

NEW HANOVER TOWNSHIP

ORDINANCE NO. 24-01

AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, PART 1, TRANSIENT RETAIL BUSINESSES, SUBSECTION A, PEDDLERS AND PEDDLING, OF THE NEW HANOVER TOWNSHIP CODE IN ITS ENTIRETY.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of New Hanover Township, Montgomery County, Commonwealth of Pennsylvania, that Chapter 13, Licenses, Permits, and General Business Regulations, of the Township of New Hanover Code of Ordinances, as amended, shall be amended as follows:

SECTION 1. Chapter 13, Licenses, Permits, and General Business Regulations, Part 1, Transient Retail Business, Subsection A, Peddlers and Peddling, is hereby amended in its entirety to read as follows:

A. Peddlers and Peddling.

§13-101 Definitions.

PEDDLER

Any person, association, partnership, firm or corporation that engages in the act of peddling.

PEDDLING

The act of going from house to house, from street to street, or from place to place, canvassing, soliciting or taking of orders, traveling by foot, automotive vehicle or any other type of conveyance, whether carrying or transporting merchandise either by sample or otherwise, for the purpose of selling or delivering goods, wares, merchandise, or providing services to customers within the Township of New Hanover. Provided, the word "peddling" shall not apply to: (A) to farmers selling their own produce; (B) to 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; or (C) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.

§13-102 License Required.

No person shall engage in peddling in the Township of New Hanover without first having taken out a license as herein provided.

§13-103 Application for License.

- A. Every person desiring to engage in peddling in the Township of New Hanover shall first make application to the Board of Supervisors or its duly authorized agent at the New Hanover Township Building, 2943 North Charlotte Street, Gilbertsville, PA 19525, for a license. If such person shall also be required to obtain a license from any County office, such person shall, when making such application, exhibit a valid County license.
- B. Any such application shall contain the following information, and shall be signed and certified by the applicant to be true and correct:
 - 1) Applicant's Name.
 - 2) Applicant's Address.
 - 3) A certified copy of a Pennsylvania Criminal Record Check.
 - 4) The name of the person or entity for whom the peddler works, if any.
 - 5) The type of goods, wares and merchandise the peddler wishes to peddle.
 - 6) The type of service or services the peddler wishes to peddle.
 - 7) The length of time for which the peddler wishes to be licensed.
 - 8) The make, model and license plate of the vehicle the peddler uses, if any.
 - 9) The number of helpers the peddler utilizes.

Provided, however, that where a person makes application for himself or herself and one or more helpers, all applicable personal information specified above shall be required for all helpers. No license issued under this part shall be transferable from one person to another.

§13-104 License Fee.

1. No license shall be issued under this part until the proper fee shall be paid to the Township or its duly authorized agent, which shall be for the use of the Township. The fees shall be established from time to time by resolution of the Board of Supervisors.
2. Exceptions. No license fee shall be charged:
 - A. To farmers selling their own produce on their own property.
 - 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 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 the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
 - G. 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 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 the peddler's activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Township may similarly exempt from payment of the license fee, but not from registering with it, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued in the person's name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

§13-105 Issuance of License.

Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Township, carry the peddling license upon his or her person, and shall exhibit such license, upon request, to all police officers, Township officials and citizens. No peddler shall engage in selling any product or service not mentioned upon such license.

§13-106 Hours of Engaging in Business.

A peddler shall only conduct business between the hours of 9:00 a.m. and 30 minutes after sunset.

§13-107 Peddlers Unauthorized to Sell Their Goods on Public Streets.

No peddler shall sell, solicitor or take orders upon any of the roads, streets or sidewalks of the Township, nor shall the peddler use any loud speaker or horn or any other device for announcing the peddler's presence which causes a nuisance to the public.

§13-108 Loading or Unloading of Goods and Wares on Public Streets.

No peddler shall park any vehicle upon any of the roads, streets or land of the Township in order to sort, rearrange or clean any goods, wares or merchandise; nor may such person, place or deposit any refuse upon any of such roads, streets or lands; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any road, street or lane in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§13-109 Peddlers Prohibited from Selling Their Wares at a Fixed Location on Any Street in the Township.

