

Upper Bern Township Ordinance Number 123 - 2012

An Ordinance of Upper Bern Township, Berks County, Pennsylvania, regulating and requiring permits for peddling and solicitation activities within Upper Bern Township. This Ordinance shall hereby be referenced as the “Peddling and Solicitation Ordinance”.

Be it and it is hereby enacted and ordained by the Upper Bern Township Board of Supervisors, Berks County, Pennsylvania as follows:

Section 1: Purpose. This Ordinance is being enacted for the following purposes:

- A. To control the nuisances and inconvenience resulting from peddling and/or soliciting activities within Upper Bern Township.
- B. To regulate peddling and solicitation activities within Upper Bern Township by providing provisions for the issuance of permits for said acts.

Section 2: Definitions. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated

- A. Board of Supervisors: The governing body of Upper Bern Township, Berks County, Pennsylvania.
- B. Peddler: Any person engaged in the act of peddling as defined within this Ordinance.
- C. Peddling: The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within Upper Bern Township.
- D. Person: An individual, corporation, partnership, association, group, organization, trust, estate, foundation or other similar entity.
- E. Soliciting: The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions or contributions upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the Township; and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations and also orders or contracts for any mechanical, electrical, plumbing or heating devices or equipment for house or other building improvements or repairs upon places within Upper Bern Township.
- F. Solicitor: Any person engaged in the act of soliciting as defined within this Ordinance.
- G. Temporary: A period of time not to exceed one (1) year or 365 consecutive calendar days.
- H. Township: Upper Bern Township, Berks County, Pennsylvania.
- I. Zoning Ordinance: The Upper Bern Township Zoning Ordinance.

Section 3: Exceptions. The provisions of this Ordinance shall not apply to the following persons, provided that they are recognized by the Board of Supervisors as being exempt from this Ordinance:

- A. Farmers seeking or taking orders for the immediate sale of their own products in accordance with the provisions of the Zoning Ordinance.
- B. Persons taking authorized orders for merchandise from dealers, distributors, manufacturers or merchants for resale to an ultimate consumer, dealer or distributor.
- C. Any school student under the age of twenty (20) who is attending a public or private school district serving Upper Bern Township.
- D. Organizations which solicit only within the membership of the organization by their members.
- E. Civic, charitable or non-profit organizations that are classified as such by the Commonwealth of Pennsylvania and are considered as a local or community based organization that serves Upper Bern Township by the Board of Supervisors.
- F. Transient retail uses that are permitted in accordance with the provisions specified by the Zoning Ordinance.

Section 4: Permit Requirements: The following permit requirements shall apply to persons desiring to engage in peddling and solicitation activities within the Township:

- A. No person shall engage in soliciting or peddling in the Township without first having obtained a permit as provided in this Ordinance.
- B. Every person desiring to engage in soliciting or peddling in the Township shall first make application to the Township Secretary for a permit. The application shall be made on a form provided by the Township and shall contain the following information.
 - 1. Full name and telephone number of the applicant and local address, if any.
 - 2. Permanent address.
 - 3. Name of employer or a statement that such applicant is self-employed.
 - 4. The nature of the goods, wares, services, or merchandise offered for sale and the manner in which it will be offered.
 - 5. A statement as to whether or not the applicant has ever been convicted of any crime and if the answer is in the affirmative, the nature of the offense or offenses and the punishment imposed.
 - 6. The type of vehicle to be used (make, model and license number), if any.
 - 7. Three business references who have known the applicant for three years or more.
 - 8. The dates and time of day that the peddling and solicitation activities shall occur.
 - 9. Upon request by Upper Bern Township, a photograph shall be taken of all persons engaged with the peddling or solicitation activities.

- C. Where a person makes application for himself and one or more other individuals, all applicable personal information specified above shall be given for each individual and verified or affirmed by oath or affirmation by the individual to be permitted. An individual permit shall be required for each solicitor or peddler. No permit issued under the provisions of this Ordinance shall be transferable from one person or individual to another.
- D. No permit shall be issued under this chapter until approved by the Board of Supervisors or its designated agent until three (3) days after the date of application for said permit is made to the Township.
- E. The permit when issued shall state, inter alia, the products to be sold or services to be rendered by the license. Every person engaged in peddling or soliciting activities within the Township shall carry the permit at all times and shall upon request exhibit the permit to all citizens and municipal officials. No peddler or solicitor shall engage in selling any products or services not mentioned on such permit.

