



**TOWNSHIP OF NORTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 531**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ITS "TRANSIENT RETAIL BUSINESS ORDINANCE," AS CODIFIED AT CHAPTER 13, PART 1, OF THE TOWNSHIP CODE OF ORDINANCES, ESTABLISHING A "NO-SOLICITING LIST," PERMISSIBLE HOURS OF SOLICITATION ACTIVITIES, INCLUDING ANNUAL MOBILE FOOD UNIT PERMITS AND RELEVANT VIOLATIONS AND PENALTIES, AS WELL AS DELETING CHAPTER 13, PART 7, "FOOD TRUCKS," IN ITS ENTIRETY.**

**WHEREAS,** the Township of North Fayette (hereinafter "Township"), is a Municipal Corporation, duly organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania (Act of May 1, 1933, P.L. 103, No. 69; Reenacted and amended Nov. 9, 1995, P.L.350, No.60); and

**WHEREAS,** the Township is empowered to and does regulate peddling and solicitation activities through its Transient Retail Business Ordinance, as currently codified at Chapter 13, Part 1, of the North Fayette Township Code of Ordinances; and

**WHEREAS,** the Board of Supervisors desires to amend its Transient Retail Business Ordinance, to establish updated provisions relating to the regulation of peddling and solicitation activities, including implementation of a "No-Soliciting List," updated permissible hours of regulated peddling and solicitation activities between the hours of 9 a.m. and 9 p.m., as well as provisions governing annual mobile food unit permits to be included and enforced under this Chapter 13, Part 1; and

**WHEREAS,** the Board of Supervisors desires to delete the existing Chapter 13, Part 7, "Food Trucks," in its entirety, as such provisions to govern food truck permitting requirements shall be contained within the amended Chapter 13, Part 1, "Transient Retail Business."

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for the Township of North Fayette, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

**SECTION 1. TRANSIENT RETAIL BUSINESS.**

Chapter 13, Part 1, of the Township Code of Ordinances, as amended, entitled "Transient Retail Business", is hereby amended, to read in full, as set forth below:

**Chapter 13 – Licenses, Permits and General Business Regulations**

## Part 1 – Transient Retail Business

### § 13-101. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

ACHD – The Allegheny County Health Department.

BOARD OF SUPERVISORS – The Board of Supervisors of the Township of North Fayette.

CANVASSER — Includes any person who goes from house to house, from place to place, or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, or for service to be performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not such person is collecting advance payments on such orders.

COMMONWEALTH – The Commonwealth of Pennsylvania.

COUNTY – The County of Allegheny, Commonwealth of Pennsylvania.

DEPARTMENT – The Department of Public Safety.

DIRECTOR – The Director of the Department of Public Safety.

FOOD FACILITY - Any place, permitted or temporary, where food is prepared, handled, served, sold, or provided to the consumer.

MOBILE FOOD UNIT - A self-contained, limited service food facility, which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water. May be referred to as a “food truck”.

PEDDLER and TRANSIENT MERCHANT — Includes any person, whether a resident of North Fayette Township or not, who goes from house to house, from place to place, or street to street, conveying or transporting goods, wares, or merchandise or offering or exposing the same for sale, or making sales and delivering such to purchasers, including food trucks as defined above.

PERSON — Any natural person, partnership, association, corporation, or other legal entity.

TOWNSHIP – The Township of North Fayette, County of Allegheny, Commonwealth of Pennsylvania.

TRANSIENT RETAIL BUSINESS —

1. Engaging in peddling, soliciting, or taking orders, either by sample or otherwise for any goods, wares or merchandise upon any street, alley, sidewalk, road, highway, or public ground or from house, within the Township.

2. Selling, soliciting, or taking orders for any goods, wares, or merchandise from a fixed location within the Township of North Fayette 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.

§ 13-102. License Required; Conditions of Issuance; Fee.

1. No person, unless otherwise provided, shall engage in any transient retail business, including the operation of a mobile food unit, within the Township, without first having obtained a license from the Department for which a fee, to be used to cover the ordinary administrative costs of the Department for processing a license application, shall be charged, in such amount as set forth in the certain schedule of fees as adopted and amended from time to time by resolution of the Board of Supervisors.

§ 13-103. Exceptions.

1. Unless otherwise specified, nothing in this Part shall be held to apply to the following:
  - 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, Girl Scouts, church groups, public and private schools, 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.
  - h. To those who are conducting yard sales(s) on their own real estate or adjoining real estate.
  - i. For the taking of orders, sales and delivery of goods, wares or merchandise by volunteer fire department(s) or auxiliaries.
  - j. Any person or individual that is either proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising their right to

anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions.

2. However, any person dealing in one or more of the above exempted categories as well as dealing with other goods, ware, or merchandise not so exempted, shall be subject those applicable provisions under this Part for activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. 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 to that individual in their 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 all applicants. Nothing contained in this Part shall be held to prohibit any sale required by statute or by any order of court or to prevent a bona fide auction sale pursuant to law.

§ 13-104. License Application.

