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Part 1
Junkyards

§101. Definitions.

- A. For the purpose of this ordinance, the following words and phrases, together with their derivations, shall have the meaning ascribed to them in this section, unless a different meaning clearly appears from the context:
1. BOARD – The Board of Supervisors of Sewickley Township, Westmoreland County, Pennsylvania.
 2. FENCE – A barrier, railing, or other upright structure, within the reasonable and ordinary meaning of such terms, typically of wood or wire, enclosing an area of ground to mark a boundary or control access.
 3. GARBAGE – Any decomposing animal and vegetable waste, including but not limited to offal, pomace, dead animals and decaying organic matter, as well as the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
 4. INOPERABLE FARM MACHINERY – All types of inoperable machinery and equipment which were originally manufactured for farm use, which are retained on properties, actively used for farming operations, and which the owner intends to repair or use for spare parts for other operable farm equipment for the purpose of salvaging repair parts.
 5. JUNK – Any discarded or salvageable article or material including, but not limited to, scrap metal, paper, rags, glass, containers, wood, junk motor vehicles, trailers, machinery and equipment, with the exception of inoperable farm machinery.
 6. JUNK DEALER – Any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junk yard within the Township.
 7. JUNK MOTOR VEHICLE – A motor vehicle that is without a valid registration plate or valid and current inspection; and is unable to move under its own power, or has not been moved for a period of thirty (30) days.
 8. JUNK YARD – Any place within the Township wherein junk as herein defined is stored, disposed of, accumulated or maintained. Any premises as herein defined having two or more junk motor vehicles and/or used unlicensed trailers thereon shall be deemed to be a junk yard, except that the foregoing shall not apply to duly licensed motor vehicle dealers having operable vehicles on their premises for resale. Such exception shall not apply to any inoperable vehicle being stored primarily for salvage purposes for a period in excess of thirty (30) days.

9. MOTOR VEHICLE – Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.
 10. PERSON – Any natural person, partnership, firm, company, corporation or other legal entity.
 11. PREMISES – Any parcel of land situated in the Township of Sewickley, having a separate tax map parcel number for county assessment purposes.
 12. TOWNSHIP – The Township of Sewickley, Westmoreland County, Pennsylvania.
- B. In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§102. License Required; Fees.

- A. No person shall be a junk dealer as herein defined, or own, lease, operate or maintain a junk yard as herein defined, within the Township without first obtaining a license to operate as herein described.
- B. Any person intending to operate or operating as a Junk Dealer in the Township shall make written application to the Board. Such application shall be filed with the Secretary of the Board in the form established by the Board and shall contain the applicant's sworn statement setting forth the following: the applicant's name and address, together with the names and addresses of all other persons interested in the business; an accurate description of the premises upon which the junk yard is to be located, including the Westmoreland County tax map parcel number(s); and a statement that the applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance.
- C. An application for license under this ordinance shall be examined by the Board or its duly authorized agent and license issued or refused within thirty (30) days of submission to the Board. If the application is found in compliance with the provisions of this ordinance, all other Township ordinances, and any and all other applicable State and Federal laws and regulations, the Board or its agent shall issue a license to the applicant for operation of the junk yard as described in the application. No license shall be issued for any junk yard or junk dealer if the application is for an existing junk yard which does not comply with this ordinance.
- D. The fees with respect to licensing shall consist of two components:
 1. The application fee, to cover all costs involved in the Township's inspection and review of the application and the premises; this fee is not returnable in case of refusal or denial of the license.
 2. An annual license fee.

3. These fees shall be set and established from time to time by Resolution of the Board of Supervisors.
 4. All fees are due, payable to and for the use of the Township at the time of application. The Board may waive the application fee component when issuing renewal licenses pursuant to a timely filed renewal application. The period of any license issued under this ordinance shall be for one calendar year or portion thereof, and shall terminate on December 31st of the year in which licensed.
- E. A junk dealer operating a junk yard licensed under this ordinance shall renew such license ten (10) days before January 1st of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the Board and accompanied by the appropriate fees. Renewal applications are subject to complete reexamination and consideration by the Board or its agent for continued compliance with the terms of this ordinance.
- F. A junk dealer operating a junk yard licensed under this ordinance that fails to renew the license by January 1st of the year in which it is desired to continue operations shall be given a grace period to renew the license by January 31st. However, if the license is not renewed within the grace period, the license shall automatically be deemed revoked.
- G. No person licensed under this ordinance shall, by virtue of one license, operate more than one place of business or junk yard within the Township. No person shall operate a junk yard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junk yard premises. The permitted size of a junk yard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties and shall not be in excess of five (5) acres, excluding setback areas.

