TOWNSHIP OF LIGONIER
ORDINANCE NO. 2026-OR-05

AN ORDINANCE OF THE TOWNSHIP OF LIGONIER AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE AT CHAPTER 71: PEDDLING AND SOLICITING, TO CLARIFY THE DIFFERENCE BETWEEN RESIDENTIAL AND COMMERCIAL YARD SALES, RESTRICT DATES FOR SOLICITATION, AND CLARIFY PARKING RESTRICTIONS

WHEREAS, commercial yard sales have been a problem in Ligonier Township; and

WHEREAS, the Township does not want to restrict occasional garage and yard sales; and

WHEREAS, the Township wants to further restrict soliciting by limiting hours and dates; and

WHEREAS, the Township also wants to clarify that peddlers should not park on public roads; and

WHEREAS, changes may also be made to peddler permit fees, but if those changes are made they will be made through the annual fee schedule resolution rather than by permanent ordinance.

NOW THEREFORE, the Board of Supervisors of Ligonier Township hereby enacts as follows:

Section 1. The Code of Ordinances of the Township of Ligonier is hereby amended and supplemented at Part II: General Legislation, Chapter 71: Peddling and Soliciting, as follows:

PEDDLING AND SOLICITING

ARTICLE I
Transient Retail Merchants.

§ 71-1. Definitions, word usage.
§ 71-2. License required; conditions of issuance; fees.
§ 71-3. Exceptions.
§ 71-4. License application.
§ 71-5. Issuance of license; display; nontransferability.
§ 71-6. Prohibited acts of transient retail merchants.
§ 71-7. Supervision, records and reports.
§ 71-8. Suspension and revocation of license; appeal.
§ 71-9. Violations and penalties.

ARTICLE I
Transient Retail Merchants
[Adopted 7-9-1996 by Ord. 96-9]

§ 71-1. Definitions; word usage.[1]

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

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

B. **GARAGE/YARD SALE – Any sale of used or secondhand items of personal property at any one residential premises at any one time. The duration of sale being not more than three consecutive calendar days and occurring not more than twice in a calendar year**

~~B~~ C. PRODUCE – Includes crops, fruits, vegetables or other products commonly cultivated in home gardens or on a farm, but not meat or meat products.[2]

~~C~~ D. 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 or public ground or from house to house within the Township of Ligonier; or

(2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township of Ligonier 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 or in advance of specific yearly holidays.

~~B~~ E. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 71-2. License required; conditions of issuance; fees.

A. No person shall engage in any transient retail business within the Township of Ligonier without first having obtained from the Township Secretary/Treasurer a license, for which a fee, which shall be for the use of the Township of Ligonier, shall be charged:

(1) For one day: as set from time to time by resolution of the Board of Supervisors.[3]

(2) For one year: as set from time to time by resolution of the Board of Supervisors.[4]

B. No license shall be valid for other than the calendar year in which it is issued.

[1] Amended 2-12-2002 by Ord. No. 02-OR-03
[2] Added 2-12-2002 by Ord. No. 02-OR-03
[3] Amended 12-9-1997 by Ord. No. 97-10
[4] Amended 12-9-1997 by Ord. No. 97-10

§ 71-3. Exceptions.[5]

A. All Garage/Yard Sales as defined herein are exempt from all requirements of this article.

~~A~~ B. No. License fee shall be charged:

(1) To residents of Ligonier Township selling their own produce grown in Ligonier Township.[6]

(2) 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.

(3) To any manufacturer or producer in the sale of bread and bake products, meat and meat products or milk and milk products.

(4) 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.[7]

(5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

(6) To any 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.[8]

(7) 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.

~~B~~ C. All persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary/Treasurer and obtain a license without fee, provided that 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 his activities in connection with the sale of goods, wares and merchandise not in such exempted categories; provided, further, that the Township Secretary/Treasurer may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this article shall be issued on an individual basis to any person or persons engaging in such business and every individual shall obtain a separate license, issued to him in his 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 therein.

