

ORDINANCE NO. 2-2020

DUNKARD TOWNSHIP

GREENE COUNTY, PENNSYLVANIA

AN ORDINANCE OF DUNKARD TOWNSHIP, GREENE COUNTY, PENNSYLVANIA, TRANSIENT RETAIL BUSINESSES, PEDDLING AND SOLICITING AND PROVIDING FOR EXCEPTIONS, LICENSING AND ENFORCEMENT OF THE ORDINANCE AND PENALTIES THEREOF.

WHEREAS, The Board of Supervisors of Dunkard Township (“Township”) recognizes that the citizens of the Township are at risk of being victimized by unscrupulous persons who can approach the Township citizens on or near public ways and in their homes under the guise of selling the citizens retail goods or services or soliciting contributions and;

WHEREAS, The Board of Supervisors further recognizes that one method of protecting its citizens results from a licensing structure whereby people who approach its citizens for legitimate purposes are properly monitored and;

WHEREAS, the Township believes it to be in the best interest of the health, safety, ad welfare of its residents to adopt this Ordinance.

NOW THEREFORE, In consideration of the foregoing and being authorized by the Second Class Township Code to adopt regulations in furtherance of the health, safety and welfare of its citizens, the Board of Supervisors hereby Enacts and Ordains the following:

SECTION 1. TITLE.

This Ordinance shall be known as the “Dunkard Township Transient Retail Ordinance of 2020”.

SECTION 2. PURPOSE.

The Board of Supervisors further recognizes that one method of protecting its citizen’s results from a licensing structure whereby people who approach its citizens for legitimate purposes are properly monitored.

SECTION 3. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

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

PERSON- any natural person partnership, association, limited liability company, corporation, or other legal entity.

TRANSIENT RETAIL BUSINESS-

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares, merchandise or services upon any street, alley, sidewalk or public place, or from house to house or;
- B. Selling, soliciting or taking orders for any goods, wares or merchandise , from a fixed location within Dunkard Township, on a temporary basis, which shall include, but not limited to, such activities conducted at the time of special occasions or celebrations for seasonal purposes or for yearly holidays; provided, however that “Transient Retail Business” shall not include temporary sales activities in the nature of what are commonly known as “sidewalk sales” and “tent sales”, conducted from a fixed location by the operator or operators of the primary business or businesses at that fixed location and which involves sales of goods which are of the same general nature as those offered for sale at that fixed location.

The singular shall include the plural; the plural shall include the singular and the masculine shall include the feminine and the neuter.

SECTION 4. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

Except as noted below, no person shall engage in any transient retail business with the Township without first having obtained from the Township Code Enforcement Officer and/or Township Designee a license, for which a fee shall be charged, established pursuant to a Resolution of the Board of Supervisors, which fee may be modified from time to time by resolution.

SECTION 5. EXCEPTIONS.

No license shall be required for the following:

- A. Persons soliciting funds or selling goods, wares or merchandise donated by the owner thereof, where the funds or the proceeds of sale are to be applied exclusively for a charitable or philanthropic purpose.
- B. Representatives and members of Boy Scouts of America, Girl Scouts of America, Lions, Rotary, Kiwanis, American Association of Retired Persons, Disabled American Veterans, Young Women’s Christian Association (YWCA) and Young Men’s Christian Association (YMCA), Red Cross, Salvation Army and other similar national or international service organization or association existing for the primary benefit of young, aged, handicapped or stricken persons and which are involved in soliciting or selling for the purpose of self-perpetuation of such organization which is registered as a charitable organization with the Commonwealth of Pennsylvania or United States Government.
- C. School children not over the age of eighteen (18) years selling goods, wares or merchandise where the funds or proceeds of the sale are to be applied exclusively for a

function or organization sponsored or approved by the public or private school which such children attend.

- D. Any honorably discharged soldier, sailor or marine who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, 60 P.S. 61 (1982), now 60 P.S. 22, as amended from time to time and who procures from the Prothonotary of any court in this Commonwealth a certificate in compliance with the said Act.
- E. To farmers selling their own produce;
- F. To children not over the age of eighteen (18) years who take orders for or deliver newspapers. (or anyone taking orders for or delivering newspapers.)
- G. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- H. To any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, December 19, 1990, Act 202, 10 P.S. 162.1 et seq. (1990), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; or

SECTION 6. LICENSE APPLICATION.

