

Chapter 13

Licenses, Permits and General Business Regulations

Part 1

Transient Merchants

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Part 1**Transient Merchants****§13-101. Title.**

This Part shall be known as the “Richland Township Transient Merchant Ordinance.”

(Ord. 242, 9/28/2009, §1)

§13-102. Purpose.

This Part is adopted for the purposes of regulating transient merchants. Richland Township finds that the public safety and privacy of residents necessitates the exercise of the police power through the enactment and enforcement of this Part for the purpose of protecting the privacy of residents and preventing nuisance or fraudulent transient merchants.

(Ord. 242, 9/28/2009, §2)

§13-103. Definitions.

As used in this Part, the following terms shall have the meaning indicated:

Handbill—any printed or written matter, any sample or device, flyer, circular, leaflet, brochure, pamphlet, paper, or booklet of any matter or literature.

Person—any natural person, association, partnership, corporation, or other legal entity.

Transient merchant—

(1) Any person performing any of the following activities: peddling, selling, soliciting, or taking orders, either by sample or otherwise, for any goods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Township of Richland.

(2) Any person selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the 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 yearly holidays.

(Ord. 242, 9/28/2009, §3)

§13-104. Permit Required; Exemption.

1. Except as otherwise provided in this Part, it is unlawful for any person to act as a transient merchant within the Township of Richland without having first obtained a permit issued pursuant to this Part. Each individual transient merchant shall submit application no later than 30 days in advance of when they will engage in regulated activities within the Township. In addition, there must be compliance with the business permit requirements as stated in this Part.

2. A transient merchant who only offers for sale goods or services with an asking price or requested donation that does not exceed \$20, including the payment of fees, is exempt from the permitting requirements of this Part. Such transient merchants shall be subject to §§13-108 and 13-109 of this Part.

3. The permit and other requirements of this section shall not apply to farmers selling their own produce, or persons engaged in any religious or political activity that does not involve the sale of goods or merchandise.

(*Ord. 242, 9/28/2009, §4; as amended by Ord. 286, 4/8/2019, §§2, 3*)

§13-105. Application for Permit.

Any person or organization desiring to engage in transient merchant activities within the Township of Richland must first make application to the Richland Township Chief of Police or his designee for a permit. The following information is required to be submitted:

A. Name and physical description of each person(s) participating in transient merchant activities.

B. Date of birth, driver's license or other legitimate photograph identification, and last four digits of Social Security number as per PA Law Fed 5.2.

C. Permanent home address.

D. Local address and landline phone number.

E. Must provide cellular phone number. A cellular phone is to be carried by the transient merchant on his or her person while engaged in transient merchant activities within the Township of Richland.

F. The nature or character of the goods, wares, merchandise or services to be offered by the transient merchant.

G. If employed, the name, address and landline number of the employer, or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be.

H. The applicant shall provide a start date and closing date of his or her transient merchant activities.

I. Two passport style photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, showing the head and shoulders of the applicant in a clear and distinguishing manner.

J. The names of, and a means of contacting, at least 2 reliable persons who will certify as to the applicant's good character and business reputation, or, in lieu of the names of such references, such other available evidence as to the good character and business reputation of the applicant as will enable an investigator to properly evaluate the applicant's character and responsibility.

K. The application shall require the disclosure of the person's name and address, his or her previous criminal record (along with a copy of a criminal history record report obtained from the Federal Bureau of Investigation (FBI), at the applicant's expense), the type of goods, wares and merchandise he or she wishes to peddle, the length of time for which he or she wishes to be permitted, the type and make of vehicle he or she uses, if applicable, and the number of persons assisting the applicant in the peddling activities. The FBI report shall be dated no earlier than 30 days prior to the submission of the application for a permit. All information required to be submitted for the applicant shall also be submitted for each person assisting the applicant. No permit shall be issued to any person who has, within the last 10 years from the date of the application, been convicted, or served a sentence or period of criminal pro-

bation, for any felony or misdemeanor involving moral turpitude (as that term is defined in Section 237.9 of the Pennsylvania Code, as may be amended from time to time).

L. Proof of possession of any permit which, under Federal, State or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from permitting requirements of this Part.

M. No persons convicted of any sex offense in this or any other jurisdiction shall be issued a permit for transient merchant activities.

N. By making this application, the applicant authorizes the Richland Township Chief of Police or his designee, or authorized representative to investigate the applicant's criminal history, active warrant status, and background.

(*Ord. 242, 9/28/2009, §5; as amended by Ord. 286, 4/8/2019, §§2, 4*)

§13-106. Investigation and Permit Issuance.

1. Upon receipt of an application, the Richland Township Chief of Police or his designee, or authorized representative, shall cause an investigation to be made of the applicant's moral character and business reputation, as deemed necessary for the protection of the public health, safety and general welfare.

2. The Richland Township Chief of Police or his designee shall deny an application for a permit if he or she makes any of the following findings:

A. The applicant has failed to pay the application permit/identification badge permit fee by cash or money order.

B. The applicant has made one or more material misstatements in the application for a permit.

C. The applicant is facing outstanding charges, has an active warrant or has been convicted of any felony or misdemeanor offense that reasonably indicates a potential risk to the public.

