ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PA AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) OF THE TOWNSHIP BY MODIFYING THE SCOPE AND TERMS OF PERMISSIBLE PEDDLING AND SOLICITING IN MAIDENCREEK TOWNSHIP

WHEREAS, Section 1601(a) of the Pennsylvania Second Class Township Code (53 P.S. §66301) authorizes the Board of Supervisors (the "Board") to enact an Ordinance amending an existing Ordinance; and

WHEREAS, the Board of Supervisors of the Township of Maidencreek, by Ordinance No. 48, Adopted Part II General Legislation, Chapter 151: Peddling and Soliciting; and

WHEREAS, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania (the "Township") deems it in the best interest of the residents of the Township to amend the Peddling and Soliciting provisions of the Township Code; and

NOW THEREFORE, in consideration of the above recitals which are hereby incorporated by reference and made part hereof, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania hereby ENACTS and ORDAINS as follows:

SECTION 1. <u>Amending Provisions</u>

Part II General Legislation, Chapter 151: Peddling and Soliciting, of the Code of the Township of Maidencreek, Berks County, Pennsylvania (Ordinance 223) is hereby amended in the following manner:

A) § 151-1 (A) "Peddling" is hereby amended to delete Paragraph (3).

B) § 151-2 "Permit Required" is hereby amended by deleting existing language and replacing it with the following:

> No person shall engage in peddling or soliciting, or assist an individual engaged in peddling or soliciting, in the Township of Maidencreek without first having taken out a permit as hereinafter provided.

C) § 151-3 "Application for Permit" is hereby amended to read as follows:

> In order to protect the public against fraud and imposition, every person desiring to engage in peddling or soliciting in the Township of Maidencreek shall first submit a completed Application for Soliciting Permit to the Secretary of the Board of Supervisors of the Township of Maidencreek. Upon such application, such person shall give his name, address, the name of the person for whom he

works, if any; the type of goods, wares, merchandise or work he wishes to peddle, or the nature and activities of the organization, cause, or purpose for which he is soliciting, as the case may be; the length of time for which he desires a permit; identification of the vehicle he uses, the number of assistants he has, and his criminal history, if any. Where a person makes application for himself and one or more assistants, all applicable personal information specified above shall be given for each assistant, and an individual permit shall be required for each assistant. No permit issued under this chapter shall be transferable from one person to another.

D) § 151-4 "Issuance of Permit" is hereby amended to read as follows:

Upon making application therefor, as herein specified, and subject to the approval of the Secretary of the Board of Supervisors of the Township of Maidencreek, a permit shall be issued to any peddler or solicitor. Such permit shall contain the information required to be given upon the application therefor. Every peddler or solicitor shall, at all times when engaged in peddling in the Township of Maidencreek, carry such permit upon his person and shall exhibit such permit upon request to all police officers, Township officials, and citizens. No peddler or solicitor shall engage in any activity not specifically authorized herein.

E) § 151-10 "Permitted Hours of Peddling/Soliciting" is hereby added to the Ordinance to read as follows:

No person licensed as a peddler/solicitor under this Ordinance shall engage in peddling at any time other than the approved days/times as follows:

Monday – Friday 9:30am – 6:00pm
Saturday – 9:30am – 5:00pm

Peddling/Soliciting on Sundays and all Federal Holidays is strictly prohibited

F) § 151-11 "Insurance Required" is hereby added to the Ordinance to read as follows:

All persons seeking a permit for peddling/solicitation, as specified herein, must submit a certificate of insurance, in the amount of $500,000 with Maidencreek Township as the named insured, to the Secretary of the Board of Supervisors of the Township of Maidencreek along with a completed application.

SECTION 2. <u>Ratification and Repeal</u>

The provisions of Maidencreek Township Ordinance No. 223, as amended, and all actions taken pursuant thereto are hereby ratified and confirmed with regard to all matters prior to the date of enactment of this Ordinance. Upon enactment of this Ordinance, Ordinance No. 223 is and will be repealed to the extent but only to the extent inconsistent with the terms, conditions and provisions of this Ordinance.

SECTION 3. Severability

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall become effective upon enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania in lawful session duly assembled this ___ day of _____, 2015.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

_____
Joseph E. Rudderow, III, Chairman

_____
David Franke, Supervisor

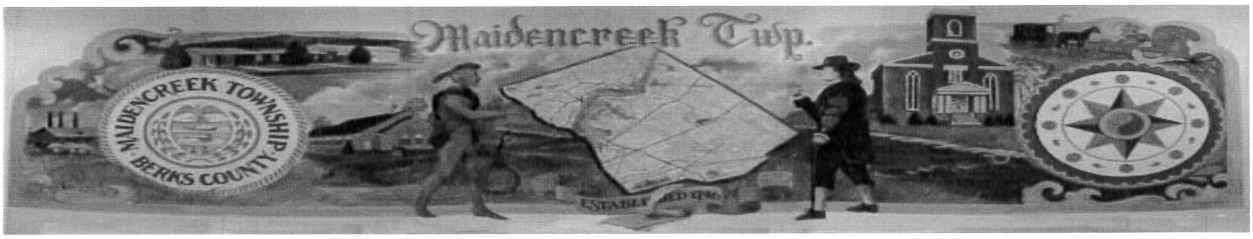
Attest:

_____
Diane Hollenbach, Township Manager

_____
Claude Beaver, Supervisor

Application for Soliciting Permit - Maidencreek Township

In accordance with the Maidencreek Township Code



Name: _____

Address: _____

Employer: _____

Description of Goods/Wares/Merchandise: _____

_____

Nature of Organization/Cause/Purpose for Solicitation: _____

_____

Desired Length of Time for Permit: _____

Vehicle Identification (make/model/license plate #): _____

_____

Number of Assistants: _____

Criminal History (if any) - with description of offense(s): _____

_____

Signature of Applicant: _____

Hours of Solicitation: Monday-Friday 9:30am – 6:00pm, Saturday 9:30am – 5:00pm

SPACE BELOW FOR TOWNSHIP USE ONLY – DO NOT WRITE BELOW THIS LINE

Permit Number: _____

Date Issued: _____ Expiration Date: _____

Certificate of Insurance on File: Yes [ ] No [ ]

Fee Paid: _____

APPROVAL OF TOWNSHIP MANAGER: _____

Maidencreek Township
1 Quarry Road
Blandon, PA 19510