§103. Posting of Junk Yard Licenses; Operating Hours.

- A. The license under which the junk yard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirement as herein provided shall be complied with.
- B. Permanent records of all junk received in or removed from any junk yard shall be kept by the junk dealer on the premises, containing the name and address from when received or to who delivered, the date thereof, and a description of the junk. Such records shall be open to inspection at all reasonable times by the Board or its agent, and by any law enforcement officer.
- C. Junk yards and businesses licensed under this ordinance may not operate on Sunday, nor between the hours of 10:00 P. M. and 6:00 A. M., except to remove any wrecked or junk motor vehicle from any public highway.

§104. Manner of Storage of Junk in Junk Yards; Operating and Maintenance Procedures.

- A. All junk shall be stored within the confines of a permanent building or a fence of sufficient strength to prevent access to the junk yard. Such fence shall not be less than six (6) feet in height and so constructed as to not have voids, holes or openings larger than four (4") inches in one dimension. All openings in said fence greater than (4") inches and used as a gate or passageway, shall be equipped with gates or doors, with a self-closing and self-latching device to secure the gate or door at all times when not in actual use; and the fence shall be set back at least fifteen (15) feet from any adjoining premises or the nearest edge of the right of way of any public street, road or highway. Whenever such fence, or any part thereof, is visible from a public road or from a residence or any adjoining property, a landscape screen of trees and/or shrubs, of varieties capable of attaining a height of six (6) feet within two (2) years from planting, shall be planted along such fence or section of fence. Such screen of trees and/or shrubs shall be planted so as to make a continuous screen without unplanted openings within two (2) years. All required open areas between the fence and lot lines shall be maintained continuously and in good order, free of weeds and shrub growth. The requirement for a landscape screen, as described herein, may be satisfied by the installation of a solid privacy fence, at least six (6) feet in height, in all areas where a landscape screen would otherwise be required.
- B. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least fifteen (15) feet between double rows; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than eight (8) feet.
- C. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than eight (8) feet from the ground.
- D. All fuels and oils shall be drained from junked motor vehicles within twenty-four (24) hours of arrival on the premises. In addition, the gas tank shall be:
 - 1. removed; or
 - 2. drained and ventilated by punching in the bottom thereof at least six (6) holes each of which shall be at least one (1) inch in diameter; or
 - 3. drained and ventilated by punching in the bottom thereof not less than one (1) hole four (4) inches in diameter; or
 - 4. In lieu of A, B and C above, gas tanks may be kept capped or plugged.
- E. Paper, rags, plastics and similar materials for salvage shall be stored indoors.
- F. The area inside the protective barrier and lot lines of any junk yard premises shall have weeds mowed regularly and shall not be permitted to go to seed.

- G. No junk shall be removed from any junk yard, nor broken up, reduced or altered in shape or form for a period of forty-eight (48) hours after the same is first placed on the junk yard premises.
- H. An adult attendant shall remain on the junk yard premises during all business hours unless the gates are locked.
- I. Garbage, organic waste, food waste, animal in carcasses or other similar waste shall not be received or stored at any junk yard.
- J. All junk yard premises shall be maintained in such a manner so as not to cause a public or private nuisance nor to cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

§105. Time Limit for Allowing Certain Materials to Remain on Premises.

Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junk yard premises for more than thirty (30) days.

§106. Burning Restricted.

- A. Any burning on the premises of a junk yard shall be conducted in accordance with the current standards and regulations of the Township for controlled burning.
- B. Gasoline, grease, oil, tires or similar materials which could be dangerous or tend to produce obnoxious smoke or odors shall not be burned at any time.

§107. Right of Entry for Inspection; Additional Regulations Authorized.

- A. Any member of the Board, the Ordinance Officer or a duly authorized agent thereof may at any time enter upon and inspect any premises for which there is a pending application for a junk yard license or which holds a current junk yard license.
- B. The Board may from time to time adopt, pursuant to resolution, regulations to carry out the provisions of this ordinance upon giving notice to the licensees affected by such regulations.

§108. Applicability and Exceptions.

