

TOWNSHIP OF CENTRE
BERKS COUNTY, PENNSYLVANIA

ORDINANCE # 137-2011

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, AMENDING ORDINANCE NO. 13 OF THE TOWNSHIP OF CENTRE, IN ITS ENTIRETY, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Centre, Berks County, Pennsylvania (hereinafter "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same, that Township Ordinance No. 13, is hereby amended in its entirety so as to hereafter read as follows:

Section 1. Definitions and Interpretation.

(a) Transient Retail Business. As used in this Ordinance, shall mean and include the following (1) engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets, or alleys, sidewalks or public grounds, or from house to house, within the Township of Centre; and (2) 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 shall not be limited to, such activities conducted at the time of special occasions or celebrations for seasonal purposes, or for or in advance of specific yearly holidays.

(b) Person. As used in this Ordinance, shall mean any natural person, association, partnership, firm or corporation.

(c) In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

Section 2. License Required to Engage in Transient Retail Business. No person shall engage in any transient retail business within the Township without first having obtained from the Township a license, for which a fee, which shall be for the use of the Township, shall be charged, such fee to be determined and set from time to time by resolution of the Township; provided, however, no license fee shall be charged under this section: (a) to farmers selling their own produce; (b) for the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or (c) to any manufacturer or producer in the sale of

bread and bakery products, meat and meat products, or milk and milk products, but all persons exempted hereby from payment of the license fee shall be required to register with the Township and to obtain a license without fee; provided further, any person dealing in one or more of the hereinabove mentioned exempted categories, and selling other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his/her activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided further, the Township may similarly exempt from payment of the license fee, but not from registering with the Township, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided further, every license issued under the provisions of this Ordinance shall be issued on an individual basis to persons engaging in such business; every individual shall obtain a separate license, issued to him in his/her name, and the license fee hereby imposed shall be applicable to every such individual license.

Section 3. Application for License. Every person desiring a license under this Ordinance shall first make application to the Township's Code Enforcement Department for such license. If such person shall also be required to obtain a license from any State or County officer, applicant shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall provide the following information: his/her name, address, social security number, previous criminal record, if any; the name of the person by whom he/she is employed; the type of goods, wares and merchandise he/she wishes to deal with in such transient retail business; the length of time for which such license is to be issued; and the make, model and license number of the vehicle to be used in such transient retail business, if any. Furthermore, prior to the issuance of a license, applicant shall consent, authorize and agree to pay for the Township to cause to be conducted a criminal record check for every person desiring a license under this Ordinance. No license shall be issued to any person with a criminal record confirming the applicant has been convicted of a felony offense, a violent offense, a crime of moral turpitude or similar offense as determined by the Township's Code Enforcement Officer. The cost of the criminal record check shall be the cost established by the governmental entity performing such criminal record check, to be determined and set from time to time by resolution of the Township

Section 4. Issuance of License, Custody and Display; Badge Upon receipt of such application and the prescribed fee, the Township's Code Enforcement Department, if it shall find such application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his/her person, if engaged in a transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he/she shall engage in such business if doing so at a fixed location. He/she shall exhibit such license, upon request, to all police officers, Township officials, and citizens or residents of the Township. At the time of issuance of every such license, the Township shall also issue to each license holder

who is to engage in such transient retail business from house to house, or upon any of the streets, alleys, sidewalks or public grounds, a plastic badge, bearing the words "Licensed Peddler", and such person shall wear such badge constantly, on the front of his/her hat or outer garment, at all times when engaged in such business under such license.

Section 5. Prohibited Acts. No person engaged in any transient retail business shall:

- (a) sell any product or type of product not mentioned in his/her license;
- (b) hawk or cry his/her wares upon any of the streets, alleys, sidewalks or public grounds in the Township;
- (c) when selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity;
- (d) park such vehicle upon any of the streets or alleys in the Township for the purpose of sorting, rearranging or cleaning any of his/her goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become unsalable through age, handling, or otherwise; or
- (e) engage in such transient retail business at any time on Sunday, or any weekday before the hour of 8:00 a.m. or after the hour of 9:00 p.m.

Section 6. Supervision; Records; Reports. The Township, through its Code Enforcement Department, shall supervise the activities of all persons holding licenses under this Ordinance, and shall keep a record of all licenses issued hereunder.

Section 7. Suspension of License. The Township's Code Enforcement Department is hereby authorized to suspend any license issued under this Ordinance when they deem such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension may be made to the Township Supervisors at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

Section 8. Penalty for Violation. Any person who shall violate any provision of this Ordinance shall, for every such violation, upon conviction thereof before the District Justice of the Township, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Prison for not more than thirty (30) days. Provided: each day's violation of any provision of this Ordinance shall constitute a separate violation.

Section 9. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 11. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 12th day of September 2011.

TOWNSHIP OF CENTRE

By: Bay L. G. L.
Supervisor

By: [Signature]
Supervisor

By: [Signature]
Supervisor

Attest: Deoria Stein
Secretary

[SEAL]

RESOLUTION NO. 5-2011

A RESOLUTION OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, FIXING FEES TO BE CHARGED FOR SOLICITATION LICENSE APPLICATIONS PURSUANT TO ORDINANCE NO. 137-2011 OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA

WHEREAS, on September 12, 2001 the Board of Supervisors (the "Board of Supervisors") of the Township of Centre, Berks County, Pennsylvania (the "Township") enacted and ordained Ordinance No. 137-2011 (the "Ordinance") providing for solicitation license application fees (the "Fees"); and

WHEREAS, pursuant to Section 2 and Section 3 of the Ordinance, the Board of Supervisors of the Township has the right and power to fix and alter from time to time by resolution the Fees.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the Township that, effective immediately the Fees are hereby fixed as follows:

Solicitation License for one (1) week time period	\$100.00
Solicitation License for one (1) month time period	\$175.00
Solicitation License for one (1) year time period	\$250.00
Criminal Record Check	\$25.00


DULY ADOPTED AND APPROVED this 12th day of September, 2011.

TOWNSHIP OF CENTRE,
BERKS COUNTY, PENNSYLVANIA

By: 
Supervisor

By: 
Supervisor

By: 
Supervisor

Attest: 
Secretary

TOWNSHIP OF CENTRE
BERKS COUNTY, PENNSYLVANIA
449 Bucks Hill Road, Mohrsville, PA 19541
Telephone: (610) 926-8833 Fax: (610) 926-8832

SOLICITATION PERMIT APPLICATION

Solicitation Time Period Requested: _____ One Week _____ One Month _____ One Year

Have you ever been convicted or plead guilty to the commission of an illegal act? _____ No _____ Yes

If yes, state pertinent facts in detail: _____

Name three (3) people (not a relative) who have known you for the past two (2) years and can give opinions of your character:

Name	Telephone Number
Name	Telephone Number
Name	Telephone Number

I agree to return the Solicitation Badge to the Township of Centre upon the earlier of (i) the end of the paid solicitation period, or (ii) completion of the requested solicitation. No reproductions are permitted. I hereby authorize the Township of Centre to cause to be performed a Criminal Record Check with the Pennsylvania State Police or other appropriate governmental entity, and I agree to pay to the Borough the filing fee for such Criminal Record Check at the time of the filing of this Application, which filing fee is nonrefundable. I agree to pay the Solicitation License Fee to the Borough at the time of the filing of this Application.

Applicant's signature and affirmation: I, _____
Print Name

do hereby swear that the above statements are true and correct.

Applicant's Signature (SEAL)

Date: _____