No peddler shall occupy any fixed location upon any of the roads, streets and lanes or sidewalks of the Township for the purpose of peddling, with or without any stand or counter.

§13-110 Peddlers unauthorized to enter any property listed on the Do Not Solicit Registry.

No peddler shall attempt to enter any property listed on the Do Not Solicit Registry maintained by New Hanover Township. The peddler shall be provided a dated copy of the registry list at the time of the submission of peddler's application for a license, and the peddler shall be required to consult with the Township website's listing of the Do Not Solicit Registry prior to engaging in solicitation, peddling or distribution under this Part.

§13-111 Do Not Solicit Registry.

- A. New Hanover Township shall hereby create and manage a "Do Not Solicit Registry" for those landowners and residents of the Township who do not wish to be contacted by peddlers at their properties.
- B. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling unit in the Township may request to have their address placed on the Do Not Solicit Registry by submitting a request in writing to the Township Secretary, or registering on-line, as provided by the Township. The written or on-line submission shall include:
 1. The name and signature of the person completing the form;
 2. The complete address of the residence, house, apartment, or other dwelling to be placed on the Do Not Solicit registry;
 3. The date that the form was completed; and
 4. A statement that the individual, being authorized to do so by all occupants of the residence, requests that no peddlers enter the above-referenced property or otherwise attempt to solicit, peddle, or distribute thereon.
- C. A resident's listing on the Do Not Solicit Registry shall be effective thirty (30) days from the date of their submission of the same to the Township Secretary in writing or on-line. The listing shall remain on the Do Not Solicit Registry unless and until a request to remove the same is submitted pursuant to subsection C below.
- D. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling unit in New Hanover Township may request to have their address removed from the Do Not Solicit Registry by submitting a request in writing to the Township Secretary or on-line, as provided by the Township. Such request shall include all of the information set forth in subsection B above, together with an affirmative statement that the individual, being authorized to do so, requests that the property be removed from the Do Not Solicit Registry.
- E. The prohibition against Peddlers entering properties on the Do Not Solicit Registry shall be in addition to, and not in place of, the prohibition against such individuals soliciting, peddling, or distributing on properties displaying "No Soliciting" or other similar sign or signs.

§13-112 Records.

The Board of Supervisors of the Township of New Hanover or its authorized agent shall keep a record of all licenses issued under this part and the Chief of Police shall supervise the activities of all holders of such licenses.

§13-113 Revocation of License.

- A. The Board of Supervisors of the Township of New Hanover or its authorized agent may suspend any license issued under this part for a violation of any of the provisions of this part, or for giving false information upon any application for a license hereunder.

- B. Any person aggrieved by the action of an authorized agent in suspending a license under this part may appeal in writing to the Board of Supervisors of the Township of New Hanover for a hearing with respect to such suspension. Thereupon, the Board of Supervisors shall hold such hearing and take action with respect thereto as it shall deem appropriate.

§13-114 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 \$25 nor more than \$1,000 plus costs or such other penalty as may be authorized and imposed by law. 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. Notwithstanding the same, the Township may seek enforcement by means of request for injunctive relief or other equitable remedies as may be provided by law in a court of competent jurisdiction.

SECTION 2. 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 hereof. It is hereby declared as 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.

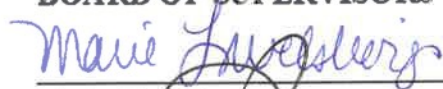
SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Codification. Pursuant to the Second Class Township Code, 53 P.S. §66601(d), the instant Ordinance shall hereby be codified to incorporate the above-referenced amendments.


SECTION 5. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED this 4th day of April, 2024, by the Board of Supervisors of New Hanover Township.

