

Chapter 13

Licenses, Permits and General Business Regulations

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Part 1**Garage Sale Permits****§13-101. Definitions.**

The following words, terms and phrases shall have ascribed to them the meaning herein set forth unless the use of such word, term or phrase in context clearly indicates a different meaning:

Garage sale—any garage sale, driveway sale, porch sale, barn sale, fire sale, flea market, or any other type of sale held by a person or persons where numerous items of personal property are offered for sale. “Garage sale” shall not include public sales held under the direction of an auctioneer.

Person—any natural person or persons, partnership, unincorporated association or corporation, non-profit or otherwise.

Township—the Township of Reading.

(Ord. 1989-1, 6/12/1989, §1)

§13-102. Permit Required; Fee; Conditions for Sales.

1. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of Reading Township without first obtaining a garage sale permit from the Township after filing an application containing the information hereinafter specified.

2. No more than two garage sales shall be permitted at any one location during a calendar year.

3. The first garage sale permit issued to any one person or for any one premises within one 12-month period shall be issued without charge. For the second such license issued in any 12-month period, there shall be a nonrefundable fee of \$5 as set by the Township.

(Ord. 1989-1, 6/12/1989, §2)

§13-103. Exemptions.

This Part shall not be applicable to:

A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

B. Persons acting in accordance with their powers and duties as public officials.

C. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement and which separate items do not exceed nine in number. Notwithstanding any provisions of this Part, any person may sell up to nine secondhand articles without being subject to the provisions of this Part.

D. Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without

knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Part have not been met.

E. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of the Township with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and ordinances of the Township including this Part.

F. Sales by a bona fide charitable, relating to charity, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this paragraph shall be on the organization or institution claiming such exemption.

G. Any public auction having a duration of no more than 2 days and conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania.

(Ord. 1989-1, 6/12/1989, §3)

§13-104. Conduct of Sale.

1. No garage sale shall be permitted to continue for more than 2 consecutive calendar days.

2. Garage sales conducted within the Township shall not begin earlier than 8 a.m. and shall terminate no later than 9 p.m.

3. No loud speakers, music or undue noise shall be permitted on the premises during the period of the sale and the seller shall comply with all State laws and health regulations relating to the sale of household furniture.

(Ord. 1989-1, 6/12/1989, §4)

§13-105. Advertising Signs.

1. The size of advertising signs shall not exceed 6 square feet.

2. Advertising signs may be erected or placed upon the property of a person other than the person conducting the garage sale provided that prior consent in writing has been obtained from the person owning the property upon which the advertising sign is to be erected or placed.

3. All advertising signs shall be removed by the applicant within 24 hours after the termination of the garage sale.

4. Advertising signs shall not be erected or placed on utility poles or road signs.

(Ord. 1989-1, 6/12/1989, §5)

§13-106. Permit Requirements.

1. The garage sale permit shall be obtained from the Township no more than 15 days nor less than 3 days prior to the date of the garage sale.

2. The application for a garage sale permit shall include the following information:

- A. The name of the applicant or applicants.
- B. The name of the owner of the property where the garage sale is to be conducted.
- C. The address of the location of the garage sale.
- D. The telephone number of the applicant.
- E. The signature of the applicant.
- F. The date the application is filed with the Township.
- G. The signature of property owners where advertising signs are to be placed or erected.

3. The permit shall be posted at a conspicuous spot on the permitted location during the operation of the garage sale.

(Ord. 1989-1, 6/12/1989, §6)

§13-107. Enforcement.

1. This local law shall be enforced by the Police Department. It shall be the duty of the Police Department to investigate any violation of this Part.

2. If after an investigation, a violation is found to exist, the Police Department shall prosecute a complaint before a District Justice pursuant to the provisions of this Part.

3. The person to whom the garage sale permit was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.

A. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.

B. In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.

(Ord. 1989-1, 6/12/1989, §7)

§13-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 30 days.

(Ord. 1989-1, 6/12/1989, §8)

Part 2

Peddlers and Solicitors

§13-201. Definitions.

Soliciting—as used in this Part, means 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, from house to house, by visitation to private residence, 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 for any mechanical, electrical, plumbing or heating device or equipment for houses, or other building improvements or repairs, upon or from the places aforesaid within the Township.

Peddling—as used in this Part, means 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, from house to house, by visitation to private residences, or by entering in or upon private property within the Township.

The words “soliciting” and “peddling” shall not be deemed to include:

- A. Farmers seeking or taking orders for the sale of their own products.
- B. The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products, milk or milk products, and snacks and favors such as flavored ice. [*Ord. 1993-1*]
- C. The sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable, non-profit or philanthropic purpose, including those activities authorized by local schools, 4-H, Scouts, and other similar organizations.
- D. Any honorably discharged soldier, sailor, or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1976, April 8, P.L. 50, as amended, and who procures from the Prothonotary of Adams County a certificate in pursuance of said Act of Assembly.
- E. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- F. Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the “Solicitation of Charitable Funds Act,” Act of August 9, 1963, P.L. 628, as amended, or who are specifically exempted under the provisions of §4 thereof.

