

CHAPTER 13

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PART 1

PEDDLING AND SOLICITING

§13-101. Definitions.

PEDDLER - any person who shall engage in peddling as hereinafter defined.

PEDDLING - engaging in peddling, canvassing or taking or orders for any goods, wares or merchandise, or for work of any nature to be performed, either by sample or otherwise, anywhere in the Township. Provided, the word “peddling” shall not apply:

- A. To farmers selling their own produce.
- B. To the sale of goods, ware or merchandise donated by the owners thereof, the proceeds of which are to applied to any charitable or philanthropic purpose.
- C. To any manufacturer or producer in the sale of bread or bakery products, meat or 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 order 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 order 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.

[Ord. 311]

PERSON - any natural person, association, partnership, firm or corporation.

SOLICITING - engaging in soliciting funds or contributions for any organization, cause or purpose whatsoever, anywhere in the Township. Provided, the word “soliciting” shall not apply:

- A. The soliciting of funds or contributions by or on behalf of any religious or fraternal organization maintaining its regular headquarters within the Township.
- B. The soliciting of funds or contributions by or on behalf of any organization currently included in the Cumulative List of Organizations published by the Internal Revenue Service, contributions to which have been determined to be deductible for income tax purposes, if satisfactory evidence of such current inclusion is furnished to the Secretary of the Township of Oley prior to such soliciting.

SOLICITOR - any person who shall engage in soliciting as hereinabove defined.

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

(Ord. 251, 8/9/1993, §1; as amended by Ord. 311, 6/14/2004, §1)

§13-102. Permit Required.

No person shall engage in peddling or soliciting in the Township without first having taken out a permit as herein provided; however, no permit is required for religious proselytizing, anonymous political speech or the distribution of handbills.

(Ord. 251, 8/9/1993, §2; as amended by Ord. 311, 6/14/2004, §1)

§13-103. Application for Permit.

In order to protect the public against fraud and imposition, every person desiring to engage in peddling or soliciting in the Township shall first make application to the Secretary of the Township for a permit. If such person shall also be required to obtain a license from any County officer he shall, when making such application, exhibit a valid County license. Upon such application, such person shall give his name; address; his previous criminal record, if any; the name of the person or organization for whom he works, if any; the type of goods, wares, merchandise or work he wishes to peddle or the nature and activities of the organization, cause or purpose for which he is soliciting, as the case may be; the length of time for which he desires a permit; the type of vehicle he uses, if any; and the number of helpers he has. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and an individual permit shall be required for each helper. No permit issued under this Part shall be transferable from one person to another. The fee charged for any permit issued under this Part shall be in accordance with a schedule of fees to be adopted by the Board of Supervisors of the Township of Oley, from time to time.

(Ord. 251, 8/9/1993, §3)

§13-104. Exhibiting Permit.

Upon making application therefor as herein specified, a permit shall be issued to any peddler or solicitor. Such permit shall contain the information required to given upon the application therefor. Every peddler or solicitor shall at all times when engaged in peddling or soliciting in the Township carry such permit upon his permit, and shall exhibit such permit upon request, to all police officers, Township officials and citizens. No peddler or solicitor shall engage in any activity not specifically authorized by his permit.

(Ord. 251, 8/9/1993, §4)

§13-105. Parking Requirements.

No person to whom a permit has been issued under this Part shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise, nor shall any such person place or deposit any refuse upon any of such streets or alleys nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

(Ord. 251, 8/9/1993, §5)

§13-106. Fixed Locations Prohibited.

No person to whom a permit has been issued under this Part shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Township for the purpose of peddling or soliciting, with or without any stand or counter.

(Ord. 251, 8/9/1993, §6)

§13-107. Duties of the Township Secretary.

The Township Secretary shall keep a record of all permits issued under this Part and make such record available to the Chief of Police in the Township upon request.

(Ord. 251, 8/9/1993, §7)

§13-108. Preservation of Rights.

Nothing contained in this Part shall be construed to prohibit the duly constituted Officials of the Township of Oley from applying to a court of competent jurisdiction for an order enjoining the activities of any person to whom a permit has been issued hereunder in any case in which such activities are injurious to the public health, safety, morals or general welfare of residents of the Township of Oley or in any case in which false or incomplete

information has been given by any person in order to obtain a permit hereunder.

