

**BEDMINSTER TOWNSHIP
COUNTY OF BUCKS**

ORDINANCE NO. 2021-247

AN ORDINANCE OF THE TOWNSHIP OF BEDMINSTER, REPEALING ORDINANCE NO. 151 REGULATING PEDDLING AND ENACTING THE FOLLOWING ORDINANCE REGULATING PEDDLERS IN THE TOWNSHIP BY REQUIRING LICENSES FOR PEDDLING; BY LIMITING THE TIME AND PLACE OF PEDDLING; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Second Class Township Code empowers the Board of Supervisors of Bedminster Township to regulate peddling within the Township; and

WHEREAS, the Board of Supervisors has been informed of problems within the Township concerning peddling that are not addressed by existing Township ordinances.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Bedminster Township as follows:

ARTICLE I

Ordinance No. 151 of Bedminster Township, enacted on the 13th day of August, A.D., 2003, which ordinance currently regulates peddling and soliciting within the Township, is hereby repealed in its entirety and replaced with the following:

PEDDLING

Section 1. Findings and Purposes.

A. **Findings.** The Bedminster Township Board of Supervisors has determined that the safety and privacy of Township residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to Township residents, and that it is in the best interest of the Township to differentiate between certain categories of peddlers.

B. **Purposes.** It is the purpose and intent of this Ordinance to provide the Township with standards defining and regulating peddling.. These standards are intended to protect the safety and privacy of the residents of Bedminster Township by regulating the behavior of peddlers limiting peddlers' access to residents who do not wish to interact with them.

Section 2. Definitions.

The following words shall have the following meanings when used in this Ordinance, unless the context requires otherwise:

GARAGE/YARD SALE – A single time sale of used goods or refreshments on private property done with the permission of the landowner.

LICENSE – A Peddler’s license issued in accordance with the provision of this Chapter.

PEDDLER – Any Person engaged in Peddling.

PEDDLING – To engage in the peddling , soliciting, hawking, vending, taking of orders (either by sample or otherwise), selling, or offering for sale any commercial services, goods, wares, merchandise, printed matter, or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township. Provided, the word “Peddling” shall not apply to:

- farmers selling their own produce; or
- the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or
- any manufacturer or producer of bread and bakery products, meat and meat products, or milk and milk products.

PERSON – Any individual, joint venture, association, partnership, trust, corporation, or other legal entity.

STREET – Any street, road, highway, or alley and shall include the sidewalk within the lines of or alongside of the same.

Section 3. Posting.

Any Person who is the owner or lawful occupant of private property within the Township may prohibit the practice of going in or upon the private property of such owner or occupant by Peddlers by posting upon such property a sign which reads “No Peddling” or substantially similar language in a location which is reasonably visible to Persons who intend to enter upon such property.

Section 4. Establishment of a No Peddling Registry.

The Township shall establish and maintain a No Peddling Registry which lists all Township residents who desire not to be contacted at their residences by Peddlers. This Registry shall be furnished to all Peddlers granted a License under this Ordinance. Any and all Peddlers are prohibited

from entering upon any property that is listed on this Registry and may be prosecuted for trespassing if they violate this prohibition.

Section 5. Prohibition Against Entering Upon Posted Property.

Any and all Peddlers are prohibited from entering upon any property that is posted with a “No Peddling” sign and may be prosecuted for trespassing. If such sign is posted, the Peddler, whether licensed in accordance with this Ordinance or not, shall immediately and peacefully depart from the property.

Section 6. Conduct of Peddlers.

Every Peddler, whether licensed in accordance with this Ordinance or not, shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The Peddler shall carry official identification, such as a driver’s license, upon his or her person at all times and shall exhibit it upon request of any person to whom the Peddler is attempting to Peddle.
- B. The Peddler shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.
- C. The Peddler shall only engage in Peddling within the Township on Monday through Saturday from 9:00 A.M. until 7:00 P.M. or until sunset, whichever is sooner. No Peddling shall be allowed on Sundays or on any State or Federal legal holidays.
- D. The Peddler shall not call out or shout to sell his or her services or goods, nor shall the Peddler use any loudspeaker or horn or other device for announcing his or her presence by which the public is annoyed.
- E. The Peddler shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of Peddling, with or without any stand, counter, or cart.
- F. The Peddler shall not Peddle in any Township park without first acquiring a permit from the Township.
- G. The Peddler shall not park any vehicle upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of sorting, rearranging, or cleaning any of his or her goods, wares, or merchandise or for the purpose of disposing of any carton, wrapping material, stock, wares, or foodstuffs.
- H. The Peddler shall not operate from or use in conjunction with his or her activities any vehicle with a gross vehicle weight rating of 19,501 lbs. or larger.

I. The Peddler shall not engage in any activity that creates a public nuisance, disrupts traffic, and/or disturbs the peace and tranquility of the Township.

Section 7. Licensing of Commercial Peddlers.