D. The applicant fails to provide proof of possession of any permit which, under Federal, State or local laws or regulations, the applicant is required to have in order to conduct the proposed business.

E. The applicant has previously been convicted for violation of any provision of this Part, or who has had any permit issued pursuant to this Part revoked.

F. The Richland Township Chief of Police or his designee possesses any other credible information concerning the applicant, his or her employer or principal that reasonably and directly indicates the transient merchant activities will likely be used as a means of committing crime, fraud or deceit.

G. If the application is disapproved, the Richland Township Police Chief's or his designee's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

H. If the Richland Township Chief of Police or his designee finds that the applicant's character and business responsibility are in compliance with the provisions of this Part, the Richland Township Chief of Police or his designee shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver

the required permit/identification badge to the applicant.

(*Ord. 242, 9/28/2009, §6; as amended by Ord. 286, 4/8/2019, §2*)

§13-107. Permit Expiration.

1. All permits under the provisions of this Part shall expire 90 days from the date of issuance, unless an earlier expiration date is noted on the permit.

2. All transient merchant permit/identification badges are the property of Richland Township. Upon expiration of permit, every transient merchant issued a permit/identification badge are required to return the permit/identification badge to the Richland Township Police Department.

(*Ord. 242, 9/28/2009, §7; as amended by Ord. 286, 4/8/2019, §2*)

§13-108. Hours of Operation.

Any and all transient merchants shall only engage in transient merchant activity within the Township of Richland during the period of Monday through Saturday between the hours of 10:00 a.m. to 6:00 p.m. No transient merchant activities shall be allowed on Sundays or any State or Federal legal holidays.

(*Ord. 242, 9/28/2009, §8; as amended by Ord. 286, 4/8/2019, §5*)

§13-109. Prohibition Against Entering Posted Property, Do Not Solicit List.

1. Any and all transient merchants are prohibited from entering upon any property that is posted with a “No Peddling or Soliciting” sign, or words of similar import, that is painted or affixed so as to be exposed to public view.

2. The Richland Township Police Department shall maintain a registry of individual property owners who have registered their property with the Department as a “Do Not Solicit” property. The Department shall provide all persons issued a permit, in accordance with this Part, with a copy of this registry. Any contact with a property owner listed on the registry shall constitute a violation of this Chapter, and shall be grounds for revocation of a permit.

(*Ord. 242, 9/28/2009, §9; as amended by Ord. 286, 4/8/2019, §6*)

§13-110. Other Regulations.

1. Every transient merchant issued a permit/identification badge must be in possession of the permit/identification badge at all times. The transient merchant must prominently display the permit/identification badge on his person. The transient merchant must provide the permit/identification badge on the demand of any person solicited or of any police officer or official of the Township of Richland. No person issued a permit shall alter, remove or obliterate any entry made upon such permit, or deface such permit in any way. Each permit and badge shall be personal and not assignable or transferable, nor shall any permit and badge be used by any person other than the permittee or the person for whom the identification badge is issued.

2. Every transient merchant, upon the request of any police officer or official of the Township of Richland, shall sign the transient merchant’s name for comparison with the signature upon the permit or card or the signature upon the permit application.

3. Every transient merchant who solicits orders for future delivery shall, if requested by the customer, provide a receipt plainly stating the quantity of each article or

commodity ordered, the price to be paid thereof, the total amount ordered and the amount to be paid on or after delivery.

4. Every transient merchant shall, if requested by the customer, provide his or her name, business address and telephone number of the person, organization, or entity on whose behalf solicitation is being made.

(*Ord. 242, 9/28/2009, §10; as amended by Ord. 286, 4/8/2019, §2*)

§13-111. Permit Suspension or Revocation.

The Richland Township Chief of Police or his designee is hereby authorized to suspend or revoke any permit issued under this Part for any of the following reasons:

A. Fraud, false statement or misrepresentation contained in the application.

B. Fraud, false statement or misrepresentation made in the course of carrying out the business of a transient merchant.

C. Conviction of any felony or misdemeanor offense that reasonably indicates a potential risk to the public.

D. Conducting of transient merchant activities in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

E. Any violation of this Part.

(*Ord. 242, 9/28/2009, §11; as amended by Ord. 286, 4/8/2019, §2*)

§13-112. Handbill Distribution Excluded.

Nothing in this Part shall prohibit persons from distributing handbills door-to-door within the Township of Richland.

(*Ord. 242, 9/28/2009, §12*)

§13-113. Permit Fees.

The Board of Supervisors may from time to time, by resolution, adopt a schedule of permit fees for each person(s) participating in transient merchant activities.

(*Ord. 242, 9/28/2009, §13; as amended by Ord. 286, 4/8/2019, §2*)

§13-114. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction before a magisterial district judge, pay a fine of not more than \$1,000 plus costs or be imprisoned for a term not exceeding 30 days. Each day or portion thereof that such violation continues shall constitute a separate offense. The provisions of this Part shall be enforced in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures.

(*Ord. 242, 9/28/2009, §14*)