(Ord. 251, 8/9/1993, §8)

§13-109. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. 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.

(Ord. 251, 8/9/1993, §9; as amended by Ord. 311, 6/14/2004, §1)

PART 2**JUNKYARDS****§13-201. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings ascribed to them in this Section:

JUNK - any discarded material or article including, without being limited to, metals or metal or metal products, motor vehicles, machinery, equipment, glass, containers, structures, rubber, lumber, mill work, brick, stone, concrete, industrial waste and other salvageable material; provided, however, that the work "junk" as used herein shall not include discarded materials normally and customarily accumulated by a farmer in the occupation of farming, in such quantities as are normally incident to the carrying on of such occupation.

JUNKYARD - any place at which junk as defined herein is or may be salvaged or stored for refuse, resale, reduction or similar disposition.

JUNKYARD INSPECTOR - the person or persons designated by the Township Board of Supervisors from time to time to administer the provisions of this Part.

PERSON - a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(Ord. 72, 11/7/1966, §1)

§13-202. Duties of the Inspector.

It shall be the duty of the Junkyard Inspector to administer the provisions of this Part. He shall keep a complete and up to date list of all existing and proposed junkyards in the Township, periodically inspect all junkyards for compliance with this Part, and make all inspections required by this Part in connection with applications for licenses hereinunder, and he shall have authority to enter upon any existing or proposed junkyard premises at any time for those purposes. He shall promptly report all violations to the Township Board of Supervisors for appropriate action and may, if necessary, institute prosecutions for violations of this Part. He shall receive such compensation for the performance of his duties as maybe fixed by the Township Board of Supervisors from time to time.

(Ord. 72, 11/7/1966, §2)

§13-203. License Required.

No person owning, leasing or having control of any land in the Township of Oley shall use or permit the same to be used as a junkyard without first having applied for and received a license therefor from the junkyard inspector. The license shall be effective for 1 calendar year only, subject to renewal upon reapplication. Application for a license or any renewal thereof shall be filed in writing with the Secretary of the Township Board of Supervisors and shall contain the applicant's sworn statement setting forth applicant's name and address and the names and addresses of all other persons interested in the business, an accurate and complete description of the premises upon which the junkyard is proposed to be located, including a map or plan of the property prepared by a registered surveyor indicating the exact boundaries of the proposed junkyard and a statement that the applicant will comply with this Part and any regulations adopted pursuant hereto. Payment of the annual license fee for the first year of operation shall accompany the application, which fee be in an amount as shall be determined, from time to time, by resolution of the Board of Supervisors. If satisfied that the requirements of this Part have been and will be complied with, the Township Board of Supervisors shall issue a license authorizing the maintenance and operation of a junkyard by the applicant. Such license shall at all times be conspicuously displayed upon the junkyard premises. The license shall be non-transferrable both as to the licensee and as to the licensed premises. No person licensed under this Part shall, by virtue of any one license, keep more than one place of business or maintain or operate more than one junkyard within the Township of Oley, nor shall any person engage in business as a junk dealer or operate or maintain a junkyard in any place other than the place designated upon his license.

(Ord. 72, 11/7/1966, §3; as amended by Ord. 311, 6/14/2004, §1)

§13-204. Requirements to Obtain License.

Before granting a license for the maintenance and operation of a junkyard, the junkyard inspector shall require the following:

- A. The area to be occupied by the junkyard shall be located at a distance of not less than 1,500 feet from any dwelling house or other building used as a residence.
- B. Every junkyard shall be conducted either completely within a building of substantial construction or within an area which shall be surrounded completely on all sides by a continuous fence of heavy duty chain link or wire mesh at least 6 feet in height with three strands of barbed wire at the top, with gates of similar fencing material which shall at all times be securely locked except during business hours when an adult attendant employed as such is on the premises. Such fence shall have maximum openings of 4 square inches and the wire mesh shall be a number ten gauge steel wire. Such fence shall be set back a distance of not less than 50 feet from all public roads and from all lot lines. Whenever such fence or any part there is visible from a public road or from an adjoining property upon which is located a dwelling house or other building used as a residence, such fence or section

offence shall be surrounded by a screen of evergreen trees not less than 4 feet high at the time of planting and capable of attaining a uniform height of 6 feet within a period of 2 years, such trees to be planted at regular intervals of not more than 8 feet. Such trees shall be maintained at a uniform height and replaced whenever necessary.

