

JEFFERSON TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2017-3

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF JEFFERSON, BERKS COUNTY, PENNSYLVANIA ADOPTING AN ORDINANCE TO REQUIRE A LICENSE FOR TRANSIENT RETAIL BUSINESS, PEDDLING AND SOLICITATION IN THE TOWNSHIP AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS.

WHEREAS, under 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, per 53 P.S. §66527, the Board of Supervisors may enact ordinances to secure the safety of persons within the Township; and

WHEREAS, the Board of Supervisors is specifically authorized in 53 P.S. §66532, to license and regulate by ordinance transient merchants and establish a fee for said license; and

WHEREAS, pursuant to 53 P.S. § 66601, the Board of Supervisors may enact ordinances in which general or specific powers of the Township may be exercised; and

WHEREAS, by Ordinance 1977-2 on November 1, 1977, the Board of Supervisors of Jefferson Township enacted an Ordinance regulating and granting of a licenses for hawking, peddling, canvassing, transient merchants, distribution of handbills and advertising matter and dissemination of information and solicitation for political, cultural, charitable, civic or religious purposes; and

WHEREAS, the law has changed since enactment of Ordinance 1977-2;

WHEREAS, the Board of Supervisors of Jefferson Township to ensure the Township's regulation of solicitation is in accord with present law desires to amend the regulations in Jefferson Township regarding solicitation and similar activities; and

WHEREAS, the Township Board of Supervisors deems it in the best interest of Jefferson Township to license and regulate transient merchants and require a fee for a license and assessments of penalties for failure to comply.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Jefferson, Berks County, Pennsylvania as follows:

SECTION 1 Title.

This Ordinance shall be known as the Jefferson Township Solicitation Ordinance.

SECTION 2. Definitions.

The following terms, when used in this Ordinance, shall have the following meanings:

GENDER - The words, "he", "his", "him", "man", or "men", when used in this Ordinance represent both the masculine and feminine genders.

LEGAL HOLIDAY – New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PEDDLER – Any person with no fixed place of business, who goes from house to house, from place to place, or from street to street, by any means, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to the purchaser.

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

SOLICITOR – Any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including but not limited to books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or services, including but not limited to lawn care, alarm system services, or cleaning services. A solicitor is not a peddler.

TRANSIENT RETAIL BUSINESS – Any business conducted in Jefferson Township for the sale of goods, wares or merchandise whatsoever for a period of less than ninety (90) calendar days. Transient retail business includes peddlers and solicitors, and any person engaged in transient retail business from a fixed location on private property.

TOWNSHIP – The Township of Jefferson Berks County, Pennsylvania.

SECTION 3. License Required; Conditions of Issuance; Fee.

- A. No person shall engage in any transient retail business, peddling or solicitation within the Township of Jefferson without first having obtained from the Township a license, for which a fee, which shall be for the use of the Township,

shall be charged and paid to the Township in an amount to be established from time to time by resolution of the Board of Supervisors of Jefferson Township. At the expiration of any license, if the person holding the license shall desire to continue the transient retail business, he or she shall be required to file a new application for a license and pay the license fee.

B. No license or fee shall be charged under this Section:

- (1) To religious proselytizing, political speech, and the distribution of handbills.
- (2) To farmers selling their own produce.
- (3) 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.
- (4) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- (5) To children under the age of eighteen (18) years who offer lawn care or snow removal or other similar services or take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent schools located in the Tulpehocken Area School District, the Boy Scouts or Girl Scouts or similar organizations .
- (6) To a person who has registered with the Department of State for the Commonwealth of Pennsylvania under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1, et seq., as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania or who is expressly exempted from such registration under said Act.
- (7) To churches located in Jefferson Township or adjacent Townships or Boroughs.
- (8) To local Volunteer Fire Departments serving Jefferson Township, Bernville Fire Company, Strausstown Fire Company, Rehrersburg Fire Company or Mt. Pleasant Fire Company.
- (9) Other non-profit or philanthropic organizations based in Jefferson Township or adjacent Townships or Boroughs.

C. Any person claiming any exemption outlined above shall provide the Township

with documentation demonstrating that person qualifies for said exemption.

- D. No person, licensed under this Part, shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity.
- E. No person, licensed under this Part, shall occupy any fixed location upon any of the streets, alleys, sidewalks or public grounds, with or without any stand or counter.