Solicitor—as used in this Part, means any person who shall engage in “soliciting” as hereinabove defined.

Peddler—As used in this Part, means any person who shall engage in “peddling” as hereinabove defined.

Person—as used in this Part, means any natural person, association, partnership, firm, organization, or corporation.

In this Part, the singular shall include the plural and the masculine shall include

the feminine and the neuter.

(*Ord. 1991-6, 12/30/1991, §1, as amended by Ord 1993-1, 7/12/1993, §1*)

§13-202. License Required.

No person shall engage in soliciting or peddling in the Township without first having obtained a license as herein provided.

(*Ord. 1991-6, 12/30/1991, §2*)

§13-203. License Application.

Every person desiring to engage in solicitation or peddling in the Township shall first make application to the appropriate official designed by the Township for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license. The application shall be upon a form provided by the appropriate official designated by the Township and shall contain at least the following information verified by oath or affirmation:

- A. Full name of applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services, or merchandise offered for sale.
- E. 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 or punishments imposed.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall provide his or her Social Security number and proof of identification.

Each application shall be accompanied by a license fee in the amount of \$35. Each person who will be engaged in solicitation or peddling shall make a separate application and be issued a separate license. No license issued under this Part shall be transferable from one person to another. [*Ord. 2008-8*]

(*Ord. 1991-6, 12/30/1991, §3, as amended by Ord. 2008-8, 3/16/2009, §1*)

§13-204. License Fees.

The Township shall investigate the facts set forth in the application. If after investigation the Township determines that the applicant has been convicted of a felony or misdemeanor or is not legally a resident of the United States, or has previously been in violation of a provision of this Part the application shall be denied. Otherwise, the license shall be issued. The Township shall take action in connection with the application with 5 business days of completion of the application and the payment of the required fee. If the application is denied the Township shall inform the applicant in writing of the denial and set forth the reasons for the denial.

(*Ord. 1991-6, 12/30/1991, §4; as amended by Ord. 2008-8, 3/16/2009, §2*)

§13-205. License Terms; New License.

The license granted pursuant to this Part shall be valid for 30 days after the date

of such license and prior to the expiration of any license if the person holding the same shall desire to continue soliciting or peddling, he may apply for a license renewal paying the renewal fee of \$5. The renewal license shall be issued unless the applicant has been found to be in violation of a provision of this Part or the Township has determined that the applicant for renewal has been convicted of the misdemeanor or felony or is not a legal resident of the United States.

(Ord. 1991-6, 12/30/1991, §5; as amended by Ord. 2008-8, 2/16/2009, §3)

§13-206. License Exhibition.

Such license, when issued, shall state, *inter alia*, the products to be sold, services to be rendered or subscriptions or contributions to be solicited by the license. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

(Ord. 1991-6, 12/30/1991, §6)

§13-207. Hours.

No person licensed as a solicitor or peddler under this Part shall engage in soliciting or peddling on Saturdays or Sundays; nor on any other day of the week before 10 a.m. or after 6 p.m., prevailing time.

(Ord. 1991-6, 12/30/1991, §7)

§13-208. Parking Vehicle on Street; Littering.

No person licensed as a solicitor or peddler under this Part shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his good, wares, services, or merchandise. No such person shall place or deposit any refuse on any such streets, highways, or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(Ord. 1991-6, 12/30/1991, §8)

§13-209. Fixed Location Prohibited.

No person licensed as a solicitor or peddler under this Part shall occupy any fixed location upon any of the sidewalks, streets, highways, or alleys of the Township for the purpose of soliciting or peddling with or without any stand or counter.

(Ord. 1991-6, 12/30/1991, §9)

§13-210. Record of License.

The appropriate official designated by the Township shall keep a record of all licenses issued under this Part, and shall provide the Chief of Police with a daily list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

(Ord. 1991-6, 12/30/1991, §10)

§13-211. License Suspension, Revocation.

Any license issued under this Part may be suspended or revoked at any time by the appropriate official designated by the Township upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license, or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township.

(Ord. 1991-6, 12/30/1991, §11)

§13-212. Crying Wares, Using Noisemakers Prohibited.

No person licensed as a solicitor or peddler under this Part shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence, unless the application for license specifically requests permission to use such a device and the permit granted allows such use.

(Ord. 1991-6, 12/30/1991, §12)

§13-213. Penalties for Violation.

Any person who shall violate any of the provisions hereof shall, upon conviction thereof in a summary proceeding before any District Magistrate or Justice of the Peace, be sentenced to pay a fine not exceeding \$300 and costs of prosecution and, in default thereof, to undergo imprisonment in the Adams County Prison for a period not exceeding 30 days. Each day that any such violation shall continue shall constitute a separate offense hereunder and shall be punishable as such.

(Ord. 1991-6, 12/30/1991; as added by Ord. 2008-8, 3/16/2009, §4)