EAST PENNSBORO TOWNSHIP

PEDDLER'S PERMIT APPLICATION TO SOLICIT

Applicant Information:

Name:

Age: Sex:

Phone:

Home Address:

Name of Employer:

Employer Business Address:

Vehicle Information:

Make:

Model:

Year:

Registration (License Plate) Number:

I will employ the following helpers:

1

2

3

Note: Where a person applies for one or more helpers, all applicable personal information specified above shall be furnished for each person and separate license copy shall be required for each person.

REQUEST PERMIT FOR: _____ DAY(S) – ($10.00 PER DAY; $50.00 PER MONTH)

REQUEST _____ ID BADGES – ($5.00 PER PERSON)

By signing this application, I am stating that I have never been convicted of any felony or misdemeanor and I will adhere to all provisions of Ordinance #831-2022 and its amendments. I hereby authorize East Pennsboro Township to conduct a criminal background check to verify that this statement is correct. I understand that, if I violate any of these provisions, this permit can be revoked immediately or denied upon request.

Signature:

Date of Application:

ALL PERMITS REQUIRE A FIVE (5) DAY WAITING PERIOD FOR APPROVAL.
PICTURE ID (drivers license copy) REQUIRED FOR ALL SOLICITORS
A COPY OF THE PENNSYLVANIA CRIMINAL HISTORY CHECK FOR ALL SOLICITORS

Revised 07/2022

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING AND REVISING ORDINANCE NO. 737-2007, CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, PART 2, TRANSIENT RETAIL BUSINESS, AMENDING DEFINITIONS, AND REQUIRING THE LICENSING OF TRANSIENT RETAIL BUSINESSES SOLICITING WITHIN THE TOWNSHIP, ESTABLISHING APPLICATION PROCESS FOR A LIMITED 30 DAY LICENSE, PROHIBITING CERTAIN ACTS, AND PROVIDING FOR APPEAL PROCESS FOR DENIAL, SUSPENSION OR REVOKING OF LICENSE, ESTABLISHING PENALTY AND FINES FOR VIOLATION OF ORDINANCE, AND REPEALING INCONSISTENT ORDINANCES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of East Pennsboro, Cumberland County, Pennsylvania, the following amendments to Chapter 13, Part 2 of the Code of Ordinances of East Pennsboro Township pertaining to Transient Retail Businesses as follows:

SECTION 1. The Title of Part 2 of Chapter 13 of the Codification of Ordinances for the Township of East Pennsboro shall be amended, revised, and renamed as "Transient Retail Businesses".

SECTION 2. The following definitions are hereby inserted, in proper alphabetical sequence, into Section 201 [Definitions and Interpretations] of Part 2 [Transient Retail Business] of Chapter 13 [Licenses, Permits and General Business Regulations] of the Code of Ordinances of the Township of East Pennsboro:

§13-201. Definitions.

HARD-SELL TACTICS - A method of advertising or selling that is direct, forceful, and insistent; high-pressure salesmanship.

PEDDLER – Any person with no fixed place of business, who goes from door to door, 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 for purchase.

POLICE DEPARTMENT – The East Pennsboro Township Police Department, Cumberland County, Pennsylvania.

SOLICITOR – Any person who goes from door to door, 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 personal or professional services, financial or debt restructuring services, lawn care, alarm system service, or cleaning services. A solicitor is not a peddler.

TRANSIENT RETAIL BUSINESS – includes the following:

A. Engaging in peddling, selling, canvassing, soliciting, or taking orders for, either by sample or otherwise, any goods, wares, services, or merchandise, upon any of the streets or alleys, sidewalks or public grounds, or from door to door, within the Township; and

B. Selling, soliciting, or taking orders for any goods, wares, services, or merchandise from a fixed location within the Township on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

SECTION 3. Section 202 [License Required to Engage in Transient Retail Business]; Section 203 [Application for License]; Section 204 [Issuance of License; Custody and Exhibit Thereof]; Section 205 [Prohibited Acts]; Section 206 [Supervision over Licensed Persons; Record and Report of Licenses]; Section 207 [Suspension of Licenses]; and Section 208 [Penalty] of Part 2 [Transient Retail Business] of Chapter 13 [Licenses, Permits and General Business Regulations] of the Code of Ordinances of the Township of East Pennsboro are hereby amended to state as follows:

§13-202. License Required to Engage in Transient Retail Business.

1. No person shall engage in any transient retail business within the Township without first having obtained from the Police Department a license, for which a fee which shall be charged and paid to the Township in an amount to be established from time to time by resolution of the Township Board of Commissioners. Upon issuance, the license shall be limited to a maximum of thirty (30) days. At the expiration of any license, if the person or entity holding the license shall desire to continue the transient retail business, that person or entity shall file a new application for a license and pay the license fee and upon issuance, that license shall be limited to a maximum of thirty (30) days.

2. No license or fee is required as it applies under this Section:

(A) To religious proselytizing, political speech, and the distribution of handbills.

(B) To farmers selling their own produce.

(C) 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.

(D) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(E) To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.

(F) To a person who has registered with the Department of State for the Commonwealth 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 such Act.

3. Any person claiming any exemption under this section shall provide the Police Department with documentation demonstrating that person or entity qualifies for said exemption under this section.

4. No person, licensed under this Part, shall occupy any fixed location upon any of the Township's streets, alleys, sidewalks or public grounds, with or without any stand or counter.

