**ORDINANCE NO. 282**

**ORDINANCE OF THE RICHLANDTOWN BOROUGH COUNCIL AMENDING THE RICHLANDTOWN BOROUGH CODE OF ORDINANCES CHAPTER 13, PART 1 TRANSIENT RETAIL BUSINESSES PROVIDING REGULATIONS AND REQUIREMENTS FOR PEDDLING, SOLICITING AND TRANSIENT BUSINESSES WITHIN RICHLANDTOWN BOROUGH AND SETTING PENALTIES FOR VIOLATION THEREOF**

**WHEREAS**, The Borough Code empowers the Borough Council to regulate peddling, soliciting and transient businesses in Richlandtown Borough;

**IT IS HEREBY ENACTED AND ORDAINED**, by the Council of Richlandtown Borough, Bucks County, Pennsylvania, as follows:

**SECTION I**

Chapter 13, Part 1 of the Code of Ordinances of Richlandtown Borough, which currently regulates peddling, soliciting and transient business within the Borough, is hereby repealed in its entirety and replaced with the following:

**§13-101. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

EDIBLE GOODS – including, but not limited to, prepackaged food, prepared food and onsite-prepared food.

FIXED LOCATION – the position of the Transient Retail Business when not in motion and when addressing the public for the purpose of sales.

LEGAL HOLIDAY – New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

LICENSE – a Peddler’s license issued in accordance with the provision of this Chapter.

MOBILE – having the capability of being active but not necessarily in continuous movement.

MOBILE FOOD VENDOR – any business or Person which sells Edible Goods from a non-permanent location within the Borough.

PERSON – any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS –

1. Engaging in peddling, 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 Borough.
2. Selling, soliciting or taking orders for any goods, wares or merchandise, from a Fixed Location within the Borough, 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 Legal Holidays.
3. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

**§13-102. License Required; Conditions of Issuance; Fee.**

No Person shall engage in any Transient Retail Business within the Borough without first having obtained a License and paid the fee to possess a Transient Retail Business within the Borough. The License fee shall be set by Borough Council and will be established from time to time by resolution of the Borough Council.

**§13-103. Exceptions.**

1. No License fee shall be charged:
2. To farmers selling their own produce.
3. For the sale of goods, wares and merchandise, donated by the owners thereof, all proceeds whereof are to be applied to any charitable or philanthropic purpose.
4. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
5. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
6. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. This would include persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation.
7. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
8. To a person engaged in religious proselytizing or the anonymous distribution of handbills.
9. All Persons exempted hereby from the payment of the License fee shall still be required to register with the Borough Secretary and obtain a License without a fee. Any Person dealing in one or more of the above-mentioned exempted categories but also dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the License fee for his activities in connection with the non-exempt business activities.

**§13-104. License Application.**

Every Person desiring a License under this Ordinance shall first make application to the Borough for such License. The Person shall, when making such application, exhibit a valid photo ID for each Person taking part in Peddling or the Transient Retail Business activity. A completed application shall include:

1. Results of a completed and valid background check issued within the past year for each Person taking part in the business activity.
2. Name, address and appropriate contact information for both the individual applicant and the business that he represents.
3. Type of goods, wares and merchandise he wishes to deal with in such Transient Retail Business.
4. Length of time for which License is to be issued.
5. Valid copies of any required state or county licenses (ie PA Mobile Food Facility license, Bucks Co Dept of Health Operation of Food Facility, etc).

**§13-105. Issuance of License; Custody, Display and Exhibit.**

Upon receipt of such application and the prescribed License fee, the Borough Secretary, if the Secretary shall find such application in order, shall issue the License in accordance with 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 Peddling and/or 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 Fixed Location where he/she shall engage in such Transient Retail Business. He/She shall exhibit such License, upon request, to all police officers, municipal officials and citizens or residents of the Borough. No License issued under this Ordinance shall be transferable from one Person and/or entity to another.

**§13-106. Prohibited Acts for Transient Retail Business*.***

No Person in any Transient Retail Business shall:

1. Sell any product or type of product not mentioned in his License.
2. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough.
3. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
4. Park a vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.
5. Engage in any business activity, except by prior Borough approval, at any time before 8:00 a.m. or after 8:00 p.m. on any day of the week.
6. Operate in a location other than that approved by the Borough and issued on the License. Mobile Food Vendors shall be located a minimum of one hundred (100’) feet from the closest property line of any brick and mortar eating establishment, except with written permission from said establishment.
7. Utilize audio amplifications, including but not limited to, megaphones and speakers, except by prior Borough approval.
8. If a Mobile Food Vendor, be located on a premise permanently. Vehicles, equipment and any other items associated with the retail business must be moved off-site daily.
9. Allow the surrounding area to be left cluttered or unclean at the conclusion of the solicitation. Mobile Food Vendors are required to keep all areas, within 20 feet of the retail business, clean of grease, trash, papers, cups, waste water, bottles and any other debris associated with the retail business.

**§13-107. Supervision; Records and Reports.**

The Borough Secretary shall supervise the activities of all Persons holding Licenses under this Ordinance. He or she shall keep a record of all Licenses issued hereunder and shall make a report thereof each month to the Borough Council.

**§13-108. Denial, Suspension and Revocation of License; Appeal.**

The Borough Secretary is hereby authorized to deny, suspend or revoke any License issued under this Ordinance when he or she deems such denial, suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provision of this Ordinance, or for giving false information upon any application for a License hereunder. Appeals from any suspension, revocation or denial of a License may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial, and a hearing shall be held within 30 days of the petition for appeal. No part of a License fee shall be refunded to any Person whose License shall have been suspended or revoked.

**§13-109. Penalties.**

Any Person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**SECTION II REPEALER**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION III 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION IV EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment or upon recordation of this Ordinance within the Borough’s official Ordinance Book, whichever comes later.

**ENACTED** this day of , A.D., 2022

ATTEST: **RICHLANDTOWN BOROUGH COUNCIL**

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Kathy Wetzel, Secretary Christopher Willever, Borough Council

President

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Wayne Codner, Mayor