

ORDINANCE NO. - 1999 - 2

AN ORDINANCE OF MONROE TOWNSHIP, SNYDER 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 Monroe Township, Snyder 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 do hereby enact and ordain:

Section 1: **Definitions and Interpretation** - The following definition and interpretation shall apply to this Ordinance:

a. The term "Transient Retail Business", as used in this Ordinance, shall mean engaging in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares, or merchandise of any description, by visitation to private homes or residences or on the public streets or highways within Monroe Township; or to engage in selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within Monroe Township, on a period not to exceed thirty days.

b. The term "Transient Retail Dealer", as used in this Ordinance, shall mean any person who shall engage in transient retail business as heretofore defined.

c. The term "Peddler", as used in this Ordinance, shall mean any person engaged in a transient retail business who operates on foot with or without cart or from a vehicle.

d. The term "person" as used in this Ordinance, shall mean any natural person, association, partnership, firm or corporation.

e. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

Section 2: Transient Retail Licenses Required - Every person, whether principal or agent or otherwise, prior to commencing a Transient Retail Business within Monroe Township, Snyder County, Pennsylvania shall obtain for the business a license as herein provided.

Section 3: Application for a Transient Retail Dealers License

Unless exempted by this Ordinance, every person, prior to engaging in a Transient Retail Business within Monroe Township, Snyder County, Pennsylvania, shall first make application therefor in person to the Township Secretary. Final approval or disapproval will be granted within three (3) days on receipt of application. During the three (3) day period the secretary, if he deems it appropriate, may contact appropriate police departments for previous criminal records, if any. Individuals with previous convictions of a felony or misdemeanor may be refused a license at the secretary's discretion. A license shall be required for each Transient Retail Business and no license issued under this Ordinance shall be transferable from one person to another. The application shall contain the following applicable information:

a. Name: The name of the business, meaning the firm, corporation or person owning or operating such business, the name of the individual conducting or managing such business within the Township, and the names of all persons, whether resident or not, participating in and assisting in the conducting of said business.

b. Addresses: Both the permanent and local addresses of all

persons, firms or corporations referred to above, together with the address or location of any place of business or location within the Township from which said business will be conducted.

c. Other Information: Personal description including age, weight, height, color of eyes, color of hair, previous convictions of criminal offenses, if any, and other descriptive information relative to each individual as referred to in this Section.

d. Nature of Business: A complete and accurate description of the nature and type of business to be conducted including, but not limited to, the procedure and methods used in contacting and interesting potential customers, and also including the hours and days during which such business shall be conducted and the length of time for which the license is being requested.

e. Description of Vehicle: The description of any vehicle used by the individuals referred to in this Section including the make, year, color, license plate, name of registered owner, operator's number and names of any operators of the said vehicle.

f. Items for Sale: A complete description of the goods, wares, merchandise or articles to be sold, ordered or bartered, including prices, deposit required, and any contract, if any, to be offered to the general public for such purchases.

g. Fee for Transient Retail Dealer's License: Upon submission of such application and the payment of a license fee in the amount of \$100.00 for each day the applicant desires to do business in Monroe Township, there shall be issued to the applicant a license in such form as may from time to time be determined by the Township which, unless soon revoked, shall entitle the licensee to engage in the activities specified on his application for the period of time for which a fee has been paid beginning with the day of issuance. All license fees shall be paid to the Township

Secretary for use of the Township.

Section 4: License To Be Carried And Exhibited Upon Request; Restrictions of License

- Every Transient Retail Dealer or his employee shall at all times when engaged in business in Monroe Township, carry such license or a certified copy thereof upon his person, and shall exhibit such license upon request to all Police Officers, Township Officials and prospective customers. No Transient Retail Dealer shall engage in the selling of any product not set forth upon his license nor shall such dealer sell in a manner or location not indicated on such license.

Section 5: Limited Use of U.S. Routes 11 & 15

- No person, licensed as Transient Retail Dealer under this Ordinance, shall occupy, set up, or establish a fixed position within 25 feet of the right-of-way line of U.S. Routes 11 & 15, which is a 4-lane highway passing through the Township of Monroe. No persons so licensed shall occupy, set up, or establish a fixed position along said U.S. Routes 11 & 15 in such a manner as to limit access to said highway.

Section 6: Selling Restricted From Fixed Location on Streets or Sidewalks

- No person, licensed or pursuant to this Ordinance shall occupy any fixed location upon any street, alley or sidewalk of the Township of Monroe for the purpose of acting as a Transient Retail Dealer with, or without any stand.

Section 7: Suspension of Licenses

- The Board of Supervisors of Monroe Township is hereby authorized to suspend any license issued under this Ordinance that deems such suspension to be beneficial to the public health, safety and morals of the citizens of Monroe Township or for the violation of any provisions of this Ordinance, or for giving false information or misrepresentation upon any application for a license, or

for making a false fraudulent statement during the operation of his business, or from the conviction of any crime other than minor traffic violations.

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

Section 8: Transient Retail Dealers Subject to Other Township Ordinances - All persons issued licenses pursuant to this Ordinance shall conform to all other Ordinances and regulations of the Township of Monroe.

Section 9: Exemptions - 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.

e. Persons selling personal property in conjunction with a garage sale or estate sale on their own premises in the Township. The maximum duration of any

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sale shall be three days and may not occur more than twice annually.

f. Persons or businesses engaged in the sale of merchandise under a lease obligation for space within a retail establishment.

Section 10: Severability - If any section, sub--section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance. The Board of Township Supervisors hereby declare that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 11: Penalties - Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Provided, however, each day's continuance of a violation of any of the provisions of this Ordinance shall constitute a separate offense.


Section 12: Effective Date - This Ordinance shall become effective five (5) days after its adoption.

Adopted this 25th day of

May, 1999.

ATTEST:

Board of Supervisors of Monroe
Township, Snyder County, Pa.



Susan Y. Straub
Susan Straub, Secretary

Rick Bailey
Rick Bailey, Chairman

Steve Paige
Steve Paige, Supervisor

Timothy L. Wolfe
Timothy L. Wolfe, Supervisor