5. Any person dealing in one or more of the hereinabove-mentioned exempted categories and selling other goods, wares and merchandise not so exempted shall be subject to payment of the license fee fixed by this section for the activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided, further, that the Police Department may similarly exempt from payment of the license fee, but not from registering with the Police Department, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this Part 2 shall be issued on an individual basis to persons engaging in such businesses, every such individual shall obtain a separate license issued to the individual's name, and the license fee hereby imposed shall be applicable to every such individual license.

§13-203. Application for License.

Each individual or group intending to engage in peddling or soliciting within the Township 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 Part shall first make application to the Police Department for such license. If such person shall also be required to obtain a license from any state or county officer, such person shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state:

A. Applicant's permanent address, telephone number and cell phone number;

B. Applicant shall provide a copy of a current government-issued photo identification;

C. Applicant shall furnish a Pennsylvania Criminal History Check dated within thirty (30) days of the date of application. A license may be refused for criminal activity that constitutes a felony or for any crime, regardless of grading, that involves any type of theft, fraud, misappropriation of public trust or computer or electronic devices. Should issuance of license be denied based upon the said criminal activity, Applicant may file an appeal of such denial to the Board of Commissioners of East Pennsboro Township at any time within five days of notice of denial of application;

D. The name and address of the person by whom Applicant is employed together with Applicant's supervisor's or contact person's name and telephone number;

E. The type of goods, wares, and merchandise applicant wishes to deal with in such transient retail business;

F. The length of time for which the license is to be issued;

G. 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;

H. The last previous municipality(ies) in which applicant has conducted such business; and

I. The type and license number of any vehicle to be used, if any.

§13-204. Issuance of License; Custody and Exhibit Thereof.

Upon receipt of such application and the prescribed fee, the Police Department shall issue the license required under this Part if such license application is in proper and approved order. Such license shall contain the information required to be given on the application. Every license holder shall carry and display such license upon his person if engaged in transient retail business from door to door or upon any of streets, alleys, sidewalks, or public grounds. The license holder shall exhibit such license, upon request, to all police officers, Township officials, and citizens or residents of the Township. 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, the license holder shall apply for a new license and pay a new license fee.

§13-205. Prohibited Acts.

A. Sell any product or type of product not mentioned in applicant's license;

B. Hawk or cry his/her wares upon any of the streets, alleys, sidewalks or public grounds in the Township or use any loudspeaker or horn or any other devise for announcing his presence by which the public may be annoyed;

C. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township or linger longer than 30 minutes;

D. Park any vehicle on any of the streets of alleys of the Township for the purpose of sorting, rearranging or cleaning ay of the applicant's goods, wares or merchandise or for disposing of any carton, wrapping material or any stock or wares or of foodstuffs which may have been unsalable through handling, age or otherwise;

E. Occupy any fixed location upon any of the streets, alleys or sidewalks or elsewhere out-of-doors within the Township, for purpose of the sale, storage, display of any goods, wares or merchandise, with or without a stand or counter;

F. Conduct any business on weekdays between the hours of 8:00 p.m., prevailing time, and 9:00 a.m. prevailing time, on the following day. Conduct any business on Saturday and Sunday between the hours of 4:00 p.m. prevailing time and 10:00 a.m. prevailing time, on the following day.

G. Engage in hard-sell tactics to sell any product or service or solicit funds; and

H. Solicit residents who display "Do Not Solicit" signage or whose name and address is listed on Do Not Solicit list provided by Police Department.

§13-206. Supervision over Licensed Persons; Record and Report of Licenses.

The Chief of Police of the Police Department shall supervise the activities of all persons holding licenses under this Part 2, and Chief of Police shall keep a record of all licenses issued. hereunder and shall make a report thereof each month to the Board of Commissioners.

§13-207. Suspension or Revocation of Licenses.

The Chief of Police or Township Manager are hereby authorized to suspend or revoke any license issued under this Part 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 Part, or for misrepresentation to any customer or prospective customer by making any statement not in accord with the information upon such person's application for license; or for giving false, misleading, incomplete information or by omitting any 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 Police Department.

§ 13-207 Appeal.

Any person aggrieved by the action of the Chief of Police or Township Manager (or his delegate) with reference to the denial, revocation, or suspension of authorization of a license shall have the right of appeal to the Board of Commissioners of the Township of East Pennsboro. Such appeal shall be taken by filing with the Board, within five days after notice of the denial, revocation, or suspension complained of was mailed to such person's last address or otherwise placed in his or her possession, a written statement setting forth the grounds for the appeal is required. The Board of Commissioners shall set a time and place for a hearing on such appeal, which hearing shall be held and decision made not later than 45 days after the date of such filing.

§13-208. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, 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 Three Hundred and 00/100 Dollars ($300.00) 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 thirty (30) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 4: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses, or sentences of the same.

SECTION 6: In all other respects, Part 2 [Transient Retail Business], Chapter 13 [Licenses, Permits and General Business Regulations] of the Code of Ordinances of the East Pennsboro Township shall remain as heretofore enacted, ordained, and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 7. This Ordinance shall take effect immediately upon its enactment.

ENACTED AND ORDAINED this day of , 2022

ATTEST: EAST PENNSBORO TOWNSHIP

_____ By:_____

A John Pietropaoli, Secretary George A. Tyson, President,
Board of Commissioners