

**NORTH CORNWALL TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 322

AN ORDINANCE OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS AND LICENSE FEES RELATED TO THE OPERATION OF TRANSIENT RETAIL BUSINESSES WITHIN NORTH CORNWALL TOWNSHIP, INCLUDING PEDDLERS, SALESPERSONS, SOLICITORS, CANVASSERS, AND TRANSIENT RETAIL BUSINESSES.

NOW THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania ("Township") as follows:

SECTION I. INTENT.

This Ordinance is intended to regulate the operation of transient retail business within North Cornwall Township, including peddlers, door-to-door salespersons, solicitors, canvassers, food truck vendors and other transient retail or wholesale businesses by imposing certain time, place, and manner regulations and establishing license fees to ensure the health, safety, and welfare of North Cornwall Township residents and guests.

SECTION II. DEFINITIONS AND INTERPRETATION.

The following words, when used in this Ordinance, shall have the following meanings:

FOOD DELIVERY VENDOR - A business establishment that obtains and fulfills orders for food and/or beverages placed by residents or businesses and delivers such orders to residences or businesses.

FOOD TRUCK VENDOR - A food establishment that is located upon a vehicle, or which is pulled by a vehicle, where food and/or beverage is cooked, prepared, and served for individual portion service, such as a mobile food kitchen.

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

PEDDLER – Any person with no fixed place of business, who goes from house to house, from place to place, or from street to street, by any means,

carrying or transporting goods, food, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries for purchase.

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

SOLICITOR – Any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, food, wares, or merchandise, including but not limited to books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or services, including but not limited to lawn care services, alarm system services, or cleaning services. A solicitor is not a peddler.

TOWNSHIP – North Cornwall Township, Lebanon County, Pennsylvania.

TRANSIENT RETAIL BUSINESS – Any business conducted in North Cornwall Township for the sale of goods, food, wares, merchandise, or services whatsoever for a period of less than ninety (90) calendar days. Transient retail business includes peddlers and solicitors, and any person engaged in transient retail business from a fixed location on private property.

SECTION III. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

- A. No person shall engage in any transient retail business within North Cornwall Township without first having obtained a license from the Township or the Township's designated licensing agent, for which a fee shall be charged and paid to the Township.
- B. The fee for a license to conduct transient retail business in the Township, including peddling and soliciting, shall be paid to the Township in accordance with a fee schedule which may be modified from time to time by Resolution of the Board of Supervisors of North Cornwall Township.
- C. A license issued by the Township or the Township's designated licensing agent shall be valid for the license period selected, as indicated on such license. At the expiration of any license, if the person holding the license shall desire to continue the transient retail business, he or she shall be required to file a new application for a license and pay the license fee, if applicable.
- D. No fee shall be charged for a license as it applies under this Section:
 - 1. To religious proselytizing, political activity, and the distribution of information without personal contact by any business or organization.
 - 2. To farmers selling their own produce.

3. To any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
 4. To insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.
 5. To children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like as fundraising activities for charitable, nonprofit, sports, or educational purposes.
 6. To a person who has registered with the Department of State for the Commonwealth under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1, *et seq.*, as hereafter amended, supplemented, modified, or re-enacted by the General Assembly of Pennsylvania, or who is expressly exempted from such registration under such Act.
- E. Any person claiming any exemption outlined in Section III.D. shall provide documentation demonstrating that person qualifies for said exemption. Any person claiming any exemption as set forth in Section III.D. shall be required to register with the Township or the Township's designated licensing agent and shall otherwise be subject to all other provisions of the ordinance.
- F. No person licensed under this Ordinance shall park any vehicle upon any of the Township-owned streets, alleys, or rights-of-way, including the shoulder of the roadway, in order to sort, rearrange, or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets, alleys, or rights-of-way; nor may such person or food truck vendor establish, maintain, or keep a street or curbside market by parking any vehicle upon any street or alley in the Township for longer than necessary to sell or distribute therefrom to persons residing in the immediate vicinity, up to maximum of thirty (30) minutes.
- G. No person licensed under this Ordinance shall occupy any fixed location upon any of the Township-owned streets, alleys, rights-of-way, sidewalks, or public grounds, with or without any stand or counter.
- H. Special exceptions to Section III, Subsections F. and G., may be authorized and a license may be issued by the Township to food truck vendors or other types of transient retail businesses for special events or other circumstances, as may be approved at the discretion of Township officials.

SECTION IV. APPLICATION FOR LICENSE.

- A. Each individual or group intending to engage in peddling or soliciting must first obtain a license at least twenty (20) business days in advance of the first day for which the intended peddling, soliciting, or canvassing will occur, to allow the Township time to conduct background checks and verify application information. A license shall be required for each individual in a group engaged in any soliciting, peddling, or other transient retail business.
- B. A person desiring a license under this Ordinance shall first make application to the Township or the Township's designated licensing agent for such license. If such person shall also be required to obtain license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state:
1. His/Her permanent address, telephone number and cell phone number;
 2. His/Her criminal record, if any;
 3. The name and address of the person by whom he/she is employed, together with his supervisor's or contact person's name and telephone number;
 4. The type of goods, food, wares, and/or merchandise he/she wishes to deal with in such transient retail business;
 5. The location on private property where sales will be conducted, if a fixed location is to be used. Compliance with all applicable zoning and building code regulations is required, and applicants shall submit, along with the license application, documented authorization from the private property owner permitting transient retail sales on their property; and
 6. The length of time for which the license is to be issued.
 7. In addition to the information above, applicants shall provide the following if using a vehicle in conjunction with the solicitation, peddling, or transient retail business:
 - a. The type, make, model, and license number of the vehicle to be used;
 - b. A State driver's license;
 - c. A current insurance certificate for general liability and/or proof of vehicle insurance coverage for all vehicles that will traverse upon any street, highway or alley of the Township;

- d. Food truck vendors shall submit a copy of all Department of Agriculture food licenses.