(Ord. 72, 11/7/1966, §4)

§13-205. Maintenance Requirements.

1. Every junkyard shall at all times be maintained and conducted in strict conformity with the following requirements:
 - A. No junk shall be loaded, unloaded or placed outside of the enclosure fence or evergreen screen, temporarily or permanently, either on the property or in the public right-of-way.
 - B. Every junkyard shall be conducted so as not to create a nuisance by reason of noise or disagreeable odors or fumes. The loading or unloading of junk and the use of breakup hammers shall be carried on between the hours of 8 a.m. and 6 p.m. only, except as may be necessary to remove wrecked motor vehicles from a public highway.
 - C. No burning or melting of any junk shall be permitted in any junkyard nor anywhere within the Township of Oley.
 - D. Every junkyard shall be maintained in a neat, clean and sanitary condition so as not to constitute a breeding place for rodents and vermin and so as not to constitute a nuisance or a danger to the health or safety of the community. No garbage or organic waste and no paper, rubbish, rags or other flammable articles or materials shall be stored in any junkyard.
 - E. No junkyard shall cover an area of more than 5 acres.
 - F. All junk shall be stored and arranged so as to permit access to firefighting equipment and to prevent accumulation of stagnant water. Junked automobiles shall be spaced in rows with at least 15 feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than 8 feet from the ground.

- G. All gasoline and oil shall be drained from any junked automobile into containers and removed from the junkyard within 12 hours after arrival on the premises of the junked automobile. Gasoline and oil shall be stored at only one location on the licensed premises, and no more than 100 gallons in the aggregate of gasoline and oil shall be stored above ground.
 - H. All weeds on any junkyard shall be kept mowed and shall not be permitted to go to seed.
 - I. An adult attendant shall at all times during business hours remain on the junkyard premises.
 - J. Permanent records of all junk received or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered and the date thereof and a description of the junk, which records shall at all times be open to inspection by the junkyard inspector or any member of the Township Board of Supervisors.
 - K. No junk shall be removed from any junkyard nor broken up, reduced or altered in shape or form for a period of 48 hours after the same is placed on the junkyard premises.
2. Failure to comply with any of the foregoing provisions for a period of more than 72 hours after notice of violation shall be sufficient reason for the revocation of any license granted hereunder, in addition to the penalties and remedies hereinafter provided.

(Ord. 72, 11/7/1966, §5)

§13-206. Notification of Additional Regulations.

The Township Board of Supervisors may, from time to time, adopt regulations to implement the provisions of this Part, copies of which shall be furnished to all licensees under this Part at the time of adoption of such regulations.

(Ord. 72, 11/7/1966, §6)

§13-207. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. 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. The Board of Township Supervisors

or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this Part or to restrain the commission of any act prohibited by this Part, and this Part shall in no way be construed so as to restrict any remedies otherwise provided by law.

(Ord. 72, 11/7/1966, §§7, 8; as amended by Ord. 311, 6/14/2004, §1)

PART 3

CONTRACTOR LICENSING

§13-301. Short Title.

This Part shall be known and may be cited as the “Oley Township Contractor Licensing Ordinance”.

(Ord. 214, 6/13/1988, §1)

§13-302. Definitions.

The following words and phrases, as used in this Part, shall have the meanings ascribed to them in this Section unless the context clearly indicates a different meaning. The masculine includes the feminine, the singular includes the plural and the plural includes the singular.

BUILDING INSPECTOR - the Building Inspector of the Township of Oley.

CONTRACT - an agreement, whether oral or written and whether contained in one or more documents, between a contractor and an owner or another contractor for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

CONTRACTOR - any person, other than a bona fide employee of the owner who undertakes or offers to perform, as a general contractor, subcontractor, specialty contractor or home improvement contractor with respect to the owner, any residential or nonresidential construction or demolition work in the Township of Oley which requires one or more of the following:

- A. A Township building permit.
- B. A Township driveway permit.
- C. A Township plumbing permit.
- D. A Township sewage disposal permit.
- E. A Township solicitation permit.

