

**TOWNSHIP OF NOTTINGHAM
WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE #107
PEDDLING, SOLICITING OR TRANSIENT MERCHANTS**

AN ORDINANCE OF THE TOWNSHIP OF NOTTINGHAM, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE OF ORDINANCES TO ADD ORDINANCE #107 TO PROVIDE FOR REGULATION OF PEDDLERS, CANVASSERS OR TRANSIENT MERCHANTS WITHIN THE TOWNSHIP, AND PROVIDE FOR SEVERABILITY AND REPEAL OF PRIOR, INCONSISTENT ORDINANCES.

WHEREAS, the Township Supervisors desire to adopt a Township Ordinance to provide for regulation of peddling, soliciting and transient merchants within the Township;

WHEREAS, on June 1, 2015 the Township Supervisors authorized advertisement of public notice of the Board's intent to consider adoption of the proposed ordinance and such consideration of adoption was properly advertised on July 10, 2015;

WHEREAS, in the judgment of the Township Supervisors, the proposed ordinance protects the public health, safety and welfare of Township residents.

NOW, THEREFORE, BE IT ENACTED into law by the Township of Nottingham, County of Washington, Commonwealth of Pennsylvania, that the Township Code of Ordinances is amended by adding Ordinance #107, the Regulation of Peddlers, Solicitors and Transient Merchants:

PART ONE

Peddlers, Canvassers and Transient Merchants

§1. Permit Required. It shall be unlawful for any peddler, canvasser or transient merchant as defined in §2 of this part to engage in any such business within the Township of Nottingham without first obtaining a permit therefore in compliance with the provisions of this Part 1.

§2. Definitions. When used in this Part 1, the following terms shall have the following meanings:

(a) "Peddler" and "Transient Merchant" shall include any person, whether a resident of the Township of Nottingham or not, who goes from house to house, from place to place, or street to street, to include placing or leaving flyers on mail boxes or at residences, conveying or transporting goods, wares, merchandise or offering or exposing the same for sale in any manner whatsoever, or making sales and delivering articles to purchasers, or establishing a temporary place of business in a fixed location.

(b) "Canvasser" shall include any person, whether a resident of the Township of Nottingham or not, who goes from house to house, from place to place, or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

§3. Exemptions. The terms of this Part 1 shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles; nor to the acts of merchants or their employees in delivering goods in the regular course of business including the following:

- 1) For farmers selling their own produce;
- 2) For the sale of goods, wares and merchandise donated by the owners thereof, where the proceeds are to be applied to any charitable or philanthropic purpose;
- 3) For person under the age of 18 years who take orders for and deliver newspapers, grass cutting, yard work, snow removal, pet watching, greeting cards, candy, sandwiches, bakery products and similar activities;
- 4) Boy Scouts or Girl Scouts and similar organizations;
- 5) Garage sales by residents.

Nothing contained in this Part shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

§4. Application. Applicants for a permit under this Part 1 must file, **in person**, with the Secretary of the Township of Nottingham a sworn application in writing on a form to be furnished by the Township. A processing fee to be determined by the Board of Supervisors shall be paid by the applicant and shall accompany the return of the application which shall provide the following information:

- (a) Name and physical description of applicant, to include two (2) 2"x2" color photographs;
- (b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be mailed;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- (e) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof; and the proposed method of delivery;

(f) A statement as to whether or not the applicant or any canvassers have been convicted of a crime other than a summary traffic offense, and, if so, the nature of the offense and the punishment assessed therefore;

(g) Transient merchants in a fixed location must also obtain a special permit or occupancy permit as required in the Zoning Ordinance;

(h) Present a valid Photo Driver's License or State Photo Identification card; no other form of identification will be acceptable;

(i) All applicants must present a Criminal Background check conducted by the Pennsylvania State Police. If the applicant is not a resident of Pennsylvania, the applicant will provide a current (no older than one (1) year) criminal background check from the state in which the applicant resides.

§5. Religious and Charitable and Political Organizations; Exemption. All bona fide religious, charitable and political organizations, societies associations or corporations shall be exempt from the application of this Ordinance so long as the principal purpose of their solicitation activities is the expression of religious, political or other philosophical beliefs, as opposed to the sale or distribution of goods and merchandise.

§6. Investigation; Payment of Fees; Issuance of Permit.

