

**TOWNSHIP OF CARROLL
ORDINANCE NUMBER 2007-181**

**AN ORDINANCE, REPEALING AND REPLACING THE CARROLL TOWNSHIP
ORDINANCE NUMBER 77-1988, REGULATING PEDDLERS, SOLICITORS AND
TRANSIENT RETAIL MERCHANTS, REQUIRING PEDDLERS, SOLICITORS
AND TRANSIENT RETAIL MERCHANTS TO REGISTER AND BE LICENSED
BY THE POLICE DEPARTMENT, ESTABLISHING STANDARDS OF CONDUCT
AND PROCEDURES FOR OBTAINING IDENTIFICATION CARDS AND
PERMITS, PROVIDING FOR EXCEPTIONS AND ESTABLISHING PENALTIES**

BE IT ORDAINED by the Board of Supervisors of Carroll Township, York County, Pennsylvania, as follows:

ARTICLE I -- PEDDLERS AND SOLICITORS

SECTION 1. Definitions; word usage.

A. As used in this article, the following terms shall have the meanings indicated:

PEDDLER -- Any person who shall engage in peddling, as herein defined.

PEDDLING and SOLICITING:

(1) PEDDLING -- The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the Township.

(2) SOLICITING -- The seeking or taking of 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, from house to house, by visitation to private residences or by entering in or upon private property within the Township, and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvement and alterations, and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses or other building improvements or repairs upon or from the places aforesaid within the Township.

(3) "Soliciting" and "peddling" shall not apply to:

(a) Farmers seeking or taking orders for the sale of their own products;

(b) The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products;

(c) 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) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance;

(e) Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes; or

(f) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

(g) Any youth sports organization selling or taking orders for goods to raise funds for the organization.

PERSON -- Any natural person, association, partnership, firm, organization or corporation .

SOLICITOR -- Any person who shall engage in soliciting, as hereinabove defined.

B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. License required.

No person shall engage in soliciting or peddling in the Township without first having taken out a license as herein provided.

SECTION 3. License application.

A. Every person desiring to engage in soliciting or peddling in the Township shall first make application to the Township Police Department for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license.

(1) The application shall be upon a blank provided by the Township Police Department and shall contain at least the following information verified by oath or affirmation:

(a) Full name of the applicant, local address and phone number, if any.

(b) Permanent address.

(c) Name of employer with address and phone number or a statement that such applicant is self-employed.

(d) The nature of the goods, wares, services or merchandise offered for sale.

(e) A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed there.

(f) The type of vehicle to be used, if any, with registration and license number.

(2) Upon request, the applicant shall submit to fingerprinting and furnish a photograph.

B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this article shall be transferable from one person to another.

SECTION 4. License fee.

No license shall be issued under this article until the sum as set forth from time to time by resolution of the Board of Supervisors shall be paid to the Township Police Department, and it shall be for the use of the Township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

SECTION 5. License term; new license.

The license granted pursuant to this article shall be valid for 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 soliciting or peddling, he 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-day periods not exceeding 12 in number, upon payment, in advance, of the license fee for each thirty-day period provided in Section 4.

SECTION 6. License exhibition.

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

SECTION 7. Hours.

No person licensed as a solicitor or peddler under this article shall engage in soliciting or peddling on any day of the week before 9:00 a.m. or after 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 8. Parking vehicle on street; littering.

No person licensed as a solicitor or peddler under this article shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such

streets, highways 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. Fixed location prohibited.

No person licensed as a solicitor or peddler under this article shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter.

SECTION 10. Record of licenses.

The Township Police Department shall keep a record of all licenses issued under this article, and the Chief of Police shall supervise the activities of all holders of such licenses.

SECTION 11. License revocation.

Licenses issued under the provisions of this article may be revoked by the Township Police Department for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on such licensed business.
- C. Any violation of this article.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conduct of the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the Township.

SECTION 12. Prohibited activities.

No person licensed as a solicitor or peddler under this article shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

SECTION 13. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II – TRANSIENT RETAIL MERCHANTS

SECTION 14. Definitions; word usage.

A. As used in this article, certain terms are defined as follows:

FLEA MARKET -- Any location where two or more transient retail merchants or transient retail businesses are located for the purposes of principally selling secondhand goods and antiques.

PERSON -- Any natural person, association, partnership, firm, organization or corporation.

TEMPORARY BASIS -- Any business which operates for less than three days per week on a monthly basis.

TRANSIENT RETAIL BUSINESS -- Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township, on a temporary basis, which includes, 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 specific yearly holidays.

TRANSIENT RETAIL MERCHANT -- Every person, whether principal or agent, entering into, beginning or desiring to begin a transient retail business in the Township for the sale of any goods, wares or merchandise whatsoever and who hires, leases, occupies or uses any room, apartment, store, shop, building, vehicles or other place or structure for the exhibition and sale of such goods, wares or merchandise.

B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 15. License required.

No person shall engage in a transient retail business in the Township without first having obtained a license as herein provided, except that no license shall be required for the following:

- A. Farmers selling their own produce.
- B. The sale of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
- C. Any individual employed by or representing a church, township civic association, scouting organization or school.
- D. Individuals selling goods, wares and merchandise at a licensed flea market.

SECTION 16. License application.

Every person desiring to engage in a transient retail business in the Township shall first make application to the Township Police Department. If such person shall also be required to obtain a license from any county officer, he or she shall, on making such application, exhibit a valid county license.

