

ORDINANCE NO. 94-1

AN ORDINANCE OF ORWELL TOWNSHIP REGULATING AND LICENSING TRANSIENT RETAIL BUSINESS, REQUIRING OPERATORS OF TRANSIENT RETAIL BUSINESSES TO OBTAIN LICENSES, AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Orwell, Bradford County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1: TITLE.

This Ordinance shall be known as the TRANSIENT RETAIL BUSINESS ORDINANCE of Orwell Township.

SECTION 2: DEFINITIONS AND INTERPRETATION.

- A. "Transient retail business" shall mean and include the following:
  - 1. Engaging 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 highway in Orwell Township; or
  - 2. Engaging in selling, soliciting, or taking orders for goods, wares or merchandise, from a fixed location within Orwell 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.
- B. The word "person" as used in this Ordinance shall mean any natural person, partnership, association, firm or corporation.
- C. Nothing herein shall extinguish or modify the requirements placed on persons engaged in refuse collection or the service of septic systems, currently under the regulation of other Township ordinances of Orwell Township as the same are intended to continue in full force and effect.

SECTION 3: LICENSE REQUIRED; FEE.

Upon the submission and approval of an application for a license, an applicant must pay a license fee in the amount of twenty-five

dollars (\$25.00). Upon payment of said license fee, a license shall be issued in the form of a card which, unless revoked sooner, shall entitle the licensee to engage in the activities specified on the 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 the information contained in the application, and, further, that 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.

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 4. APPLICATION FOR LICENSE.

Every person desiring a license under this Ordinance shall first make application to the Township Secretary for such license. The applicant shall submit, over 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 within 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. Two (2) current photographs; and
10. Exhibit County license if required by intended business.



## SECTION 5. ISSUANCE OF LICENSE.

The Township Secretary, upon receipt of approval of an application under this Ordinance from the Township Police Department, shall immediately issue a license in accordance with the application. In the event that the Township Police Department fails to approve an application, the Township Secretary shall immediately notify the applicant of that action.

## SECTION 6. DISPLAY OF LICENSE; PROHIBITED ACTS.

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/she shall carry his/her license card at all times and exhibit it upon request to any peace officer or any person upon whom he/she shall call or with whom he/she shall talk in carrying on his/her licensed activities.
- B. He/she shall not permit any other person to have possession of his/her license card and shall immediately report its loss to the Township Police Chief. He/she shall not cause or permit his/her license card to be altered or defaced.
- C. He/she 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/she shall not represent his/her license card to be an endorsement of himself/herself or of his/her goods or services or of the goods or services of his/her principal or employer.
- E. He/she shall immediately surrender his/her license card upon revocation of his/her license as hereinafter provided.
- F. He/she shall conduct his/her business between the hours of 9:00 a.m. and 8:00 p.m.

## SECTION 7: REVOCATION OR SUSPENSION OF LICENSE.

Any license issued hereunder may be revoked or suspended by the Orwell Township Police Department for failure of the licensee to comply with any of the regulations set forth in Section 6 hereof or upon the discovery that the licensee has made any false statements in his/her application for license hereunder.

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

## SECTION 8: EXEMPTIONS FROM LICENSING REQUIREMENTS.

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 9: PENALTY FOR VIOLATION.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof before a District Justice, 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 10: SEVERABILITY.

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.



Adopted this 28<sup>th</sup> day of February, 1994, by the Supervisors  
of Orwell Township.

SUPERVISORS OF ORWELL TOWNSHIP

Calm Bink

Brian Chaffee

Francis Casselberry

Date: February 28, 1994

I certify that this is a true and correct  
copy of the Ordinance passed by the Board  
on the 28<sup>th</sup> day of February, 1994.

Laurie J. Novak  
Orwell Township Secretary