SECTION V. **ISSUANCE AND DURATION OF LICENSE; CUSTODY, DISPLAY OR EXHIBIT.**

- A. Upon receipt of such application and the prescribed fee, the Township or the Township's designated licensing agent shall issue the license required by this Ordinance if such license application is in order. Such license shall contain the information required to be given on the application and shall be issued in the form of a solicitation license. The license holder shall be entitled to carry said license only for the length of time for which the license is issued, unless revoked as provided in this Ordinance. The duration of licensure and form of issuance may be modified by Resolution duly adopted by the Board of Supervisors of North Cornwall Township. When the time period for the license has expired, the license holder shall apply for a new license and pay a new license fee. Licenses shall be non-transferable.
- B. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any Township streets, alleys, rights of way, sidewalks or public grounds. License holders shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of North Cornwall Township.
- C. All persons involved in or connected with peddling, solicitation, canvassing or other transient business activity shall have the following information in their possession when they are, at any time, in the Township of North Cornwall for the purpose of peddling, soliciting, or canvassing:
 - 1. All persons shall carry and display prominently the solicitation license issued by the Township; and
 - 2. All persons shall have at least one other form of photo identification in their possession, such as a State driver's license or other State or government-issued picture identification card, which shall be produced for examination if requested.

SECTION VI. **PROHIBITED ACTS.**

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in their license.
- B. Hawk or cry his wares upon any of the streets, alleys, rights-of way

(including shoulders of streets), sidewalks, or other public grounds in the Township.

- C. When operating 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 or working in the immediate vicinity. See Section III. F.
- D. Park any vehicle upon any of the streets or alleys in the Township for the purpose of cleaning any of his goods, food, wares, or merchandise, or disposing of any carton, wrapping material, or of any stock, wares, or food stuffs which have become unsaleable through handling, age or otherwise.
- E. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.
- F. Authorize any person to have possession of his or her license. Licensees shall immediately report loss of a license to the Township.
- G. Represent his or her license to engage in transient retail business to be an endorsement of himself or his goods and services or the goods and services of his employer.

SECTION VII. HOURS OF OPERATION.

Transient Retail Businesses may not engage in any business activity, except by prior appointment:

- 1. at any time on a Sunday or legal holiday;
- 2. at any time before 10:00 a.m. or after 5:00 p.m.;
- 3. at any time before 7:00 a.m. or after 8:00 p.m. (applies to Food Delivery Vendors only);
- 4. at any time before 7:00 a.m. or after dusk (applies to Food Truck Vendors only).

SECTION VIII. SUSPENSION AND REVOCATION OF LICENSE; APPEAL.

An authorized law enforcement officer or the Township Manager are hereby authorized to suspend or revoke any license issued under this Ordinance when he or she deems such suspension or revocation to be beneficial to the public health, safety, or morals; for violation of any provision of this Ordinance; or for giving false information upon any application for a license hereunder. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. Any person whose license is suspended or revoked shall immediately surrender his or

her license to the Township.

SECTION IX. VIOLATIONS AND PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than Four Hundred and 00/100 Dollars (\$400.00) and not more than Six Hundred and 00/100 Dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION X. NON-LIABILITY OF TOWNSHIP.

All peddlers, solicitors, canvassers, transient retail businesses, or others licensed in accordance with this Ordinance, including nonprofit corporations and agencies, shall hold harmless the Township from any liability, damage or injury which is causally related to an act of ordinary negligence, gross negligence, reckless disregard, or willful misconduct on the part of such licensee.

SECTION XI. REPEALER.

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed. Specifically, this Ordinance shall repeal and replace Ordinance 190.

SECTION XII. SEVERABILITY.

If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid by any court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair the validity of any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be 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.

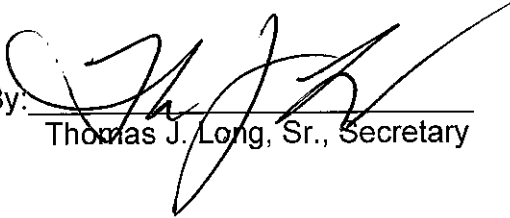
SECTION XIII. EFFECTIVE DATE.

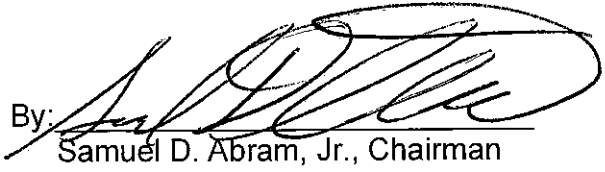
This Ordinance shall be effective five (5) days after enactment by Board of Supervisors, as provided by law.

ENACTED AND ORDAINED this 1st day of December, 2020.

ATTEST:

NORTH CORNWALL TOWNSHIP

By: 
Thomas J. Long, Sr., Secretary

By: 
Samuel D. Abram, Jr., Chairman

By: 
Ronald Sell, Vice-Chairman

By: 
Michael Warmann, Treasurer