The word “contractor” shall not include tradespeople or craftspeople such as plumbers or electricians who are registered with or licensed by the Township.

[Ord. 216]

LICENSE YEAR - the 12 month period beginning the first day of January of each year.

OWNER - any property owner, tenant or other person who orders, contracts for or purchases the services of a contractor or any person entitled to the work of a contractor pursuant to a contract, gift or otherwise.

PERSON - any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity.

TOWNSHIP - the Township of Oley.

(Ord. 214, 6/13/1988, §2; as amended by Ord. 216, 7/11/1988, §1)

§13-303. Enforcement.

The Building Inspector or his authorized representatives shall administer and enforce the provisions of this Part.

(Ord. 214, 6/13/1988, §3)

§13-304. Compliance Required.

No person shall act as a contractor in the Township except in compliance with the provisions of this Part. Any person, including an owner, who willfully aids a contractor or participates with a contractor in violating any provisions of this Part is in violation of this Part. The provisions of this Part may not be waived by agreement.

(Ord. 214, 6/13/1988, §4)

§13-305. Craft Licenses.

A license issued pursuant to this Part shall not be construed to authorize the licensee to perform any particular type of work or type of business which is reserved to qualified licensees under the provisions of State or local law.

(Ord. 214, 6/13/1988, §5)

§13-306. License Required; Applications and Renewals.

For the license year beginning January 1, 1988, and each license year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a contractor in the Township shall, on or before the first day of January of a license year or prior to commencing business in such license year, make application for a license to act as a contractor in the Township. Such application shall be made by the

completion of an application furnished by the Building Inspector and the payment of a license fee as hereinafter set forth in this Part. Each application must contain information as set forth hereafter in this part. Each application for a license shall be signed by the applicant, if a natural person, and in the case of a partnership, by a partner thereof, and in the case of a corporation, by an officer thereof. Each successful applicant shall be issued a license. Every licensed contractor, while actually acting as a contractor in the Township, shall carry the said license with him and shall display it to the Building Inspector or his representatives upon demand to do so. All contractors' licenses shall expire at midnight on December 31 of each license year unless the license is revoked or suspended prior thereto under the terms of this Part. A person with an unexpired license and which has not been revoked or suspended during the current license year who makes application for a license for the following license year need not complete an application form but must only submit the required license fee and, if he qualifies for licensing and renewal under the terms of this Part, his license shall be renewed for the following license year and he will be issued a new license. Any contractor carrying on the business of contractors in the Township must secure a license under the terms of this Part for each license year during which he carries on such business.

(Ord. 214, 6/13/1988, §6)

§13-307. Exceptions and Exemptions.

1. The provisions of this Part shall not apply to the official transactions of any authorized representative of the Government of the United States, any state or Commonwealth of the United States, any political subdivision of any state or Commonwealth or any agency or instrumentality of the foregoing governments.
2. No contractors' license shall be required of any person when acting in a particular capacity or particular type of transaction as follows:
 - A. A person who performs labor or services for a contractor for wages or salary.

(Ord. 214, 6/13/1988, §7)

§13-308. Insurance Required.

No contractor's license shall be issued unless the applicant files a certificate of insurance with the Director at the time of license application. The certificate of insurance shall contain a provision that coverages afforded under the policy will not be canceled until at least 15 days prior written notice of such cancellation has been given to the Township of Oley. The certificate of insurance must evidence policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products liability and completed operations, each of which must have a single occurrence limit of at least \$300,000 for all contractors and must name the Township of Oley as an additional insured. Blasting and demolition insurance shall also be required for blasting and demolition contractors, blasting and demolition insurance coverage must be in the amount of \$1,500,000 and must name the Township of Oley as an additional insured for the time

period involved for the blasting or demolition permit. All types and limits of insurance for which certificates are presented at the time of application and based upon which a license is issued shall be maintained throughout the license year or the license will be suspended or revoked as hereinafter set forth in this Part. The Director must approve the responsibility of a new insurance carrier prior to a change in a carrier during a license year.

(Ord. 214, 6/13/1988; as added by Ord. 311, 6/14/2004, §1)

§13-309. License Fees.