---

[5] Amended 2-12-2002 by Ord. No. 02-OR-03

[6] Added 2-12-2002 by Ord. No. 02-OR-03

[7] Editor's Note: Former Section 5, which immediately followed this subsection and excepted honorably discharged members of any of the armed services, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

[8] Amended 12-9-1997 by Ord. No. 97-10

§ 71-4. License application.

A Every person desiring a license under this article shall first make application to the Township Secretary/Treasurer for such license. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

(1) His criminal record, if any;
(2) The name and address of the person by whom he is employed;
(3) The type of goods, wares and merchandise he wishes to deal with in such transient retail business;
(4) The length of time for which license is to be issued; and
(5) The type and license number of the vehicle to be used, if any.

B. Where a person makes application for himself and a helper or helpers, all applicable information above shall be given for each helper.

§ 71-5. Issuance of license; display; nontransferability.[9]

Upon receipt of such application and the prescribed fee, the Township Secretary/Treasurer, if he shall find such application in order, shall issue the license required under this article. Such license shall contain the information required to be given on the application therefor. 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, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Township of Ligonier. No license issued under this article shall be transferable from one person to another or from one location to another. A separate license shall be required for each fixed location.

A. Before issuing a license required under this Article, the Township, or its designee, may investigate the applicant and his/her representations on the application to obtain sufficient proof that the applicant is of good business and/or moral character so that neither applicant, nor any helpers, shall pose a threat to the health, welfare and safety of the residents of Ligonier Township. Such investigation shall be completed in a reasonable time by Ligonier Township, or its designee, and if the applicant's business or moral character shall be unsatisfactory, or if any representation in the application is found to be false or misleading, the application shall be denied.

B. After conclusion of the investigation permitted in paragraph A above, receipt of a completed application and the prescribed fee, the Township Secretary/Treasurer, if he shall find such application in order, shall issue the license required under this article. Such license shall contain the information required to be given on the application therefor. 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, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the

[9] Amended 2-12-2002 by Ord. No. 02-OR-03

Township of Ligonier. No license issued under this article shall be transferable from one person to another or from one location to another. A separate license shall be required for each fixed location.

§ 71-6. Prohibited Acts - Transient Retail Merchants.[10]

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 upon any of the streets, alleys, sidewalks or public grounds in the Township of Ligonier.

C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township of Ligonier for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.

D. Park any vehicle upon any of the streets or alleys in the Township of Ligonier for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock, wares or foodstuffs which have become unsalable through handling, age or otherwise.

E. Fail to remove any advertising or business signs or placards within five days of the cessation of business activities.

F. Peddle or solicit in the Township of Ligonier between the hours of 7:30PM and 7:30 AM.

G. House to House soliciting on federally recognized holidays.

~~G~~ H. For roadside stands the following restrictions apply:

(1) The area in and around stand must be cleared of all debris and garbage daily. There shall be no burning of rubbish.

(2) Road side stand must not interfere with the flow of traffic.

(3) Signage for the stand may consist of two (2) free standing signs no greater than 12 sq ft in size each placed within 1000 feet of the roadside stand. Signs must be removed at the end of each business day.

(4) No lighting is permitted.

(5) No parking of vehicles at the roadside stand overnight occupied or otherwise.

(7) Parking for roadside stands on any public road or right-of-way is prohibited.

§ 71-7. Supervision, records and reports.

The Township Secretary/Treasurer shall supervise the activities of all persons holding licenses under this article. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Township of Ligonier.

[10] Amended 2-12-2002 by Ord. No. 02-OR-03

§ 71-8. Suspension and revocation of license; appeal.[11]

The Township Secretary/Treasurer is hereby authorized to suspend or revoke any license issued under this article when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this article or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Township of Ligonier at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 71-9. Violations and penalties.[12]

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than $1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ORDAINED AND ENACTED by the Supervisors of the Township of Ligonier, this _____ day of _____, 2026.

TOWNSHIP OF LIGONIER

By _____
Supervisor, Chair

ATTEST: (SEAL)

_____
Secretary

[11] Amended/Added 2-12-2002 by Ord. No. 02-OR-03
[12] Amended 12-9-1997 by Ord. No. 97-10