

## **ORDINANCE NO. 2013-04**

AN ORDINANCE OF THE TOWNSHIP OF GREENFIELD REGULATING LICENSES OF TRANSIENT RETAIL MERCHANTS; PROVIDING FOR A DEFINITION OF CERTAIN TERMS WHICH APPEAR IN SAID ORDINANCE; REQUIRING A PERMIT FOR THOSE WHO ENGAGE IN TRANSIENT RETAIL BUSINESSES, CANVASSING, PEDDLING AND/OR SOLICITING AND PROVIDING FOR APPLICATIONS AND CONDITIONS FOR PERMITS FOR THOSE WHO ENGAGE IN SUCH ACTIVITIES; PROVIDING FOR EXCEPTIONS FOR PERMITS; PROVIDING FOR ENFORCEMENT; SETTING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; REPEALING ALL OTHER TOWNSHIP ORDINANCES OR PARTS THEREOF WHICH ARE INCONSISTENT WITH SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Greenfield, Blair County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows that no person shall engage in activities as a transient retail merchant in the Township for commercial purposes without first having registered and obtained a permit from the Greenfield Township Secretary.

### **SECTION 1. DEFINITIONS:**

As used in this Ordinance, the following terms shall have the definitions indicated:

**PERSON** – any association, firm, partnership, corporation or any other entity, as well as a natural person, male or female. The singular shall include the plural.

**SECRETARY** – the Greenfield Township Secretary.

**TRANSIENT RETAIL MERCHANT** – every person, whether principal or agent, entering into, beginning or desiring to begin, a transient retail business in Greenfield Township for the sale of any goods, wares or merchandise whatsoever, and who hires, leases, occupies or uses any room, apartment, store, shop, building, railway car, trailer, lot (including unimproved lots or parking lots) or other place or structure for the exhibition and sale of such goods, wares, or merchandise on a temporary and/or seasonal basis or who sells such goods, wares or merchandise door to door. Said terms shall include, but are not limited to, participants as vendors in a flea market, farmer's market, a door to door peddler or any individual selling any item that was purchased for the purpose of resale. Nothing contained herein shall apply to farmers selling produce grown on their own property or by their own hand, nor to sale of any goods, wares or merchandise, the proceeds of which are to be applied to any charitable or philanthropic purpose.

**TRANSIENT RETAIL BUSINESS** – any business conducted in Greenfield Township for the sale of goods, wares or merchandise whatsoever on a temporary and/or seasonal basis. This definition shall apply, but is not limited to, those entities which operate tables/stands at outdoor or indoor markets, such as flea markets, farmer's markets or other such markets, and door to door on foot or

from any vehicle, trailer or cart of any kind. This definition shall not include sidewalk sales conducted by merchants on the sidewalks in front of their establishments provided that the regular business of such merchants are nontemporary in nature and fixed in location at their said addresses.

**LICENSE** – the written authorization by the Township Supervisors conferring the right to operate a transient retail business within the Township.

**LESSOR** – any person who or which leases by either an oral and/or written lease any real estate, room, apartment, store, shop, building, railway car, and/or any other place or structure to a transient retail merchant and/or any person engaged or intending to engage in a transient retail business.

**CANVASSING, PEDDLING AND/OR SOLICITING** – during any period of time consisting of thirty consecutive days or less, the taking of orders for goods, wares, services or merchandise or for any commercial purpose, including subscriptions for magazines or other printed matter and the obtaining of information and/or contracts for home and building devices, repairs and improvements, or immediate sale or offering for sale of goods, wares, services or merchandise for any commercial purpose in the possession of a person on a door to door basis (i.e. from house to house, business to business, house to business, business to house basis, etc.). In no manner shall this section apply to religious, charitable or political activities or causes.

## **SECTION 2. REGISTRATION AND LICENSE REQUIRED:**

No person, including a transient retail merchant, shall engage in canvassing, peddling and/or soliciting or the operation of a transient retail business in the Township for commercial purposes without first having registered and obtained a license from the Township Secretary as herein provided.

## **SECTION 3. APPLICATION, ISSUANCE OF PERMIT:**

- a. Any person desiring to operate a transient retail business or engage in canvassing, peddling and/or soliciting shall submit a written application to the Township Secretary, during regular business hours, on a form to be furnished by the Township and pay an application fee as required.
- b. The application shall state his/her full name, business and/or home address, telephone number, name and address of employer or a statement that such applicant is self-employed, what he/she desires to sell, canvas, peddle and/or solicit for, the length of time he/she wishes to engage in this work, the make and type of vehicle, if any, he/she will use, its registration number and whether and by whom he/she is being paid. The applicant shall provide acceptable proof of identification, a copy of which will be made part of the permit.
- c. The application shall contain a statement as to whether or not the applicant has ever been convicted of any felony and/or misdemeanor and/or any crime of theft, theft by deception and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or

punishments imposed.

d. Upon approval of any application, the Township Secretary will issue a permit to the applicant.

e. A permit will be valid for 30 days from the date on which it is issued. Such permit may not be transferred from one person to another.

