

Buffalo Township Supervisors

Butler County, Pa.

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BUFFALO TOWNSHIP BUTLER COUNTY, PENNSYLVANIA

ORDINANCE NO. 109

TRANSIENT BUSINESS ORDINANCE

WHEREAS, the Second Class Township Code (53 P.S. § 66532) authorizes Townships of the Second Class to regulate transient businesses; and

WHEREAS, in accordance with the Second Class Township Code, Buffalo Township desires to adopt the following Transient Business Ordinance.

IT IS HEREBY ENACTED AND ORDAINED by the Supervisors of Buffalo Township as follows:

ARTICLE 1 – DEFINITIONS:

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

Legal Holiday – New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

Municipality – Buffalo Township, Butler County, Pennsylvania

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 Municipality; or
2. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Municipality, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions, festivals or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.
3. The distributing of any promotional or advertising materials.
4. Engaging in the provision of services which services are not solicited or sought by the invitation of the potential purchaser of those services.

The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

ARTICLE II – LICENSE REQUIRED

No person shall engage in any transient retail business within the Municipality without first having obtained from the Municipality a license, for which a fee, which shall be for the use of the Municipality, shall be charged in the amount of Twenty-Five Dollars (\$25). A license shall be valid for 180 days from the date of issuance, and may be renewed for an additional 60 day period, if approved by the Board of Supervisors, provided the applicant pays an additional license fee.

Any person who engages in a transient retail business without first having obtained the license, and who then makes subsequent application for the license shall in addition to the above license fee, pay an additional Twenty Dollar (\$20) late fee.

Said licensing and late fees may be amended, from time to time, pursuant to a Resolution of the Supervisors.

ARTICLE III – EXCEPTIONS

No license shall be required for:

1. Farmers selling their own produce grown in the Municipality;
2. The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose;
3. School students attending any school district serving the Municipality;
4. Any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. § 61(1982), hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;
5. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;
6. Any person who has complied with the provisions of the Solicitation of Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. §§ 160-1, et seq., (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania;
7. Organizations which solicit only within the membership of the organization by the members thereof;
8. Buffalo Township Volunteer Fire Department
9. Sarver Volunteer Fire Department
10. The sale of goods or services by an owner of property located within Buffalo Township where those goods or services are sold upon said property.
11. Any other person or entity specifically exempted by the Buffalo Township Board of Supervisors for a good cause.

ARTICLE IV – LICENSE APPLICATION

Every person desiring a license under this Ordinance shall first make application to the Municipality for such license. The applicant shall state;

1. Name, address and telephone number;
2. Criminal record within past five (5) years, if any;

3. Name and address of the person by whom the applicant is employed;
4. Type of goods, services, wares, merchandise or materials involved in the applicant's business;
5. Length of time for which the license is to be issued; and
6. Type and license number of the vehicles to be used, if any.

Where a corporation, firm, partnership or association makes an application, all applicable personal information specified above shall be given for each person who solicits or peddles within the Municipality and verified or affirmed by oath or affirmation of said person. An individual license shall be required by each person soliciting or peddling. No license under this Ordinance shall be transferable from one individual to another. A separate license fee shall be required for each license requested. However, whenever a corporation, firm, partnership or association makes application to two (2) or more of its members or associates, on the same day, the fee for the second and all succeeding application requests made that day shall be Five Dollars(\$5.00) per request.

ARTICLE V – ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT

Upon receipt of such application and the prescribed fee, the Municipality may investigate the applicant and his representations on the application to obtain sufficient proof that the applicant has been truthful and that the applicant does not pose a threat to the health, safety and welfare of the residents of the Municipality. Among other things, the Municipality may regard an individual as posing a threat to health, safety and welfare if:

- A. That individual has been convicted of a felony, any misdemeanor or violation of any statute involving a sex offense, trafficking in controlled substances, or any violent act against persons or property or similar crime, and such conviction has been entered within five (5) years immediately preceding the date of the application;
- B. The applicant is a person against whom a judgment or conviction exists, which judgment or conviction is based upon fraud, deceit or misrepresentation, and which judgment or conviction has been entered within five (5) years immediately preceding the date of the application;
- C. There is no proof as to the authority of the applicant to serve as an agent to any principal identified in the application.

Such investigation shall be completed by the Municipality by the next regular Board meeting which occurs at least ten (10) days after the receipt of the properly completed application. At their election, the Supervisors may delegate the duties of investigation and license issuance to the Municipality's Code Enforcement Officer. If the Municipality finds such application in order, it shall issue the license required under this Ordinance. Every license holder shall carry such license upon his person if engaged in 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 shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to the Township Code Enforcement Officer, any other officer or employee of the Municipality, and citizens or residents of the Municipality.

ARTICLE VI – PROHIBITED ACTS

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 Municipality;
3. When operating from a vehicle, stop or park such vehicles upon any of the streets or alleys in the Municipality for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
4. Dispose of any carton, wrapping material, stock, wares or foodstuffs which have become unsalable in any public garbage can or upon any Municipality roadway;
5. Engage in any house-to-house business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 8:00 a.m. or after 9:00 p.m. on any day of the week other than a Sunday or legal holiday;
6. Enter in or upon private residences or touch or affix any item to any motor vehicle without the owner or occupant thereof allowing the licensee to do so;
7. Fail to remove any advertising or business signs or placards within five (5) days of the cessation of business activities; and
8. For roadside stands, the following restrictions shall apply:
 - A. The area in and around the stand must be cleared of debris and garbage daily.
 - B. Signage for the stand may consist of two freestanding signs no greater than twelve square feet in size each, placed within 1,000 feet of the roadside stand. Said signs must be located off of the cartway, berm and ditch area.

ARTICLE VII – SUSPENSION AND REVOCATION OF LICENSE; APPEAL

The Municipality's Code Enforcement Officer or any Supervisor of the Municipality is hereby authorized to suspend or revoke any license issued under this Ordinance when he 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. Such notice shall be served by regular mail at the address listed on the license issued pursuant to this Ordinance, or alternatively, by hand delivery to the licensee. Appeals from any suspension or revocation may be made to the Board of Supervisors at any time within ten (10) days after such suspension or revocation with a hearing to be held at the next regular meeting of the Board. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked, unless the Board of Supervisors shall overturn said revocation. The licensee shall not transact transient retail business while the license is revoked.

ARTICLE VIII – PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than THREE HUNDRED DOLLARS (\$300.00) and not more than SIX HUNDRED DOLLARS (\$600.00), and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense. The amounts of any fine or penalties may be adjusted from time to time by Resolution of the Buffalo Township Board of Supervisors

ARTICLE IX – REPEALER

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

ARTICLE X – 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 Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE XI – EFFECTIVE DATE

This ordinance shall become effective five (5) days after its adoption.

IN WITNESS WHEREOF, the Supervisors of Buffalo Township have caused this Ordinance to be adopted this 8th day of March, 2006.

ATTEST: *James H. Hume*

BUFFALO TOWNSHIP SUPERVISORS

[Signature]
CHAIRMAN

Albert + Koenig
VICE-CHAIRMAN

[Signature]
SUPERVISOR

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SUPERVISOR

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SUPERVISOR