, as may be revealed by the Center Township Police Department, through a current national criminal background check conducted by Intelius web based National Criminal History Check or by other substantially similar means selected by the Township and its Police Department from time to time;

- (3) the name of the person or entity by whom he/she is employed;
- (4) the type of goods, wares and merchandise he/she wishes to deal with in such transient retail business;
- (5) the length of time for which such license is to be issued;
- (6) the type and license number of the vehicle(s) to be used by him/her in such transient retail business, if any :and
- (7) the name of his/her automobile insurance company or the name of any other insurance company which may provide coverage for the activities in which he/she intends to engage, together with written proof of insurance.

#### **Article V: REVIEW**

Upon receipt of the application and the prescribed fee, the Township Secretary and Police Chief or his designee shall, without unnecessary delay, take such action as may be necessary to verify the identity and of the applicant and/or its employees if applicable, and to verify the statements and information contained in the application. Upon completion of that review, if the Township is satisfied that the applicant is of good character and that the business is legitimate and is verified to exist, shall endorse his/her approval upon the application. If the information provided is incomplete, substantially misleading, or the Township is unable to verify material information in the application, the staff member shall indicate upon the application his/her reasons for recommending that such license not be issued.

#### **Article VI: ISSUANCE OF LICENSE**

Following review of any application under this article, the Township Secretary or other staff member, shall notify the applicant if the application has been approved or disapproved. If approved, a license shall be issued in accordance with the application and the business entity of every individual shall be listed on that individual's license.

The Township Secretary upon receipt of payment for the license fee, shall provide the applicant with a Solicitation License, a permit card for each person and a copy of the Township No Knock list and No Knock Policy, which may be amended from time to time. These articles remain the property of the Township of Center and must be promptly returned by the applicant to the Township Secretary at the conclusion of the term of Solicitation set forth in the application.

#### **Article VII: DISPLAY OF LICENSE**

Every license holder shall carry such license and Township permit card upon his/her person if engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground or shall display such license at the location where he/she engages in such business if doing so at a fixed location. Persons shall exhibit such license and official Township permit card upon his/her person and to be worn on his/her outer most garment so that permits can be seen by anyone.

### **Article VIII: PROHIBITED ACTIVITIES**

No person engaged in any transient retail business shall be permitted to:

- (1) Sell any product or type of product not mentioned in his license.
- (2) Hawk or cry his wares upon any street, alley, sidewalk or public ground.
- (3) When selling from a vehicle, stop or park such vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.
- (4) Park any vehicle upon any street or alley in the Township for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any cartons or wrapping material or of any stock of wares or foodstuffs which may have become unsalable through handling, age or otherwise.
- (5) Engage in any such business, on a house-to-house basis, at any time on Sunday or on any other day of the week at any time before 9:00 a.m. or after 6:00 p.m., except on advance appointments.
- (6) Go in or upon any private residence in the Township without having been requested or invited to do so by the owner or occupant of such residence.

### **Article IX: SUSPENSION OR REVOCATION**

The Board of Supervisors, by and through its designee, is hereby authorized to suspend or revoke any license issued under this article when deemed such suspension or revocation to preserve to the health, safety or morals of the Township and its inhabitants, or for violation of any provision of this article, or for giving false information on the application for the license hereunder.

### **Article X: APPEAL**

Any person aggrieved by the action of the Township in granting or refusing to grant a license under this article or by suspending or revoking a license, shall have the right of appeal from such action to the Board of Supervisors of the Township of Center. Every such appeal shall be in writing, setting forth the matters objected to, and shall be filed with the Township Secretary within ten (10) days after the action appealed from. Such appeals shall be heard by the Board of Supervisors of the Township of Center at its next regular meeting following the appeal, unless either party requests a postponement. In no event shall the hearing be held more than thirty (30) days after the date the appeal is filed with the Township Secretary. A stenographic record of the hearing shall be made, the cost of which shall be paid by the person requesting the appeal. The Township shall be permitted to require the applicant to deposit money in advance of the hearing in an amount estimated to be the cost of the services to be provided by the stenographer. The decision of the Board of Supervisors shall be sent by any available electronic means, or by regular or by certified mail to the applicant without unreasonable delay. In case of suspension or revocation of a license, no part of the license fee shall be refunded to the person whose license shall have been suspended or revoked.

**Article XI: PENALTIES**

Any person who violates any of the provisions of this article shall be guilty of a summary offense and shall upon conviction for every such violation, upon conviction thereof, be subject to a fine of up to \$250 per day per violation. Each day on which a violation occurs shall be deemed a separate offense.

**Article XII: FORMS AND SIGNS**

A "Solicitation License"; "No Knock List"; "Notice of No Solicitation or Peddling Without License Form" may be generated and revised from time to time by Resolution of the Board of Supervisors, and shall be issued to an approved applicant, kept by the Township and prominently displayed by the Township Resident, respectively.

Any resident choosing to be placed on the "No Knock List" shall prominently display a placard which is visible at the entrance of their residence or business in a format approved by the Township.

The Township may also direct the posting of signage at places throughout the Township identifying to those entering the Township boundaries that solicitation regulated under this Ordinance may require a permit.

**Article XIII: SEVERABILITY**

If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

**Article XIV: REPEALER**

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

**SEAL**

**TOWNSHIP OF CENTER**

**ATTEST:** Michael DeLong  
Township Secretary

Will DeLong  
Chairman of the Board of Supervisors of the  
Township of Center

Approved this 21st day of May, 2018

**TOWNSHIP OF CENTER  
SOLICITATION PERMIT**

**Date:** \_\_\_\_\_ **Tag ID Number** \_\_\_\_\_

**TOWNSHIP SECRETARY** \_\_\_\_\_

**Rachael DelTondo**

**CHIEF OF POLICE** \_\_\_\_\_

**Chief Aldo Legge**