

ORDINANCE NO. 1993-1

AN ORDINANCE OF OF ORANGE TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA, REGULATING AND LICENSING TRANSIENT
· RETAIL MERCHANTS; PROVIDING IDENTIFICATION, APPLICATION AND LICENSING PROCEDURES: ESTABLISHING RULES OF CONDUCT; PROVIDING FOR CERTAIN EXEMPTIONS, REVOCATION OF LICENSES UNDER CERTAIN CONDITIONS AND FINES AND PENALTIES FOR VIOLATIONS.

In order to protect the health, safety and general welfare and to secure the safety of persons and property of the citizens of the Township of Orange, Columbia County, Pennsylvania, by requiring persons engaged in a transient retail business to conduct their activities in a proper manner and further, in order to obtain positive identification of persons who shall so engage in the Township, the Board of Supervisors of said Township does hereby enact and ordain:

Section 1

From and after the effective date hereof, it shall be unlawful for any person, whether acting on his own behalf or as the agent, servant and employee of other persons not exempted by the provisions of Section 6 hereof, who is not the holder of a valid and unexpired license issued pursuant to this ordinance to conduct a transient retail business, which shall mean: to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description, or in soliciting contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences or on the public streets or highways within Orange Township; or to engage in selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within Orange Township, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

Section 2

Any person, not exempted by Section 6 hereof, desiring to obtain a license to engage in the activities described in Section 1 hereof, shall make application therefor in person to the Township Secretary.

- A. The applicant shall submit, over his signature, the following information, certified by the applicant to be true and correct:
- (1) Name;
 - (2) Place and date of birth;
 - (3) Temporary address;
 - (4) Residence address;
 - (5) Address to which notices under this ordinance shall be directed;
 - (6) Name and address of employer or principal, if any, and nature of business or activity thereof;
 - (7) Nature of business or activity in which applicant wishes to engage with the Township;
 - (8) Statement as to whether the applicant has been convicted in the jurisdiction of any crime other than of minor traffic violations and, if so, of what crime or crimes;
 - (9) Exhibit County license if required by intended business.
- B. Upon submission of such application and the payment of a license fee in the amount of ten dollars (\$10.00) for all licenses, there shall be issued to the applicant a license in the form of a card which, unless sooner revoked, shall entitle the licensee to engage in the activities specified on his application for a period of thirty (30) days from the date of issuance; provided, however, that before issuing any license the Township police may require seventy-two (72) hours to confirm information required in Section 2.A., and, further, the Township police may refuse to issue a license to any person if they have reasonable grounds to believe that the issuance of the license to such person would endanger the health, safety and general welfare of the citizens of the Township, and in such case the applicant shall be required to make application in person to the Township Board of Supervisors. All license fees shall be paid to the Treasurer of the Township for the use of the Township.

- C. Licenses may be renewed by the payment of the license fee as provided for herein and by the submission of a statement that the information supplied on the original application is still true or correct, or that the information supplied on the original application should be amended to reflect any changes since the original application.

SECTION 3

Every person to whom a license has been issued pursuant to the provisions hereof shall comply with the following regulations while carrying on business or activities within the Township:

- A. He shall carry his license card at all times and exhibit it upon request to any peace officer or any person upon whom he shall call or with whom he shall talk in carrying on his licensed activities.
- B. He shall not permit any other person to have possession of his license card and shall immediately report its loss to the Township Police Chief. He shall not cause or permit his license card to be altered or defaced.
- C. He shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. He shall not represent his license card to be an endorsement of himself or of his goods or services or of the goods or services of his principal or employer.
- E. He shall immediately surrender his license card upon revocation of his license as hereinafter provided.
- F. He shall conduct his business between the hours of 9:00 a.m. and 8:00 p.m.
- G. He shall not enter any premises within the Township of Orange if, at a primary entrance to such premises there is posted at the time such applicant enters upon such premises, a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the peddler, whether licensed hereunder or not, shall immediately and peacefully depart from the premises.

SECTION 4

Any license issued hereunder may be revoked by the Orange Township/Orangeville Borough Police Department for failure of the licensee to comply with any of the regulations set forth in Section 3 hereof or upon the discovery that the licensee has made any false statements in his application for license hereunder.

SECTION 5

Any person whose license has been revoked shall be entitled to appear with counsel, if he so desires, before the Board of Supervisors at a regular meeting and be heard on behalf of a request for reinstatement of his license.

SECTION 6

The following persons are exempted from the licensing requirements of this ordinance:

- A. Persons soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of or duly registered pursuant to the Act of 1963, August 9, P.L. 628, as amended; who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
- B. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.
- C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in Section 1 hereof, when so engaged; including, without limitation, real estate, insurance or securities, brokers and salesmen.
- D. Persons engaged in the sale of goods, wares and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

SECTION 7

Any person owning or occupying any building or portion thereof within the Township of Orange, Columbia County, Pennsylvania, who desires to secure the protection under the Notice Regulations contained in this ordinance shall comply with the following requirements:

- A. Such individual shall post at a primary entrance to such premises a notice which states "NO PEDDLERS OR SOLICITORS INVITED".
- B. Such notices shall be in block letters at least one (1) inch in height.
- C. Such notice so exhibited shall constitute sufficient notice to any peddler or solicitor, whether registered under this ordinance or not, of the determination by the occupant or owner of such premises of the information contained on such notice.

SECTION 8

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty or fine of not less than One Hundred Dollars (\$100.00), but not more than Three Hundred Dollars (\$300.00), together with costs of prosecution for each such violation, and may upon default of payment of fine and costs be sentenced to suffer imprisonment in accordance with the law.

SECTION 9

If any section, provision or part of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts of this ordinance. The Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this ordinance if it had known that such sections, provisions or parts thereof would be declared unconstitutional.

SECTION 10

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

ENACTED AND ORDAINED this 5th day of August, 1993.

ORANGE TOWNSHIP
BOARD OF SUPERVISORS

John L. Brink
W. H. Deneke
May R. Robbins

ATTEST:

Suzanne Moore

Secretary,
Orange Township Board of Supervisors