#### **SECTION 4. LICENSE FEE**

No license shall be issued under this Ordinance until the sum of fifteen (\$15.00) Dollars shall be paid to the Township Secretary, and it shall be for the use of the Township. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually conduct the selling, canvassing, soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

#### **SECTION 5. CONDITION OF PERMIT:**

The applicant shall conduct his/her transient retail business, canvassing, peddling and/or soliciting in accordance with the laws of the Commonwealth of Pennsylvania and the ordinances of the Township and only during the hours of 9:00 a.m. to 8:00 p.m. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time and during the time of the year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

#### **SECTION 6. LICENSE TERM; NEW LICENSES**

The license granted pursuant to this article shall be valid for thirty (30) days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew selling, canvassing, soliciting or peddling, he/she shall be required to file a new application for a permit and pay a new license fee. Such licenses may be issued, in advance, for consecutive thirty (30) day periods not exceeding twelve (12) in number, upon payment, in advance of the fifteen (\$15.00) Dollar license fee for each thirty (30) day period provided in Section 4.

#### **SECTION 7. LICENSE EXHIBITION**

Such license, when issued, shall state the products to be sold or the services to be rendered by the licensee. Every transient retail merchant, canvasser, solicitor or peddler shall at all times, when engaged in their Transient Retail Business, canvassing, soliciting or peddling in the Township, carry such license upon his/her person and shall exhibit it upon request to all police officers, Township officials and citizens. No transient retail merchant, canvasser, solicitor or peddler shall engage in the selling of any product or service not mentioned on such license.

#### **SECTION 8. PARKING VEHICLE ON STREET; LITTERING**

No person licensed pursuant to this Ordinance shall park any vehicle upon any of the streets,

highways, or alleys of the Township in order to sort, rearrange or clean any of their goods, wares services or merchandise. No such person shall place or deposit any refuse on any such streets, highway or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

#### **SECTION 9. CRYING WARES, USING NOISEMAKERS PROHIBITED**

No person license pursuant to this Ordinance shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

#### **SECTION 10. RECORD OF LICENSES**

The Secretary shall keep a record of licenses issued under this article and the Township Police shall apply for a list of licenses issued hereunder. The Township Police shall supervise the activities of all holders of licenses, and make a report of any violations to the Board of Supervisors on a monthly basis.

#### **SECTION 11. LICENSE SUSPENSION, APPEALS THEREFROM**

Any license issued under this Ordinance may be suspended at any time by the Secretary of the Township for violation of any of the provisions of this Ordinance, or for giving false information on any application of a license hereunder or for the applicant or licensee having been convicted of a crime involving deception after issuance of such licenses or for the licensee having been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of the Township. Appeals from any suspension may be made to the Board of Supervisors at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

#### **SECTION 12. EXCEPTIONS:**

This Ordinance shall not apply to farmers selling produce grown on their own property or by their own hand, nor to sale of any goods, wares or merchandise, the proceeds of which are to be applied to any charitable or philanthropic purpose, nor to any individuals who are under 18 years of age who take orders for and deliver newspapers, greeting cards, candy, cookies and other fundraising items, and the like or who represent the Boy Scouts, Girl Scouts, schools, churches or similar organizations.

#### **SECTION 13. ENFORCEMENT:**

The police of the Township shall be charged with the responsibility of enforcing the provisions of the several sections of this Ordinance, except that the work to be done hereunder by the Township Secretary shall not be considered as "enforcing the provisions of the several sections of this Ordinance."

**SECTION 14. VIOLATIONS AND PENALTIES:**

Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this section shall, upon conviction, be sentenced to pay a fine of not less than \$50.00, nor more than \$300.00, plus costs of prosecution, and, in default of payment of such costs and prosecution, imprisonment for a term not exceeding 90 days; provided, however, that if the Magisterial District Judge determines that the Defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such Defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Judge deems to be just.

**SECTION 15. REPEALER:**

All Ordinances, including but not limited to Ordinance No. 75-02, or parts of Ordinances which are inconsistent herewith are hereby repealed insofar as they affect this Ordinance.

**SECTION 16. SEVERABILITY:**

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be invalid, illegal or unconstitutional, such decisions shall not affect or impair any of the remaining provisions of this Ordinance.

**SECTION 17. EFFECTIVE DATE**

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Township of Greenfield this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

GREENFIELD TOWNSHIP

\_\_\_\_\_  
Teresa Patterson, Secretary

By \_\_\_\_\_  
Joseph D. Claar, Chair

\_\_\_\_\_  
Harry F. Black, Jr., Vice-chair

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Alton G. Ebersole, Supervisor