The provisions of this ordinance shall apply to all of the land located within the Township of Sewickley, Westmoreland County, Pennsylvania, except such part of the Township, if any, which shall be excluded by the provisions of Act No. 4, 1966 Special Session No. 3 of the General Assembly of Pennsylvania as approved July 28, 1966.

§109. Ordinance Officer.

The Board shall appoint and provide for the compensation of a Township employee to be known as the Ordinance Officer. It shall be the duty of the Ordinance Officer to make such inspections

of all junk yards licensed pursuant to the terms of this ordinance as deemed necessary and appropriate and to file with the Board a written report on each such inspection. In making such inspection, the Ordinance Officer shall ascertain whether the provisions of this ordinance are being complied with, shall note any violations thereof on his report of inspection, shall check the licensee's records of junk received and removed with the inventory, shall examine the titles to all junked motor vehicles on the premises, and shall check into such other matters as come with the scope of this ordinance.

§110. Penalties and Enforcement.

- A. Any person who shall violate any provision of this Part 1 shall, upon being found liable in a civil proceeding, pay a fine of not more than \$600.00 for each violation, plus court costs and such other costs and expenses, including reasonable attorney fees, as permitted by law. Each day that a violation of this Part 1 continues shall constitute a separate offense.

- B. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§111. Repealer.

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

- B. The provisions of this Ordinance, insofar as they are the same as those of the Ordinance dealing with junk yards and junk dealers in effect immediately prior to the revision, amendment and supplement of the same by the passage of this Ordinance, are intended as, and shall be construed as, a continuation of such provisions, except as to those portions specifically repealed by subsection A hereof. The provisions of this Ordinance shall not affect any Act done, contract executed, or liability incurred prior to its effective date, nor affect any suit or prosecution concluded, pending or to be instituted, to enforce any right, rule, regulation or provisions or to punish any offense under such prior provisions repealed hereby, nor shall the provisions of this Ordinance be interpreted or construed in any manner as conflicting with the provisions of any Act of Assembly now or hereafter enacted.

§112. 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 board that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included.

Part 2 Solicitation

§201. Definitions.

- A. CHARITABLE ORGANIZATION – any person granted tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. Section 501(c)(3) or any person who is or holds himself out to be established for any charitable purpose or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which has a tendency to suggest there is a charitable purpose to any solicitation. An affiliate of a charitable organization which has its principal place of business outside this Commonwealth shall be a charitable organization for the purposes of this act. The term shall not be deemed to include:
1. any bona fide duly constituted organization of law enforcement personnel, firefighters or other persons who protect the public safety whose stated purpose in the solicitation does not include any benefit to any person outside the -actual active membership of the organization; and
 2. any bona fide duly constituted religious institutions and such separate groups or corporations which form an integral part of religious institutions, provided that:
 - i. such religious institutions, groups or corporations are tax exempt pursuant to the internal Revenue Code of 1986;
 - ii. no part of their net income inures to the direct benefit of any individual; and
 - iii. their conduct is primarily supported by government grants or contracts or funds solicited within their own memberships or congregations, or fees charged for services rendered.
 3. Any veterans organization chartered under Federal law and the service foundation of such a veterans organization recognized in the bylaws of the veterans organization.
- B. CHARITABLE SOLICITATION – Any direct or indirect request for a contribution on the representation that such contribution will be used in whole or part for a charitable purpose, including, but not limited to, any of the following:
1. Any oral request that is made in person, by telephone, radio or television or other advertising or communication media.
 2. Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media.
 3. Any sale of, offer or attempt to sell any advertisement, advertising space, sponsorship, book, card, chance, coupon, device, food, magazine, merchandise, newspaper, subscription, ticket or other service or tangible good, thing or item of

value.

4. Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.
- C. CONTRIBUTION – The promise, grant or pledge of money, credit, property, financial assistance or other thing of any kind or value in response to a solicitation, including the payment or promise to pay in consideration of a performance, event or sale of a good or service. Payment by members of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, if such fees, dues, fines or assessments confer a bona fide right, privilege, professional standing, honor or other direct benefit, shall not be deemed contributions, provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation. Government grants or contracts shall not be deemed a contribution.
- D. LITERATURE DISTRIBUTION – The use of hooks, pamphlets, handbills, cards, circulars, pictures, films, tapes, disks, recordings, magazines or any other storage medium or material for the dissemination of literature.
- E. PERSON – Any individual, organization, corporation, association, partnership, trust, foundation or any other entity, however styled.
- F. SOLICITATION – Any direct or indirect request for a contribution including, but not limited to, any of the following:
1. Any oral request that is made in person, by telephone, radio or television or other advertising or communication media.
 2. Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media.
 3. Any sale of, offer or attempt to sell any advertisement, advertising space, sponsorship, book, card, chance, coupon, device, food, magazine, merchandise, newspaper, subscription, ticket or other service or tangible good, thing or item of value.
 4. Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.