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS**



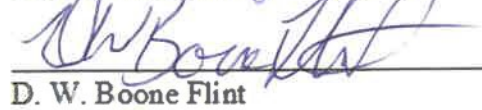
Marie Livelsberger



William Ross Snook



Kurt D. Zebrowski



D. W. Boone Flint



Keith Youse

ATTEST:



Jamie L. Gwynn, Township Manager

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of New Hanover Township will hold a public hearing on Thursday, April 4, 2024 commencing at 6:30 p.m., prevailing time, at the Municipal Building, 2943 N. Charlotte Street, Gilbertsville, Pennsylvania to consider and possibly enact an ordinance amending the Code of New Hanover Township, a caption and summary of which follows. The complete text of the ordinance can be examined at the Town and Country Newspaper, located at 2508 Kutztown Road, Pennsburg, Pennsylvania, or at the New Hanover Municipal Building during regular business hours, or on the Township's website at <https://www.newhanover-pa.org/>

AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, PART 1, TRANSIENT RETAIL BUSINESSES, SUBSECTION A, PEDDLERS AND PEDDLING, OF THE NEW HANOVER TOWNSHIP CODE IN ITS ENTIRETY.

SECTION 1. Amends Chapter 13, Licenses, Permits, and General Business Regulations, Part 1, Transient Retail Business, Subsection A, Peddlers and Peddling, which includes the following sections: §13-101, Definitions; §13-102, License Required; §13-103, Application for License; §13-104, License Fee; §13-105, Issuance of License; §13-106, Hours of Engaging in Business; §13-107, Peddlers Unauthorized to Sell Their Goods on Public Streets; §13-108, Loading or Unloading of Goods and Wares on Public Streets; §13-109, Peddlers Prohibited from Selling Their Wares at a Fixed Location on Any Street in the Township; §13-110, Peddlers unauthorized to enter any property listed on the Do Not Solicit Registry; §13-111, Do Not Solicit Registry; §13-112, Records; §13-113, Revocation of License; and §13-114, Penalties.

SECTION 2. Provides for the severability of unconstitutional or invalid provisions of the ordinance.

SECTION 3. Repeals ordinances or parts of ordinances in conflict with any provision of this ordinance.

SECTION 4. Provides for the codification of the ordinance.

SECTION 5. Provides that the amendment shall be effective 5 days following adoption, as by law provided.

If you are a person with a disability wishing to participate in the aforementioned hearing and require auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township at 610-323-1008 to discuss how your needs may best be accommodated.

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS
Marie Livelsberger, Chair**

GAWTHROP GREENWOOD, PC
Patrick M. McKenna, Solicitor

PROOF OF PUBLICATION OF NOTICE
Under Act No. 587, Approved May 6, 1929

STATE OF PENNSYLVANIA
(COUNTY OF MONTGOMERY)

SS:

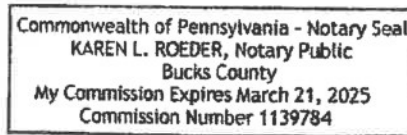
Larry J. Roeder, of LJR Publishing, LLC, of the County and State aforesaid, being duly sworn, deposes and says that THE TOWN AND COUNTRY, a newspaper of general circulation published at 2508 Kutztown Road, Pennsburg, County and State aforesaid, was re-established April 5, 2007, since which time the Town and Country has been regularly issued in said County, and that The Town and Country newspaper is the successor publication to the Hearthstone Town and Country, established May 8, 1997, The Hearthstone Press newspaper, established May 3, 1995 and the Town and Country newspaper, established April 1, 1899, and that the printed notice of publication attached hereto is exactly the same as printed and published in the regular editions and issues of said TOWN AND COUNTRY on the following dates, viz.

28th March

-----and the ----- day of ----- A.D. 2024

Affiant further deposes that he/she is duly authorized by Larry J. Roeder, Publisher of TOWN AND COUNTRY, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice of advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Larry J. Roeder
Sworn and subscribed before me this 31st
day of March 2024
Karen L. Roeder
Notary Public



B-2 PMM 04/04/2024

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BOARD OF SUPERVISORS
Marie Livelsberger, Chair

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Patrick M. McKenna, Solicitor

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B-3 07/04/2024

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SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Codification. Pursuant to the Second Class Township Code, 53 P.S. §66601(d), the instant Ordinance shall hereby be codified to incorporate the above-referenced amendments.

SECTION 5. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED this _____ day of _____, 2024, by the Board of Supervisors of New Hanover Township.

**NEW HANOVER TOWNSHIP
BOARD OF SUPERVISORS**

Marie Livelsberger

William Ross Snook

Kurt D. Zebrowski

D. W. Boone Flint

Keith Youse

ATTEST:

Jamie L. Gwynn, Township Manager