Every person desiring a license under this Ordinance shall first make application to the Township Code Enforcement Officer and/or Township Designee.

- A. To obtain such a license, such person must complete a written application which shall request such information as is reasonably required by the Township Code Enforcement Officer and/or Township Designee, including, without limitation, a disclosure of any criminal record, the name and address of the employer or other sponsor of the person doing the soliciting, the types of goods, wares, merchandise or services involved in the solicitation, the length of time for which the license is to be issued, the type and license number of any vehicle to be used and the nature of the solicitation.
- B. The Township Code Enforcement Officer and/or Township Designee may require that each person seeking a license be photographed and fingerprinted for the purpose of identification.
- C. Following the completion of such application, the Township Code Enforcement Officer and/or Township Designee shall have seventy-two (72) hours to investigate the applicant and grant or deny the license.

- D. The Township Code Enforcement Officer and/or Township Designee may refuse to issue a license in cases where the investigation shall disclose a criminal record or any false or misleading statement on the application.
- E. The Township Code Enforcement Officer and/or Township Designee is hereby authorized to suspend or revoke any license issued under this chapter when he or she deems such suspension or revocation to be in the interest of the public health, safety or morals or for the violation of any of the provisions of this chapter or for giving false information upon any application for a license.
- F. Any license so issued shall be valid for a period of time desired by the applicant, not to exceed thirty (30) days.
- G. Such license shall be in the individual's possession while engaged in solicitation and shall be exhibited upon request to Township Code Enforcement Officer and/or Township Designee, Township officials and residents of the Township.
- H. The license shall permit the holder to engage in the acts authorized by the license only between 9:00 a.m. and 8:00 p.m., except by prior appointment.
- I. No license issued in this chapter shall be transferable from one person to another.
- J. Separate license applications shall be filed by each person who will conduct the soliciting or peddling. Any employer desiring to secure licenses for multiple employees, agents or servants must submit a separate application for each such person.
- K. Any appeal from the refusal to issue a license or denial or from the suspension or revocation of any issued license, shall be made within ten (10) days to the Board of Supervisors of the Township by filing a written notice of appeal within the Township. Any such appeal shall be heard and acted upon by the Board of Supervisors following a hearing conducted pursuant to the provisions of the Act of April 28, 1978, P.L. 202, No. 53, 2 Pa. C.S.A. 551, et seq., known as the "Local Agency Law."

SECTION 7. LICENSE RENEWAL.

Any request for a license renewal shall be made as follows:

- A. Any license granted pursuant to this Ordinance shall be valid for the period desired by the applicant, not to exceed thirty (30) days. If the holder desires to continue or renew the license, the holder must submit a new application.
- B. Any such license may be issued in advance for consecutive thirty (30) day periods, not exceeding six (6) months in number.

SECTION 8. PROHIBITED ACTS

No person in any transient retail business shall:

- A. Conduct such transient retail business without being in possession of a valid license.
- B. Sell any product, type of product or service or solicit contributions not identified on the license.
- C. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Township.
- D. 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.
- E. Park any vehicle upon any of the streets or alleys in the Township for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or stock, wares or foodstuffs which have become unsaleable through handling, age or otherwise.
- F. Engage in any transient retail business, except by prior appointment, at any time before 9:00 a.m. or after 8:00 p.m. This restriction shall not apply to a license for a food vendor who or which has applied for or received a temporary zoning permit from the Township zoning officer.

SECTION 9. PENALTIES.

Any person, firm, or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, in a summary proceeding, pay a fine of not less than Two Hundred and 00/100 (\$200.00) Dollars, nor than One Thousand and 00/100 (\$1,000) Dollars for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Ordinance, and each section of this Ordinance which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable for imprisonment for a period not exceeding thirty (30) days.

SECTION 10. REPEALER.

All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect

or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11. EFFECTIVE DATE.


This Ordinance shall be immediately.

DULY ORDAINED AND ENACTED the 9th day of July, 2020, by the Board of Supervisors of Dunkard Township, Greene County, Pennsylvania, in lawful session duly assemble.

ATTEST:

**DUNKARD TOWNSHIP
BOARD OF SUPERVISORS**


Lisa Vecchio, Secretary/Treasurer

By: 
Mark Blaker, Chairman

By: 
Paul Bierer, Vice-Chairman

By: 
David Hockin