Section 5: Permit Fee and Term Limitations: The following provisions shall apply to permit fees and term limitations associated with peddling and solicitation activities within the Township:

- A. A permit fee shall be required for peddling and solicitation activities within Upper Bern Township. The required fee shall be established by resolution by the Board of Supervisors. Such fee shall be in the form of a certified check or money order made payable to Upper Bern Township. A separate application shall be filed and a separate permit fee shall be paid by each individual who shall actually engage in soliciting or peddling. This provision shall apply notwithstanding an employer desiring to secure permits for several employees or agents. Each time the permit is renewed shall constitute a new permit fee.
- B. A permit for peddling and solicitation activities shall be considered a temporary permit that is valid for one (1) year or 365 consecutive calendar days from the date the permit was initially issued by the Township. Upon expiration of the permit, the person may renew the permit on a year to year basis.
- C. No person permitted as a peddler or solicitor under this Ordinance shall engage in peddling or soliciting on any day of the week before 9:00 a.m. or after 8:00 p.m.
- D. No person permitted as a peddler or solicitor under this Ordinance shall engage in soliciting or peddling on any national holiday or Sunday.

Section 6: Prohibited Acts: The following prohibited acts shall apply to any person that participates in peddling or solicitation activities:

- A. No person permitted as a peddler or solicitor under this Ordinance shall hawk or cry his wares or services upon any of the streets or sidewalks in the Township nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.
- B. The practice of going in and upon private residences within the Township by peddlers or solicitors not having been requested to do so by the owner or occupant of any private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is hereby declared to be a nuisance and a violation of this Ordinance.

C. Any acts that are considered fraudulent, unlawful misrepresented, non-compliant and/or are detrimental to the health, safety and general welfare of the community shall not be permitted. All such prohibited acts shall be subject to the suspension and revocation of the permit and the penalties for violating the provisions of this Ordinance.

Section 7: Signs: At the discretion of the Board of Supervisors, signs shall be erected along certain roads notifying the public that peddling or solicitation within Upper Bern Township is not allowed without a permit.

Section 8: Suspension and Revocation of Permits: Any permit issued under the provisions of this Ordinance may be suspended or revoked at any time by the Board of Supervisors.

Section 9: Enforcement: The Board of Supervisors or any duly authorized agent of Upper Bern Township shall have the power to enforce the provisions of this Ordinance.

Section 10: Violations and Penalties: Any person who violates or permits a violation of this Ordinance shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

Section 11: Repealer: All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

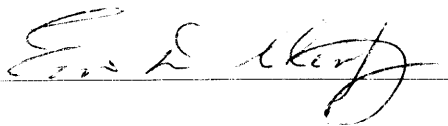
Section 12: Validity: If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 13: Effective Date: This Ordinance shall become effective within five (5) days after adoption.

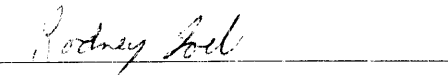
Section 14: Municipal Enactment: Ordained and enacted on this 14th day of November, 2012, by a vote of
3 Yes 0 No 0 Abstained 0 Absent.

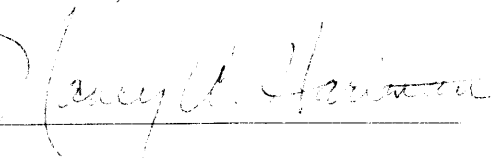
Upper Bern Township Board of Supervisors

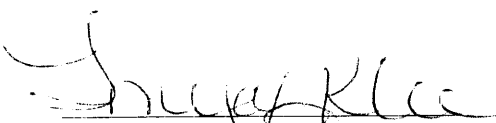
By:



Attest:






Upper Bern Township Secretary

Peddling and Solicitation Permit
Upper Bern Township, Berks County, Pennsylvania

The Upper Bern Township Board of Supervisors has adopted a Peddling and Solicitation Ordinance on November 14, 2012 via Ordinance 123-2012. This Permit shall be completed by all persons classified as a "Peddler" or "Solicitor".

Name of Business or Organization:			
Mailing Address and Telephone Number(s):			
Name of the Principal Contact Person and Telephone Number:			
Names of all other persons engaged with the peddling and solicitation activities:			
The nature of the goods, wares, services, or merchandise offered for sale and the manner in which it will be offered:			
Have any persons involved with this permit application ever been convicted of a crime. If so, please state the nature of the offense and punishment imposed:			
The type of vehicle(s) to be used including the make, model and license number:			
List 3 business references with telephone numbers who have known the applicant for 3 years or more	1		
	2		
	3		
The dates and times of day that the peddling and solicitation activities shall occur			
A copy of a photo identification card with a recent picture of all persons involved with the application and the required permit fee shall be submitted with this permit application.	Type of Photo ID Card:		
	Permit Application Fee:		
I hereby certify that that I have reviewed Ordinance 123-2012 and shall comply with all provisions for peddling and solicitation. I further certify that the information contained on this permit application is true and correct.	Applicant Print Your Name and Sign above		Date of Application
This permit application is hereby approved based upon the information submitted by the applicant. This permit shall be revoked and terminated if any of the information submitted by the applicant is determined to be false or misleading.	Signature of Authorized UBT Official		Date of Approval