At the time of application for a new license or for the renewal of a current license, the applicant shall pay to the Director a license application fee, all payable to the Township of Oley, which fee shall be set by resolution of the Board of Supervisors of Oley Township. No fee or portion thereof shall be returned to a successful or unsuccessful applicant.

(Ord. 214, 6/13/1988, §8; as amended by Ord. 311, 6/14/2004, §1)

§14-310. Issuance or Refusal to Issue License; Form of License Application.

1. When an application has been filed with the Building Inspector in proper form the Building Inspector must, within a period of 10 days from the date following the date the application is received, issue or refuse to issue the appropriate contractor's license to the applicant. If issuance of a license is denied, the Building Inspector shall mail to the unsuccessful applicant a written statement setting forth the reason or reasons for the denial, within the aforesaid 10 day period.
2. The application for a license shall be a printed form, provided to the applicant by the Building Inspector, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean that the applicant is not entitled to consideration of this application until he has answered all questions. The application form shall be signed by the applicant under oath. The questions and information requested on the application shall include, but shall not be limited to, the following:
 - A. The names of owners, partners, directors and officers of the applicant and the business address and trade names of the applicant.

- B. A statement as to whether or not any municipalities have refused to issue or have revoked any similar contractor's licenses to the applicant within 2 years previous to the date of the application. In the event there has been such a denial or revocation, the applicant must explain in writing the reasons for such denial or revocation.
- C. A listing of contractor's jobs completed or accepted by the applicant within 30 days prior to the application along with a statement of the location of the jobs.
- D. A listing of all convictions within 2 years prior to the date of the application for any crimes or offenses under any Federal or State criminal statute or common law so long as such convictions were for crimes or offenses related to the applicant's work or contracts as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere. If any such convictions exist, the applicant shall give in writing the caption, court and term number of the proceeding leading to the conviction. The applicant shall also explain, in writing, the nature of the conviction.
- E. A listing of all unsatisfied civil judgments in any jurisdiction against the applicant, if such civil judgments were entered on a lawsuit in which it was alleged that the applicant failed to complete a contract as defined in this Part or improperly performed a contract as defined in this Part. The applicant shall give, in writing, the caption, court and term number of the civil action upon which any such judgments were entered and shall explain in writing the nature of all such civil judgments.

(Ord. 214, 6/13/1988, §9)

§13-311. Changes in Ownership, Management, Address or Trade Name.

Every contractor licensee shall, within 10 days after a change in ownership, directors, officers, management, address or trade name, notify the Building Inspector of such change.

(Ord. 214, 6/13/1988, §10)

§13-312. Standards for Refusal of Issuance or Renewal of License.

No license shall be issued or renewed under the following circumstances:

- A. If the applicant falsely answered any question or questions contained on the application form.

- B. If the applicant has been refused a similar contractor’s license or has had a similar contractor’s license revoked or suspended by another municipality within 2 years prior to the date of application for issuance or renewal and if the refusal, revocation or suspension by the other municipality was due to failure to comply with that municipality's building codes.
- C. If the applicant has been convicted within 2 years prior to the date of the application for any crimes or offenses under any Federal or State criminal statute or common law criminal offense or for violation of any municipal ordinance, so long as such convictions were for crimes or offenses related to the applicant’s work as a contractor. The term “conviction” shall include guilty pleas and pleas of nolo contendere.
- D. If an unsatisfied civil judgment against the applicant exists in any court in any jurisdiction and if the record of such court shows that such judgment was entered because of the applicant’s failure to complete a contract as defined in this Part or if such judgment was entered because of the applicant’s failure to properly perform a contract as defined in this Part.

(Ord. 214, 6/13/1988, §11)

§13-313. Revocation of Licenses.

The Building Inspector shall revoke any license issued under the provisions of this part under the following circumstances:

- A. If the licensee falsely answered any question or questions contained on an application for licensing or renewal of licensing previously submitted to the Building Inspector.
- B. If the licensee violates any of the terms or provisions of the Oley Township Codes or any terms or provisions of this Part.
- C. If the licensee violates any condition or requirement of a building permit, sewer construction permit or highway permit issued by the Township of Oley.
- D. If the licensee willfully deviates from or disregards any plans or specifications for any contracting job in any material aspect without first obtaining the consent of the owner in writing to any such change and without first notifying the Building Inspector of any such change.
- E. If the licensee does any business through any person who is subject to the licensing requirements of this Part and who is not licensed as required by this Part.

