ORDINANCE NO. 237

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. Amending Provisions

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 read as follows:

> Engaging in peddling, canvassing, soliciting, or taking of orders either by sample or otherwise for any goods, wares, or merchandise, or for work of any nature to be performed, either by sample or otherwise, upon any of the streets or sidewalks or from house to house within the Township of Maidencreek, including itinerant vendors, as defined below; provided, however, the word "peddling" shall not apply to:
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> (1) Farmers selling their own produce;
> (2) The sale of goods, wares, or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
> (3) Sales of milk and milk products, including seasonal ice cream vendors.

B) § 151-1 (A) "Itinerant Vendor" is added as follows:

Any attempt to offer or offering for sale any items at a temporary location or seasonal items not permitted as a permanent location. Examples include, but are not limited to, the sale of flowers, fireworks, plants, Christmas trees, pumpkins, and other seasonal type sales.

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

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

D) § 151-3 "Application for Permit" is hereby amended to into subparts (A) and (B), to read as follows:

§ 151-3 (A)

In order to protect the public against fraud and imposition, every person desiring to engage in peddling, soliciting, or itinerant sales 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.

§ 151-3 (B)

In addition to the Application for Permit, as required by § 151-3 (A), itinerant vendors shall submit a plan detailing ingress, egress, parking, sign locations, and the desired duration, dates & times for itinerant sales, which shall be subject to limitation.

E) § 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, solicitor, or itinerant vendor. Such permit shall contain the information required to be given upon the application therefor. Every peddler, solicitor, and itinerant vendor 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, solicitor, or itinerant vendor shall engage in any activity not specifically authorized herein.

F) § 151-6 "Fixed Location Upon Street or Sidewalk Prohibited" is hereby amended to read as follows:

Except for duly permitted itinerant vendors, no person to whom a permit has been issued under this chapter shall occupy any fixed location upon any of the streets or sidewalks of the Township of Maidencreek, for the purpose of peddling or soliciting, with or without any stand or counter.

G) § 151-9 "Violations and Penalties" is hereby renumbered § 151-11 and is hereby otherwise ratified and confirmed.

H) § 151-9 "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 and Soliciting on Sundays and all Federal Holidays is strictly prohibited

I) § 151-10 "Insurance Required" is hereby added to the Ordinance to read as follows:

All persons seeking a permit for peddling/soliciting/itinerant sales, 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. Ratification and Repeal

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 25 day of February, 2015.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

_____
Joseph E. Rudderow, III, Chairman

_____
David Franke, Supervisor

Attest:

Diane Hollenbach
Diane Hollenbach, Township Manager

_____
Claude Beaver, Supervisor