

**RICHLAND TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 242

**AN ORDINANCE OF THE TOWNSHIP OF RICHLAND,
BUCKS COUNTY, PENNSYLVANIA, DEFINING,
REGULATING AND PROVIDING REQUIREMENTS FOR
TRANSIENT MERCHANTS THROUGHOUT THE
TOWNSHIP, PROVIDING EXEMPTIONS AND SETTING
PENALTIES FOR VIOLATIONS HEREOF.**

NOW THEREFORE, BE IT ORDAINED, ADOPTED and ENACTED, by the Board of Supervisors of Richland Township, Bucks County, Pennsylvania as follows:

SECTION 1. TITLE

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

SECTION 2. PURPOSE

This Ordinance 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 Ordinance for the purpose of protecting the privacy of residents and preventing nuisance or fraudulent transient merchants.

SECTION 3. DEFINITIONS

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

PERSON

Any natural person, association, partnership, corporation, or other legal entity.

TRANSIENT MERCHANT

- A. 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; or
- B. 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.

HANDBILL

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

SECTION 4. LICENSE REQUIRED; EXEMPTION

- A. Except as otherwise provided in this Ordinance, it is unlawful for any person to act as a transient merchant within the Township of Richland without having first obtained a license issued pursuant to this Ordinance. Each individual transient merchant shall submit application no later than thirty (30) days in advance of when they will engage in regulated activities within the Township. In addition, there must be compliance with the business license requirements as stated in this Ordinance.
- B. A transient merchant who only offers for sale goods or services with an asking price or requested donation that does not exceed \$20.00 dollars, including the payment of fees, is exempt from the licensing requirements of this Ordinance. Such transient merchants shall be subject to Section 8 and Section 9 of this Ordinance.

SECTION 5. APPLICATION FOR LICENSE

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 for a License. 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 4 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 sixty (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 two 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. A statement as to whether or not the applicant is facing any criminal charges i.e.; misdemeanor or felony or has been convicted of any criminal offense, whether misdemeanor or felony. As to any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty imposed within 10 years prior to date of application must be provided.
- L. Proof of possession of any license or 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 licensing requirements of this Ordinance.
- 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 authorized representative to investigate the Applicant's criminal history, active warrant status, and background.

SECTION 6. INVESTIGATION AND LICENSE ISSUANCE

- A. Upon receipt of an application, the Richland Township Chief of Police, 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.
- B. The Richland Township Chief of Police shall deny an application for a license if he or she makes any of the following findings:
 - 1. The applicant has failed to pay the application license/identification badge permit fee by cash or money order.
 - 2. The applicant has made one or more material misstatements in the application for a license.
 - 3. 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.
 - 4. The applicant fails to provide proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business.
 - 5. The applicant has previously been convicted for violation of any provision of this Ordinance, or who has had any license issued pursuant to this Ordinance revoked.
 - 6. The Richland Township Chief of Police 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.

7. If the application is disapproved, the Richland Township Police Chief'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 license 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.
8. If the Richland Township Chief of Police finds that the applicant's character and business responsibility are in compliance with the provisions of this Ordinance, the Richland Township Chief of Police shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the required license/identification badge to the applicant.

SECTION 7. LICENSE EXPIRATION

- A. All licenses under the provisions of this Ordinance shall expire ninety (90) days from the date of issuance, unless an earlier expiration date is noted on the license.
- B. All transient merchant licenses/identification badges are the property of Richland Township. Upon expiration of license, every transient merchant issued a license/identification badge are required to return the license/identification badge to the Richland Township Police Department.

SECTION 8. HOURS OF OPERATION

Any and all transient merchants shall only engage transient merchant activity within the Township of Richland during the period of Monday through Saturday between the hours of 8:00 a.m. to 8:00 p.m. No transient merchant activities shall be allowed on Sundays or any State or Federal legal holidays.

SECTION 9. PROHIBITION AGAINST ENTERING POSTED PROPERTY

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.

SECTION 10. OTHER REGULATIONS

- A. Every transient merchant issued a license/identification badge must be in possession of the license/identification badge at all times. The transient merchant must prominently display the license/identification badge on his person. The transient merchant must provide the license/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 license shall alter, remove or obliterate any entry made upon such license, or deface such license in any

way. Each license and badge shall be personal and not assignable or transferable, nor shall any license and badge be used by any person other than the licensee or the person for whom the identification badge is issued.

- B. 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 license or card or the signature upon the license application.
- C. 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.
- D. 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.

SECTION 11. LICENSE SUSPENSION OR REVOCATION

The Richland Township Chief of Police is hereby authorized to suspend or revoke any license issued under this Ordinance 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 Ordinance.

SECTION 12. HANDBILL DISTRIBUTION EXCLUDED

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

SECTION 13. LICENSE FEES

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

SECTION 14. VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction before a Magisterial District Judge, pay a fine of not more than One Thousand (\$1,000.00) Dollars plus costs or be imprisoned for a term not exceeding thirty (30) days. Each day or portion thereof that such violation continues shall constitute a separate offense. The provisions of this Ordinance shall be enforced in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or Section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional illegal or invalid provision not been included herein.

SECTION 16. REPEALER

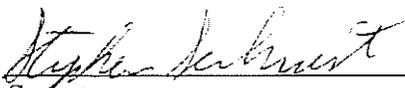
All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 17. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption thereof.

ENACTED AND ORDAINED this 28th day of September, 2009.

ATTEST:


Secretary

RICHLAND TOWNSHIP
BOARD OF SUPERVISORS