(a) The Township of Nottingham Designated Municipal Official (DMO) shall endorse on the application his/her approval and upon payment of the fees listed below shall deliver to the applicant his/her permit and Township's approved identification badge with photo enclosed, which shall be affixed to the outer clothing of the solicitor in a manner so as to be permanently displayed at all times during the course of solicitation;

(b) The permit shall issue upon filing of a completed application unless the Township informs the applicant, in writing and within five business days of the date the application is received by the Township, that the person is seeking to engage in unsafe, illegal, fraudulent, or criminal activity, has made a material misrepresentation on the permit application or is a home improvement contractor and has failed to register with the Pennsylvania Attorney General;

(c) Permits shall expire at the end of each quarter-year and the term during which a permit is valid and useable shall not exceed 92 days. Permits can be renewed for additional quarter-year terms, upon payment of the required fee, however no permit renewal shall extend beyond the calendar year in which the original permit was issued. Any permit issued and the associated permit application information associated therewith shall expire at the end of each calendar year;

Fees shall be set by Resolution of the Nottingham Township Board of Supervisors;

(d) Group permits may be granted and permits may be issued for a period up to one year without the necessity of a renewal during the year. Upon the refusal of or failure to act on an application within a reasonable time, the applicant may appeal to the Township Board of Supervisors for relief;

(e) Permits of any nature are not transferable.

§7. Loud Noises and Speaking Devices. No permittee nor any person on his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets of the Township of Nottingham or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell.

§8. Use of Streets, Time Restrictions and Responsibility for Pick-Up of Literature.

(a) No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets;

(b) No permittee shall be permitted to solicit before 9:00 a.m., or after 8:00 p.m. prevailing time, or all day on Sundays or other business holidays, recognized as such holidays by governments of the United States or Commonwealth of Pennsylvania;

(c) No permittee shall be permitted to solicit on property that displays a "No Soliciting" sign visible from the road;

(d) No permittee shall be permitted to solicit within Township Parks without the express consent of the DMO or Director of Public Works;

(e) All permittees are responsible to pick-up all literature used for the purpose of soliciting or sale that accumulates in any manner on the streets, the property of residents or the Township of Nottingham;

§9. Exhibition of Permit. Permittees are required to exhibit their permits at all times when soliciting in any manner;

§10. Revocation of Permit. The Board of Supervisors, after notice and hearing, may revoke any permit issued pursuant to the Ordinance for one or more of the following reasons:

(a) harassment of a resident in soliciting the sale of goods where a police report has been filed;

(b) failure to disclose a criminal conviction of the applicant after permit is issued;

(c) determination by the DMO that the applicant has made a material misrepresentation on the application subsequent to the permit being issued;

(d) failure to pick-up literature used for solicitation after notification to do so by the Township Zoning Officer;

§11. Penalties. Any person, firm, corporation or association who or which shall violate any provisions of this Part 1 shall, upon conviction thereof, in a summary proceeding, be subject to a fine not exceeding five hundred dollars (\$500.00) for each and every offense, together with costs and attorney fees. Each and every day during which such violation shall continue shall constitute a separate offense.

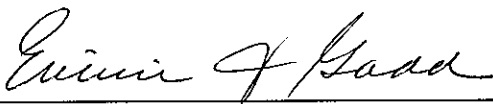
PART 2. Repealer: All Ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PART 3. Severability: Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Duly presented at a regular meeting of the Township of Nottingham Board of Supervisors, Washington County, Pennsylvania, the proposed Ordinance is hereby

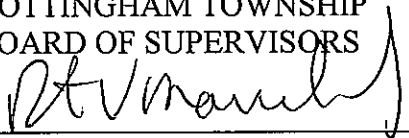
ORDAINED AND ENACTED THIS 21st DAY of September, 2015.

Attest:

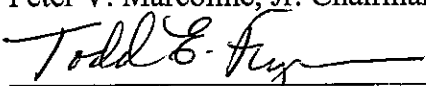


Emilie J. Gadd, Secretary

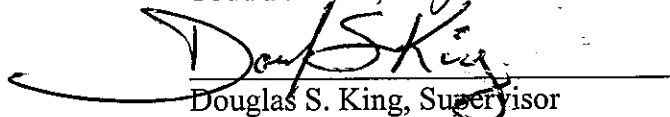
NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS



Peter V. Marcoline, Jr. Chairman



Todd E. Flynn, Vice Chairman



Douglas S. King, Supervisor