

# Corydon Township Board of Supervisors

## ORDINANCE No. 2005-03

### AN ORDINANCE REGULATING, ENFORCING AND/OR PENALTIES OF TRANSIENT RETAIL BUSINESS WITHIN THE BOUNDARIES OF THE TOWNSHIP OF CORYDON, McKEAN COUNTY, COMMONWEALTH OF PENNSYLVANIA,

*Whereas,* the Second Class Township Code [§ 1523(a)(1)] authorizes townships of the second class to regulate transient businesses; and

*Whereas,* recent problems in regards to peddling and solicitation have occurred within Corydon Township.

**BE IT ORDAINED** by the Board of Supervisors of Corydon Township, McKean County, Pennsylvania, and it is hereby ordained by and with the authority of the same as follows:

#### **Section 1: 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 – to include New Years Day, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day.

Township – Corydon Township, McKean County, Commonwealth of Pennsylvania.

Transient Retail Business – to include as follows:

- a) Engaging in peddling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, road, or public grounds, or from house to house, within the Township; or
- b) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Township, on a temporary basis, which shall include, but not limited to, such activities conducted at the time of special occasions, festivals or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays; or
- c) The distributing of any promotional or advertised materials; or
- d) Engaging in the provision of services which services are not solicited or sought by the invitation of the potential purchaser of those services.

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

**Section 2: License Required**

No person shall engage in any Transient Retail Business within the Township without first having obtained a license from the township office. Each person engaging in peddling or solicitation must have a license, regardless of number of vehicle or having the same employer. Every peddler or solicitor granted a license shall carry such license at all time and show such license upon request to any citizen or township official.

The said license will state the persons name and address, previous criminal record (if any), his employer name and address (if any), the type of goods, wares and merchandise he wishes to peddle, the expiration date of the license, type of vehicle and plate number of the vehicle being used.

License is good for one (1) calendar year (January 1<sup>st</sup> to December 31<sup>st</sup>)

License is not transferable from on person to another.

License fee's shall be set by resolution and amended from time to time. All fee's shall be for the use of the Township.

The Board of Supervisors are authorized to suspend any license/permit issued under this article when it deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provision of this ordinance, or for giving false information upon any application for a license hereunder.

**Section 3: Exceptions:**

**A.** No license shall be required for:

- a) Farmers selling their own produce grown in the Township
- b) School students, boy or girl scout troop, involved in a fund raiser.
- c) The Corydon Township Volunteer Fire Department.
- d) Organizations which solicit only within the membership of the organization by the members thereof.

**B.** A license is required but no fee will be charged for:

- a) The sale of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable purpose.
- b) Any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S.§ 61 (1982), hereafter amended, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate of pursuance of the Act of 1867.
- c) The seeking of taking of orders by insurance agents or brokers licensed under the insurance laws of Commonwealth of Pennsylvania.

**Section 4: Day and Time Restrictions**

No person, after having acquired a license under this Ordinance, shall engage in peddling or soliciting at any time on Sunday's, on any Holiday previously listed, or on any day before 9:00 am or after 6:00 pm.

**Section 5: Prohibited Acts**

No person in any Transient Retail Business shall:

- a) Sell any product or type of product not mentioned in his license
- b) Hawk or cry his wares upon any of the streets, roads or public grounds in the Township.
- c) When operating from a vehicle, stop or park such vehicles upon any of the streets or roads in the Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- d) Dispose of any carton, wrapping material, stock, wares or foodstuffs which have become un-salable in any public garbage can or upon any Federal Forest, State or Township roads within the Township
- e) Fail to remove any advertising or business sign or placards within five (5) days of cessation of business activities.

**Section 6: Appeals**

Appeals from any suspension or revocations may be made to the Board of Supervisors during regular office hours within ten (10) days after such suspension or evocation with a hearing to be held at the next regular meeting of the Board. No part of a license fee shall be refunded to any person whose license has been suspended or revoked, unless the Board of Supervisors overturn said revocation. The licensee shall not transact Transient Retail Business while the license is revoked.

**Section 7: Penalties**

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be required to pay a fine not less than THREE HUNDRED DOLLARS (\$300) and not more than SIX HUNDRED DOLLARS (\$600), and/or to imprisonment for not more than Thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**Section 8: Sever ability**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentence, clauses, sections or parts of this Ordinance.

**Section 9: Effective Date**

This ordinance shall become effective five days after adoption.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2005

---

Timothy P. Yohe

---

Steve Foster

---

Harry Tome

ATTESTED

---

Marcia A. Kuhn, Secretary / Treasurer