(1) The application shall be upon a blank provided by the Township Police Department and shall contain at least the following information verified by oath or affirmation:

- (a) Full name of the applicant, local address and phone number, if any.
- (b) Permanent address.
- (c) Name of employer with address and phone number or a statement that such applicant is self-employed.
- (d) The nature of the goods, wares, services or merchandise offered for sale.
- (e) A statement as to whether or not the applicant has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed there.
- (f) The type of vehicle to be used, if any, with registration and license number.
- (g) The proposed location for the sale of goods, wares, services or merchandise.

(2) Upon request, the applicant shall submit to fingerprinting and furnish a photograph.

- B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this article shall be transferable from one person to another.
- C. All transient retail merchants and businesses shall comply with the Township Zoning Ordinance.

SECTION 17. License application for flea markets.

Every person desiring to operate a flea market in the Township shall first make application to the Township Police Department providing the information referred to in Section 16. In addition, the operator of the flea market shall require each individual selling at the flea market to complete an application form upon a blank provided by the Township Police Department which shall contain the information set forth in Section 16. Such records shall be maintained by the owner or operator of the flea market and shall be available for inspection by the Township.

SECTION 18. Initial license fee and monthly term.

The sum as set forth from time to time by resolution of the Board of Supervisors shall cover the cost of processing the application and the whole or any part of the first day of operation as a retail

merchant. The whole or any part of the second day or any subsequent days within the month shall be as set forth from time to time by resolution of the Board of Supervisors per day up to a maximum per month of as set forth from time to time by resolution of the Board of Supervisors.

SECTION 19. License renewal and fee.

Transient retail merchant licenses shall be renewed each month. A fee as set forth from time to time by resolution of the Board of Supervisors shall be required for each renewal license. The fee starting with the second day, as set forth from time to time by resolution of the Board of Supervisors, shall also prevail with each renewal.

SECTION 20. Annual license as alternative.

In lieu of a monthly license, a transient retail merchant license for a calendar year shall be available upon payment of the sum as set forth from time to time by resolution of the Board of Supervisors. Such license shall be renewed annually.

SECTION 21. Property owners permission required.

Before any transient retail merchant license is issued, the owner or agent of such property where the transient retail business is to be located shall grant written permission for the transient retail business to be conducted on his property. Permission shall be granted by the property owner to the operator of the transient retail business prior to approval of the application for a transient retail merchant's license.

SECTION 22. License exhibition.

Transient retail merchant licenses, when issued, shall list the license number, the person or organization to whom it has been issued and the date issued. Every person conducting a transient retail merchant business shall have their transient retail merchant license displayed in a prominent location in the room, apartment, store, shop, building, vehicle or other place or structure where the sale of their goods, wares or merchandise is conducted. No transient retail merchant shall engage in selling any product or service not mentioned on such license.

SECTION 23. Prohibited acts.

No person engaged in any transient retail business shall:

- A. Sell any product or type of product not mentioned on his license;
- B. Hawk or cry his wares upon any street, alley, sidewalk or public place in the Township or use any sound device, including any loudspeaker or sound-amplifying device upon any street, alley, sidewalk or public place or upon any private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon any street, alley, sidewalk or public place for the purpose of attracting attention to any goods, wares or merchandise that he proposes to sell;
- C. Selling from a vehicle upon any street or alley; or

- D. Engage in such business before 9:00 a.m. or after 10:00 p.m., except for a flea market, which shall not engage in business before 7:00 a.m. or after 7:00 p.m.

SECTION 24. Use of streets or sidewalks.

No person engaged in a transient retail business shall:

- A. Have any exclusive right to any location on any of the streets, alleys or sidewalks in the Township;
- B. Be permitted a stationary location; or
- C. Be permitted to operate in a congested area where his operations might impede traffic or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested, the traffic impeded or the public inconvenienced.

SECTION 25. License revocation.

Licenses issued under the provisions of this article may be revoked by the Township Police Department for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on such licensed business.
- C. Any violation of this article.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conduct of the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the Township.

SECTION 26. Violations and penalties.

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

SECTION 27. Effective Date.

This Ordinance shall become effective in accordance with law.

SECTION 28. Severability

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Carroll Township that such remainder shall be and shall remain in full force and effect.

SECTION 29. Repealer.

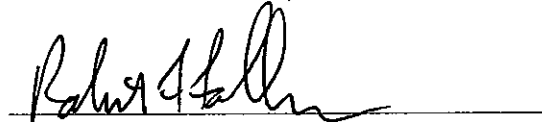
All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

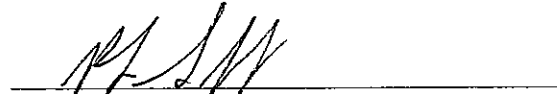
DULY ENACTED AND ORDAINED by the Board of Supervisors of Carroll Township, York County, Pennsylvania, this 14th day of May 2007.

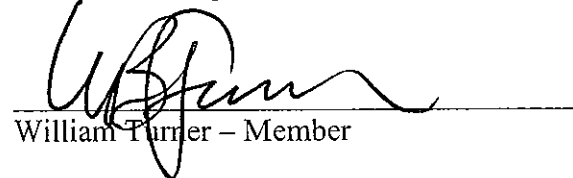
ATTEST:

TOWNSHIP OF CARROLL
COUNTY OF YORK, PENNSYLVANIA



Secretary


Robert F. Faulkner - Chairman


Robert L. Schöpfer - Vice-Chairman


William Turner - Member

Jeffrey Murphy - Member


Sue Graham - Member