SECTION 4. Application for License.

Each person intending to engage in peddling or soliciting must first obtain a license at least five (5) business days in advance of the beginning of the time period for which the intended peddling or soliciting will occur. A person desiring a license under this Ordinance 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 shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state or produce:

- A. His permanent address, telephone number and cell phone number;
- B. His criminal background check from the Pennsylvania State Police;
- C. The name and address of the person by whom he is employed together with his supervisor's or contact person's name and telephone number;
- D. The type of goods, wares, and merchandise he wishes to deal with in such transient retail business;
- E. The location on private property where sales will be conducted, if a fixed location is to be used. (Compliance with all applicable zoning and building code regulations is required.)
- F. The length of time for which license is to be issued;
- G. The type and license number of the vehicle to be used, if any;
- H. Applicant shall produce a State or government issued picture identification card.

SECTION 5. Issuance of License; Custody, Display or Exhibit; Expiration.

- A. Issuance. Upon receipt of such application and the prescribed fee, the Township shall issue the license required under this Ordinance if such license application is in order. Such license shall contain the information required to be given on the application.
- B. Custody, Display or Exhibit. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of streets, alleys, sidewalks, or public grounds. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the Township.
- C. Expiration. The license holder shall only be entitled to carry said license for the length of time for which the license is issued. When the time period for the license has expired, license holder shall apply for a new license and pay a new license fee.

SECTION 6. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in their license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or other public grounds in the Township.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Township for the purpose of cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material or of any stock or wares or food stuffs which have become unsaleable through handling, age or otherwise.
- E. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.
- F. Permit any person to have possession of his or her license and shall immediately report its loss to the Township.

SECTION 7. Hours of Operation.

Peddlers and Solicitors may not engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday, from October 1 through April 30, at any time before 10:00 a.m. or after 4:00 p.m. on any day and from May 1 through September 30, at any time before 10:00 a.m. or after 5:00 p.m. on any day.

SECTION 8. Supervision; Records and Reports.

The Board of Supervisors or Code Enforcement Officer or their/ his designee shall supervise the activities of all persons holding licenses under this Ordinance. He shall keep a record of all licenses issued hereunder.

SECTION 9. Suspension and Revocation of License; Appeal.

The Board of Supervisors or Code Enforcement Officer are hereby authorized to suspend or revoke any license issued under this Ordinance when he or she deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Ordinance, or for giving false information upon any application for a license hereunder. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. Any person whose license is suspended or revoked shall immediately surrender his or her license to the Township.

SECTION 10. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 11. Nonliability of Township.

All transient retail merchants, peddlers, and solicitors, including nonprofit corporations and agencies, shall hold harmless the Township from any liability, damage or injury which is causally related to an act of ordinary negligence on the part of such transient retail merchant, peddler or solicitor.

SECTION 12. Effective Date.

The terms and provisions of this Ordinance shall become effective five (5) days after the date of the enactment of this Ordinance.

SECTION 13. Repealer.

Any Ordinance or part of Ordinance inconsistent with the provisions of this Ordinance shall be and the same is hereby repealed.

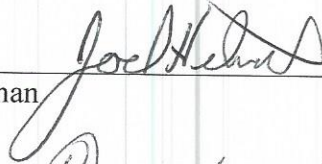
SECTION 14. Construction and Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

DULY ORDAINED and ENACTED as an Ordinance this 3 day of January 2017.

BOARD OF SUPERVISORS OF
JEFFERSON TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

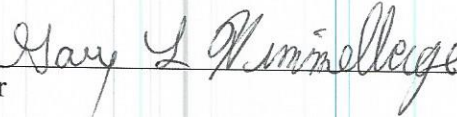
Chairman



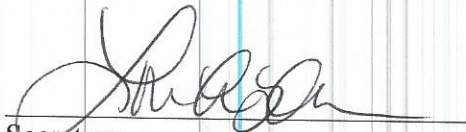
Member



Member




Attest:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2017- 3 adopted by the Board of Supervisors of Jefferson Township, Berks County, Pennsylvania at a regular meeting held on January 3, 2017, pursuant to notice as required by law.

Dated: 1/3/2017


Township Secretary