

Ordinance No. 2006 - 04

AN ORDINANCE OF PENN TOWNSHIP, SNYDER COUNTY REQUIRING ALL TRANSIENT MERCHANTS TO OBTAIN A PERMIT TO CONDUCT BUSINESS IN THE TOWNSHIP; DEFINING TRANSIENT MERCHANT; PROVIDING FOR AN APPLICATION; PROVIDING FOR A PERMIT FEE; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING PROCEDURES FOR ENFORCEMENT

Pursuant to the powers granted to the Township by 53 P.S. §66532, Be it ordained and enacted, and it hereby ordained and enacted by the Board of Supervisors of Penn Township, as follows:

Section 1. Definitions

"Transient Merchant" - shall include "peddler" and "canvasser".

"Peddler" - any person selling or offering for sale, for immediate delivery, of any goods, wares, services or merchandise which the person selling or offering for sale carries with him or her in traveling, or has in his or her possession or control, upon any of the streets or sidewalks or from house to house, by visitation to private residences, by entering in or upon private property, or at a fixed location not intended to exceed thirty (30) consecutive days, within the Township;

"Canvasser" - any person seeking or taking contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks of the Township, or from house to house, by visitation to private residences, by entering in or upon private property, or at a fixed location not intended to exceed thirty (30) consecutive days, within the Township.

The foregoing notwithstanding, however, "transient merchant" for purposes of this

ordinance shall not include the following:

- i. a farmer selling his own produce;
- ii. a person, firm or corporation selling goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose;
- iii. an insurance company or its agent, or insurance brokers authorized to transact business under the insurance laws of this Commonwealth;
- iv. any person conducting business from a fixed location within the Township who has registered with the Township as an "Employer" or "self-employed" under the Township's Occupation Privilege Tax Ordinance, No. .
- v. Girl Scouts, Boy Scouts, public and private school students, volunteer firemen, and church members, when selling or soliciting sales of merchandise, the proceeds and/or profits from which inure to the sole benefit of the respective organization.

"Township" - Penn Township, Snyder County.

Section 2. License

On and after the effective date of this ordinance, it shall be unlawful for any person to engage in business as a "transient merchant" within Penn Township, without first securing a license a license therefore from the Township.

Section 3. Application

Applications for permits hereunder shall be in writing and shall be filed with the Township Secretary or other Township official so designated by the Township Supervisors, who is hereby authorized to issue the permit in each instance if, after due investigation, he be satisfied as to the proper and lawful purpose for which the permit is sought and upon receiving the prescribed license fee and upon receiving the approval of a Supervisor of the Township. The applicant shall supply his or her name, age, address, the nature of the business to be engaged in and the food, goods, wares, services, merchandise or other articles to be sold, the name and address of the firm or company represented, the number of days the applicant

proposes to carry on said activity, the registration number of the applicant's motor vehicle, a recent photograph of the applicant, proof of identity, and such other information as the Township Secretary or other authorized official shall deem necessary for proper investigation. Each individual involved as a transient merchant shall submit a separate application.

Section 4. Display of License

Every licensee shall carry his license with him at all times while engaged in the activity permitted by the license issued hereunder and shall exhibit the same upon request. Every licensee shall display outwardly on his or he person the license issued by the Township.

Section 5. Revocation of license.

The Township Secretary or other authorized official is authorized to revoke any license issued hereunder when the activity covered thereby shall prove to be a nuisance or detrimental to the public health, safety or morals of the citizens of the Township, when the licensee is determined to have violated any laws of the Commonwealth or ordinances of the Township, and when a license is revoked it shall be promptly returned to the Secretary or other authorized official.

Section 6. Appeals

Should any applicant for a license or licensee hereunder deem himself aggrieved by reason of the action of the Secretary or other authorized official in refusing to issue such license, or issuing the license under terms and conditions, or by a revoking such license, such applicant or licensee may appeal to the Board of Supervisors by filing with the Secretary a written notice of appeal within seven (7) days of the action complained of. Hearing on such appeal shall be held at the next regular meeting of the Board of Supervisors unless continued at the request of the appellant.

Section 7. License Fees

The Board of Supervisors shall have the power, from time to time, to set license fees by resolution.

Section 8. Violations and penalties.

a. Any person who shall violate any provision of this ordinance or who permits the violation of any provision of the ordinance shall pay a fine of \$600.

b. Each violation for each separate day and each violation of any provision of this ordinance shall constitute a separate and distinct violation.

c. Any person who violates or permits the violation of any provision of this ordinance shall, upon being found liable therefore in a civil proceeding commenced by Penn Township, pay the fine prescribed by this Ordinance, plus all court costs including reasonable attorney fees incurred by Penn Township.

d. Enforcement of this Ordinance shall be the responsibility of the Township Secretary or other authorized official, who shall follow the enforcement procedure set forth below:

i. The Township Secretary or other authorized official shall initiate enforcement proceedings by sending a notice of violation to the violator or violators by certified mail or by serving it personally upon the violator or violators. The notice shall state at least the following:

- A. cite this ordinance
- B. the specific violation involved
- C. the date, time and place, if appropriate
- D. the amount of the civil penalty
- E. that this is a civil violation
- F. the time within which the civil penalty must be paid

G. the place or address for payment

H. the consequences of failure to pay the civil penalty on or before the due date

ii. In the event that violator pays the prescribed civil penalty within fifteen (15) days of the date on the notice of violation, the civil penalty shall be reduced by a sum equal to 50% of the prescribed penalty.

iii. In the event the violator fails to pay to Penn Township the civil penalty on or before the due date, Penn Township shall commence a civil enforcement proceeding in a court having jurisdiction.


Section 9. Effective date.

This Ordinance shall be effective five (5) days after adoption.

ENACTED this 19th day of September, 2006.

**PENN TOWNSHIP
BOARD OF SUPERVISORS**


ATTEST:



Secretary



Chairman



Supervisor





Supervisor