§202. Permits.

It shall be unlawful for any person to engage in solicitation or literature distribution as defined in Section 201 hereof, within the limits of the Township of Sewickley, without first applying for an obtaining a permit from the Township, or without at all times while engaged in solicitation or literature distribution, displaying an identification card as herein provided. It shall also be unlawful for any person to solicit contributions or have contributions solicited for any charitable organization that does not have an approved registration statement filed with the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of the “Solicitation of Funds for Charitable Purposes Act.”

§203. Applications.

A. A sworn application in writing for a permit under this ordinance must be filed in duplicate with the Township Secretary at least three (3) days in advance of the first day sought for solicitation on a form to be furnished by the Township of Sewickley, and shall state:

1. The full name and address (legal and local) of the person or organization sponsoring, conducting or promoting the solicitation or distribution;
2. Whether or not the applicant is a branch or division of a national organization, and if so the name thereof, and the mailing and street address of same;
3. The purpose or object of the solicitation; or literature distribution;
4. The dates of the solicitation or literature distribution;
5. The persons who will engage in the solicitation or literature distribution, the address of each, and the sex, height, weight, color of hair and color of eyes of each;
6. A statement as to whether any person who will participate in the solicitation or literature distribution has ever been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude.
7. A statement as to whether the applicant is a “charitable organization” as herein defined; and if such, whether the applicant is registered with the Commonwealth of Pennsylvania pursuant to the “Solicitation of Funds for Charitable Purposes Act”, or is exempt from registration under that Act.
8. Each application shall be accompanied by a two (2”) inch wide by three (3”) inch high, full face photograph of each and every person who shall engage in solicitation or literature distribution pursuant to any permit issued under this ordinance.

B. At the time of the filing of the application, payment shall be made of a fee in an amount

to be determined from time to time by Resolution of the Board of Supervisors and charge on a per day, per week, per month, or per year basis.

§204. Permit Issuance or Refusal.

The application shall be registered in a book called the Registry Book. The application for permit shall be granted within forty-eight (48) hours after the application has been filed unless, upon investigation by the Township, one or more of the following facts are found to exist.

- A. That one or more of the statements in the application is not true;
- B. That the applicant or any agent or representative of the applicant who will participate under the permit has been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude, in which case the permit shall be denied to the applicant or to the agent or representative so convicted;
- C. When the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any of the terms and provisions of this ordinance or any prior permit issued hereunder for the same type of solicitation for literature distribution.
- D. The application is incomplete or inaccurate.

§205. Cancellation of Permits.

Any permit granted hereunder may be canceled or revoked after issuance if any of the literature provided in the application should subsequently be discovered to be false, incomplete or inaccurate, or if the permittee or any person acting pursuant to the permit violates the conditions of the permit, or the conditions of this ordinance during the solicitation or literature distribution period.

§206. Permits for Charitable Literature Distribution.

It shall be unlawful for a charitable organization to distribute literature or any other article within the limits of the Township of Sewickley, whether or not solicitation for money or anything of monetary value is involved, without first applying for and obtaining a permit in accordance with Sections 203 through 205 set forth above.

§207. Appeals.

Within ten (10) days after notice of denial, cancellation or revocation has been mailed, the applicant shall notify the Township of Sewickley in writing of his intent to appeal said action. Within thirty (30) days after receipt of said notice to appeal, the Supervisors shall hold a hearing on the appeal and render a decision.

§208. Issuance of Permits.

Upon issuance of a permit, the Township Secretary shall note this fact in the Registry Book and shall, at that point, issue to the applicant, and to any agent or representative of the applicant who will participate under the permit, an identification card, which shall state the applicant's name, address, sex, height, color of hair and eyes and full name of the charitable organization which he

or she represents, and display the photograph of such person.

§209. Time, Location, Manner and Number of Persons Involved.