No Person shall engage in Peddling in the Township without first having obtained a License to so Peddle, respectively, as more fully set forth in this Ordinance.

A. Any Person desiring to engage in Peddling within the Township must first make application to the Police Department of Bedminster Township for a License. The Police Department may require such information in conjunction with this application as the Chief of Police deems appropriate, including, but not limited to: name and address; prior criminal record; name of employer; photograph; the nature of the goods, wares, or merchandise that are intended to be Peddled or the use to which funds solicited shall be put; the period of time the applicant intends to Peddle; the type of vehicle(s) that the applicant uses, if any, and the license number(s) thereof; the place where the applicant was engaged in Peddling immediately prior to filing this application, if any; the place where the applicant intends to go after completion of the Peddling in the Township; and type of solicitation being made to the public. In addition, if an applicant is also required to obtain a license or permit from any county office, the applicant shall provide a copy of a valid county license or permit to the Police Department of Bedminster Township in conjunction with the application for a License.

B. Before issuing a License, the Township, in its sole discretion, may require an investigation of the applicant to obtain sufficient proof that the applicant is of good business and/or moral character and/or to confirm the accuracy of representations made in each such application. By submitting an application for a License, the applicant agrees to await a reasonable amount of time for such investigation, which investigation may take no more than ten (10) business days from the date of application. If, as a result of such investigation, the applicant's business or moral character is found to be unsatisfactory or any representation is found to be false or misleading, the Township shall notify the applicant that such application has been disapproved and that no License shall be issued.

C. No License issued under this Ordinance shall be transferable from one Person to another.

D. All fees for Licenses shall be set by separate resolution of the Bedminster Township Board of Supervisors.

E. All Licenses issued by the Police Department of Bedminster Township shall be exhibited in clear view by the Person Peddling at all times, and it shall not be altered or used by any other Person except the licensee.

F. All Licenses shall expire after ninety (90) days but may be renewed for additional ninety (90) day periods by request to the Township Police Department

G. The issuance of a License grants the licensee the privilege of conducting such business or activity as is permitted by the License within the Township. The issuance of a License does not confer any property right upon the licensee.

Section 8. Exemptions for Noncommercial Peddlers and Garage/Yard Sales.

A. Persons engaged in door-to-door canvassing on religious or political subjects, or distributing religious or political handbills shall be exempt from the License requirements of this Ordinance. All such Persons, however, shall carry official identification, such as a drivers license, upon his or her person at all times and shall exhibit it upon request of any Person to whom the Peddler is attempting to Peddle.

B. The application and License requirements may be waived by the Police Department of Bedminster Township for Persons Peddling on behalf of organizations of purely public charities, such as local churches, scout troops, civic and service organizations, fire companies, athletic organizations, and the like, provided however, that any such group must notify the Police Department of Bedminster Township in writing in advance of any such Peddling setting forth the dates of such Peddling will take place within the Township.

C. Any Person who is required to register with the Commonwealth of Pennsylvania in connection with Peddling for any charitable organization, shall carry proof of this registration upon his or her person at all times and shall exhibit it upon request of any Person to whom the Peddler is attempting to Peddle.

D. The provisions of this Ordinance shall not apply to Garage/Yard Sales.

Section 9. License Suspension or Revocation.

The Chief of Police is hereby authorized to suspend or revoke any License issued under this Ordinance for any violation of any of the provisions of this Ordinance, or for giving false information upon any application for a License. The Chief of Police is further authorized to refuse a License to any Person with a prior criminal record and to any other Person who would present a threat of harm or danger to the citizens of the Township.

Section 10. Violations and Penalties.

A. Any Person who or which has violated or permitted the violation of the provisions of this Ordinance (hereinafter the "Violator") shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.

B. Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of Bedminster Township against a Violator under this Ordinance shall in no way constitute an election of remedies, and the Township, and any other person having a cause of action against this Violator, shall be entitled to pursue any such remedies against this Violator as provided by law or in equity.

ARTICLE II REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, including, but not limited to, Ordinance 151, enacted August 13th, 2003, which is specifically repealed in its entirety.

ARTICLE III 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 Bedminster Township 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.

ARTICLE IV EFFECTIVE DATE.

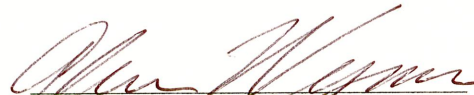
This Ordinance shall become effective five (5) days after enactment.

ENACTED and ORDAINED this 12th day of May, A.D., 2021.

**BEDMINSTER TOWNSHIP
BOARD OF SUPERVISORS**



Morgan Cowperthwaite, Chairman

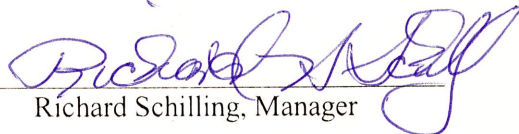


Glenn Wismer, Vice Chairman



Mark Schmidt, Member

ATTEST:



Richard Schilling, Manager