- F. If the licensee conducts a contractor's business in the Township under any name other than that which he is licensed.
- G. If the licensee fails to comply with an order, demand or requirement lawfully made by the Building Inspector under the authority of this Part or any other Township ordinance.

(Ord. 214, 6/13/1988, §12)

§13-314. Prohibited Acts.

In addition to all other acts prohibited by the terms of this Part, those acts warranting revocation of a license under this Part shall also be prohibited acts under this Part.

(Ord. 214, 6/13/1988, §13)

§13-315. Fines and Penalties.

In addition to refusal or revocation of a license as provided under this Part, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. 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. The fine or penalty imposed by this Section shall be in addition to any other penalty imposed by this Part.

(Ord. 214, 6/13/1988, §14; as amended by Ord. 311, 6/14/2004, §1)

I hereby certify that all statements above are correct and I have read and am familiar with all ordinances that pertain to my business.

Date

Signature

FEE:

Signature

Approved for Licensing _____
Date

License #

Date License Issued

PART 4

GARAGE AND YARD SALE PERMITS

§13-401. Title.

This Part shall be known and may be cited as “Garage and Yard Sale Permit Ordinance”.

(Ord. 303, 6/9/2003, §1)

§13-402. Purpose.

These rules and regulations are designed to control and restrict garage and yard sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences, only, in keeping with the character of the neighborhood where this activity is carried on in compliance with the Zoning Ordinance [Chapter 27] of Oley Township. The intent of this Part is to eliminate perpetual, prolonged and extended garage and yard sales in residential areas, and garage and yard sales during periods which would be disruptive to known heavy traffic conditions. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and often violate the zoning regulations of Oley Township. The provisions of this Part arise from the need to limit, regulate, restrict and control garage and yard sales. It is not the intent of this Part to change or amend the Zoning Ordinance [Chapter 27], Transient Business Ordinance and/or any other ordinances of Oley Township.

(Ord. 303, 6/9/2003, §2)

§13-403. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

GARAGE SALES -

- A. The sale or offering for sale often or more new, used or second-hand items of personal property at any one residential premises at any one time.
- B. Includes all sales in residential areas entitled “garage sales,” “yard sales,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” “basement sale,” “rummage sale,” “flea market sale,” “craft sale,” or any similar casual sale of tangible personal property.

GOODS - any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

MUNICIPALITY - all residential dwellings located within any type of zone, zoned area, zoning district, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of Oley Township.

PERSONS - individual, partnership, family groups, voluntary associations and corporations.

(Ord. 303, 6/9/2003, §3)

§13-404. Permit Required; Fee; Conditions for Sale.

1. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of Oley Township without first obtaining a garage sale permit from the Township Secretary after filing an application containing the information hereinafter specified.
2. 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 permit and all subsequent permits issued in any 12 month period, there shall be a non-refundable fee as set by the Board of Supervisors pursuant to a resolution.
3. It shall be unlawful for any person to conduct a garage sale on the third Thursday, Friday and Saturday of the third full week of September on Main Street, Jefferson Street from Main Street north for a distance of 1,500 feet and DeTurk Road from Main Street to Route 73, in the Village of Oley.
4. No garage sale shall extend for more than 3 days in duration.

(Ord. 303, 6/9/2003, §4)

§13-405. 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 second-hand 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 Oley Township, with or without the protection of the nonconforming use section of the Zoning Laws [Chapter 27], or any sale conducted by 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 Oley Township, including this Part.
- F. Sales by a bona fide charitable, eleemosynary, 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 subsection 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. 303, 6/9/2003, §5)

§13-406. Enforcement.

- 1. This Part shall be enforced by the Oley Township Police Department, and it shall be his/her duty to investigate and prosecute any violation of this Part.
- 2. If, after an investigation, a violation is found to exist, the Oley Township 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 street 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. 303, 6/9/2003, §6)

§13-407. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. 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.

(Ord. 303, 6/9/2003, §7; as amended by Ord. 311, 6/14/2004, §1)