When permits for solicitation or literature distribution or a combination of the two are granted, the following rules and standards shall apply:

- A. Location – The issuance of a permit pursuant to this ordinance shall not be construed to authorize or permit solicitation or distribution of literature on private premises. any person engaging in the activities regulated under this ordinance shall not solicit or distribute literature on or to any premises, public or private, where there is displayed a “No Trespassing”, “No Solicitation” or similar sign, or when the owner or occupier makes such intentions known to the solicitor or literature distributor.
- B. Time – Permit holders shall only solicit or distribute literature during the hours of 9:00 o’clock A.M. to 7:00 o’clock P.M., prevailing time.
- C. Manner of Operation – Each person included in a permit shall wear the identification card issued by the Township of Sewickley on the upper clothing and in a manner clearly visible to the public. It shall not be transferred to another person and must be returned to the Township Secretary at the expiration of the permit.

§210. Duration and Renewal.

A permit shall expire thirty (30) days from the date of issuance. A permit may be renewed for successive thirty (30) day intervals if written request for the same is received by the Township Secretary within the period of ten (10) days prior to the permit expiration date and the request for renewal contains a statement that the request is predicated on the same literature as contained in the original application.

§211. Penalties.

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

§212. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed.

§213. 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 Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Part 3

Regulation of Transient Businesses

§301. Definitions.

- A. As used in this Ordinance, the following terms shall have the means indicated, unless a different meaning clearly appears from the context:
1. LEGAL HOLIDAY – New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.
 2. PERSON – any natural person, partnership, association, corporation, or other legal entity.
 3. TRANSIENT RETAIN BUSINESS – the activity of:
 - a. 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 Township of Sewickley; or
 - b. selling, soliciting, or taking orders for any goods, wares, or merchandise, from a fixed location within the Township of Sewickley, 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.
- B. When used in this Ordinance, and unless the context clearly indicates the contrary, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§302. License Required; Conditions of Issuance; Fee.

No person shall engage in any transient retail business within the Township of Sewickley without first having obtained from the Township Secretary, a license, for which a fee, which shall be for the use of the Township of Sewickley, shall be charged, established pursuant to a Resolution of the Supervisors.

§303. Exceptions.

No license fee shall be charged:

- A. to farmers selling their own produce;
- B. for the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;
- C. to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products;
- D. to children under the age of eighteen (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;

- E. to 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. Section 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;
- F. to the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;
- G. to any person who has complied with the provisions of the “Solicitation of Funds for Charitable Purposes Act”, of the Commonwealth of Pennsylvania, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania; or
- H. 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.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided further, the Township Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of any nonprofit corporation. Provided further: every license issued under the provisions of this ordinance shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of charitable organization may obtain licenses for the applicants.

§304. License Application.

Every person desiring a license under this ordinance shall first make application to the Township Secretary for such license. The applicant shall state:

- A. His criminal record, if any;
- B. Name and address of the person by whom he is employed;
- C. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business;
- D. Length of time for which license is to be issued;
- E. Type and license number of the vehicle to be used, if any.

§305. Issuance of License; Custody, Display and Exhibit.

Upon receipt of such application and the prescribed fee, the Township Secretary, if he shall find such application in order, shall issue the license required under 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 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 all police officers, municipal officials, and citizens or residents of the Township of Sewickley.

§306. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license;
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Township of Sewickley;
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township of Sewickley for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;
- D. Park any vehicle upon any of the streets or alleys in the Township of Sewickley 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;
- E. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 A.M. or after 7:00 P.M., prevailing time, on any day of the week or other than a Sunday or legal holiday.
- F. Approach, contact or enter onto any property or premises, public or private, where there is displayed a "No Trespassing", "No Solicitation" or similar sign, or when the owner or occupier makes such intentions known to the licensee.

§307. Supervision; Records and Reports.

The Township Secretary shall supervise the activities of all persons holding licenses under this Ordinance. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Supervisors.

§308. Denial, Suspension and Revocation of License; Appeal.

The Township Secretary is hereby authorized to deny, suspend or revoke any license issued under this Ordinance for violation of any provisions 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 Supervisors at any time within ten (10) days after such suspension, revocation or denial and a hearing shall be held within thirty (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.

§309. Limitations.

The issuance of a permit pursuant to this Ordinance shall not be construed to authorize or permit to engage in transient retail business on private premises. Any person engaging in the activities regulated under this Ordinance shall not engage in transient retail business on any premises, public or private, where there is displayed a “No Trespassing”, “No solicitation” or similar sign, or when the owner or occupier makes such intentions known to such person.

§310. Penalties.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$600.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§311. Repealer.

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

§312. 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 Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.