

TOWNSHIP OF CENTER
ORDINANCE NO. 4-2024

AN ORDINANCE OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, AMENDING ARTICLE VIII SECTION 5 OF ITS ORDINANCE REGULATING TRANSIENT RETAIL BUSINESS, AS ENACTED BY ORDINANCE NO. 5-2018, TO EXTEND THE PERMISSIBLE HOURS OF TRANSIENT RETAIL BUSINESS BETWEEN THE HOURS OF 9 A.M. AND 9 P.M., AND TO ALLOW FOR TRANSIENT RETAIL BUSINESS ACTIVITIES ON SUNDAY.

WHEREAS, the Township is empowered to and does regulate transient retail business through its Transient Retail Business Ordinance, as adopted in Ordinance No. 5-2018;

WHEREAS, Township Board of Supervisors has been advised by the Township Solicitor that certain time restrictions in the current Ordinance, that limit permissible hours of transient retail business activities to between the hours of 9:00 a.m. and 6:00 p.m. and not at all on Sunday, may be susceptible to legal challenge based on recent federal caselaw; and

WHEREAS, Township Board of Supervisors, accordingly, desires to amend Article VIII Section 5 of its Transient Retail Business Ordinance, to establish updated permissible hours of regulated transient retail business activities under the Ordinance, to between the hours of 9:00 a.m. and 9:00 p.m., and to allow for regulated transient retail business activities on Sunday.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Board of Supervisors of the Township of Center, and it is hereby ordained and enacted by and with the authority of the same as follows:

I. That Article VIII Section 5 of Ordinance No. 5-2018 is hereby amended to establish updated permissible hours of regulated transient retail business activities under the Ordinance to between the hours of 9:00 a.m. and 9:00 p.m., and to allow for transient retail business activities on Sunday as follows:

(5) Engage in any such business, on a house to house basis, at any time before 9:00 a.m. or after 9:00 p.m., except on advance appointments.

II. That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict only.


III. That the provisions of this Ordinance shall be severable and, should any provisions hereof be held invalid or unenforceable, the remaining provisions shall remain in full force and effect, inasmuch as the Board hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrases be declared unconstitutional. Therefore, if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remainder of this ordinance.

IV. That this Ordinance shall be effective upon enactment in accordance with applicable law.

ORDAINED AND ENACTED into law this 3rd day of September, 2024.

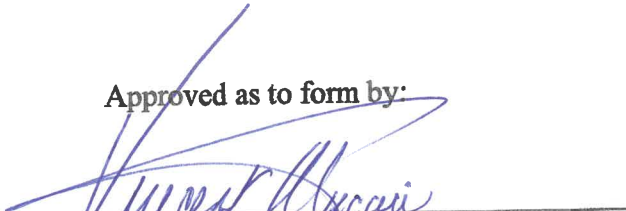
ATTEST:

THE TOWNSHIP OF CENTER


Secretary


Bill DiCioccio, Jr., Chairman

Approved as to form by:


Vincent A. Tucceri, Township Solicitor