1. Every person desiring a license under this Part shall first make an application to the Department for such license. They shall, when making such application, exhibit a valid license and/or permit from any Commonwealth and/or County officer if such license and/or permit is also required to be issued to the applicant by any and all laws and regulations of the Commonwealth, County, and/or any other entity required before the purposed activity is to begin in the Township. The applicant shall provide:
  - a. A certified Pennsylvania State Police criminal records check.
  - b. Name and address of the person and by his employer.
  - c. Type of goods, wares, and merchandise the applicant wishes to deal with in such transient retail business.
  - d. Length of time for which the license is to be issued, up to a year.
  - e. Type and license number of the vehicle to be used, if any.
  - f. Previous activities in the Township.
  - g. Any license or permit number and copy thereof as required by the Commonwealth of Pennsylvania or other like entity for such activity.
  - h. A recent photograph of the applicant.
  - i. The applicant shall submit his or her fingerprints upon a noncriminal file card which can be reclaimed upon the expiration of the license.
2. Mobile Food Units. License applications for annual mobile food unit permits shall be made under this Part, and, in addition to those other requirements contained therein, shall also include proof of insurance and proof of a valid annual permit issued by ACHD. The application shall include a signed statement that the licensee shall hold harmless the Township, its officers, and employees and shall indemnify the Township, its officers, and employees for any claims or damage to

property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The licensee shall furnish and maintain vehicle insurance and such public liability, food products liability, and property damage insurance as will protect the permittee and the Township from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage for bodily injury for each person, for each occurrence, and for property damage per occurrence, as prescribed by the Department.

§ 13-105. Issuance of License; Custody, Display and Exhibit.

1. Upon receipt of such application and the prescribed fee, the Director, if they shall find such application in order, shall issue the license required under this Part. 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, roads, highways, alleys, sidewalks or public grounds, or shall display such license at the location where they shall engage in such business if doing so at a fixed location. The license holder shall exhibit such license upon request to all police officers, Township officials, and citizens or residents of the Township.
2. All mobile food units shall display a valid approved mobile food unit sticker issued by the Department at all times in a place conspicuous to the public.

§ 13-106. Prohibited Act.

1. 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, blow a horn, ring a bell, or use any amplifying device upon any streets, roads, highways, alleys, sidewalks, or public grounds in the Township.
  - c. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
  - d. Park a vehicle, upon any of the streets or alleys in the Township for the purpose of sorting, rearranging, or cleaning any of his goods, ware, or merchandise, or 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 AM or after 9:00 PM on any day of the week other than a Sunday or legal holiday except such business activities as described in § 13-103, "Exceptions," Subsections 1A, D, H, I and J, for which business activities only there shall be no time or day restrictions.
  - f. Engage in any activity in violation of § 13-108, "No-Soliciting List," or any other provision under this Part.

§ 13-108. No-Soliciting List

1. It shall be a violation of this Part for any peddler, solicitor, and/or canvasser to go upon any property that the owner or resident has posted a "No Soliciting/Peddling/Canvassing Sign," or other notice indicating that such activities are not welcomed by that owner or resident.
2. The Department shall maintain a list of the addresses of Township residents who have notified the Department in writing that they do not wish canvassers, peddlers, and/or solicitors to enter upon their property. A copy of this "No Soliciting List" shall be provided along with and as part of any license issued under § 13-105 hereof. It shall be a violation of this Part for any canvasser, peddler, and/or solicitor to go upon any property listed on the "No Soliciting List."
3. Violations of this section are subject to the provisions and penalties set forth in § 13-109 and 13-110 hereof, including, but not limited to revocation and appropriate fine, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 3503, as amended.

§ 13-108. Supervision; Records and Reports.

1. The Director shall supervise the activities of all persons holding licenses under this Part. The Director shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Board of Supervisors and the Township Manager. Additionally, a copy of the report must be submitted to the Department of Budget & Finance, accompanied by a record of any fees collected.

§ 13-109. Denial, Suspension and Revocation of License; Appeal.

1. The Director is hereby authorized to deny, suspend or revoke any license issued under this Part when they deem such denial, suspension or revocation to be beneficial to the public health, safety or morals or for violation of any provision of this Part, 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 Board of Supervisors at any time within ten (10) days after the 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.

§ 13-110. Penalties.

1. 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 more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (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.

**SECTION 2: FOOD TRUCKS.**

Chapter 13, Part 7, of the Township Code of Ordinances, as amended, entitled "Food Trucks", is hereby deleted in its entirety.

**SECTION 3: REPEALER.**

All Ordinances, or parts of Ordinances, which are inconsistent herewith are hereby repealed upon the effective date of this Ordinance.

**SECTION 4: SEVERABILITY.**

That 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 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 5: EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon enactment as provided by law.

**ENACTED AND ORDAINED into Law this the 10<sup>th</sup> day of September 2024.**

**ATTEST:**

**TOWNSHIP OF NORTH FAYETTE**

  
James Mangan  
Township Manager

  
James Morosetti, Chair

  
Robert Doddato, Vice Chair

  
Mark O'Donnell, Treasurer

**APPROVED AS TO FORM:**

  
Michele McPeak Cromer, Esquire  
Township Solicitor