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PART 1

JUNKYARDS

§ 13-101. Short Title. [Ord. 18, 7/31/1970, § 1]

This Part shall be known as the "Oxford Township Junkyard and Refuse Ordinance."

§ 13-102. Definitions. [Ord. 18, 7/31/1970, § 2]

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part to have the meanings herein indicated:

JUNK — Any discarded or used material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures, whether stored for resale or otherwise. It shall not include refuse or garbage kept in proper container for the purpose of prompt disposal.

JUNK DEALER — Any person who shall purchase, receive, store, accumulate, process, sell or otherwise deal in junk within the Township.

LICENSE — The permit granted by the Township to a person who accumulates, buys, sells, processes, stores, or disposes of junk as hereinbefore defined.

NONOPERATIVE VEHICLE OR MACHINE — Any vehicle or machine which cannot be demonstrably operated for useful purpose and would in normal use be registered with the Department of Motor Vehicles, but is not so registered, or cannot be demonstrably operated for useful purposes and would not normally be registered. Excluded shall be:

- A. Vehicles or machinery housed in a garage or barn or where said machinery is not normally visible in any part from a public road;
- B. Vehicles or machinery either originally intended or subsequently modified for use in agricultural or forestry pursuits, provided said machinery is demonstrably operable and owned by a person engaged in agricultural or forestry pursuits;
- C. Any vehicle having up-to-date registration with the Department of Motor Vehicles.

PERSON — Any individual, partnership, association, firm or corporation.

TOWNSHIP — The Board of Supervisors of Oxford Township.

§ 13-103. License. [Ord. 18, 7/31/1970, § 3]

No person shall engage in business as a junk dealer or maintain a junkyard without having first obtained a license from the Board, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve-month period beginning January 1, and ending December 31 of the same year, and each license shall be renewed annually on or before the first day of January of each year.

§ 13-104. Application for License. [Ord. 18, 7/31/1970, § 4]

The license provided for in this Part shall be issued by the Board after written application shall be made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. The applicant shall also submit therewith a plot of the premises used or to be used in connection with such license, illustrating how junk is to be arranged upon the premises.

§ 13-105. Issuance of License. [Ord. 18, 7/31/1970, § 5]

Upon receipt of the application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the area proposed and taking into consideration the suitability of the property proposed for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be seemed necessary to carry out the spirit and intent of this Part.

§ 13-106. License Fee. [Ord. 18, 7/31/1970, § 6; as amended by Ord. 2003-31, 10/21/2003, § 1]

1. The license fee shall be paid immediately upon issuance or renewal of a license. The amount of the license fee shall be in an amount as established from time to time by resolution of the Board of Supervisors.
2. No license shall be issued for the use of a tract of land in excess of 20 acres, excluding setback areas.

§ 13-107. License Limitations. [Ord. 18, 7/31/1970, § 7]

No person licensed under this Part shall, by virtue of one license, keep more than one place of business in the Township or maintain more than one junkyard, for the purpose of accumulating, storing, buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any other place other than the place designated upon his license, or maintain a junkyard in any other place other than designated upon his license.

§ 13-108. Transfer of License. [Ord. 18, 7/31/1970, § 8]

No license issued by the Board shall be transferable to any other person unless such transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in § 13-104 of this Part, by the transferee.

§ 13-109. Transfer Fee. [Ord. 18, 7/31/1970, § 9; as amended by Ord. 2003-31, 10/21/2003, § 1]

In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee of in an amount as established from time to time by resolution of the Board of Supervisors.

§ 13-110. Records. [Ord. 18, 7/31/1970, § 10]

Every person licensed under this Part shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and the person from whom such article or material was purchased, received or handled. Said record shall at all times be subject to the inspection of an official of the Township.

§ 13-111. Delay in Disposal. [Ord. 18, 7/31/1970, § 11]

Any person licensed under this Part shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb, reduce or sell the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

§ 13-112. Regulations. [Ord. 18, 7/31/1970, § 12; as amended by Ord. 2003-31, 10/21/2003, § 1]

Every person licensed under this Part shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this § 13-112 and any subsequent regulations adopted by the Board:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health or welfare of the community or a place for the breeding of rodents and vermin.

- B. No garbage or other organic waste shall be stored in such premises.
- C. Whenever any motor vehicle shall be received in such premises as junk, all gasoline shall be drained and removed therefrom. Gasoline in the amount not to exceed 10 gallons may be stored above ground in said junkyard provided same is placed in containers approved by the Board.
- D. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent accumulation of stagnant water upon the premises, and to facilitate access for fire-fighting purposes.
- E. All junk kept, sorted or arranged on the licensed premises shall at all times be kept stored and arranged within the junkyard as described in the application for license hereunder and as limited under Subsection D above.
- F. The premises to be licensed shall be set back a minimum distance of 30 feet from the right-of-way lines on all streets and roads and a minimum of 40 feet from all other property lines. The area between the setback line and right-of-way line and all streets and roads and all other property lines shall be, at all times, kept clear and vacant.
- G. When the Board shall deem it necessary and desirable, the premises to be licensed shall at the setback lines be enclosed by evergreen screen plantings or fence of type and style to be determined by the Board, or both. The Board may set forth the fence and planting requirement at the time of the issuance of the license or at the time of renewal or transfer of a license.
- H. The junkyard site shall be laid out and graded to provide positive drainage away from stored junk and existing or proposed structures.
- I. The dismantling, smashing and crushing of automobile bodies and other pieces of metal scrap, loading or unloading of junk and any other activity carried out on the premises shall be conducted in such a manner as to not create excessive noise, dust, odor and vibration and not to endanger the public health and safety or disturb private and peaceful enjoyment of life.
- J. Junk shall not be accumulated to a height greater than six feet except where an individual item in its natural form exceeds this limit. Items exceeding this limit shall be stored or accumulated in a specific area within the junkyard, such area to be designated on the plot plan as required in § 13-104.

§ 13-113. Violations. [Ord. 18, 7/31/1970, § 13; as amended by Ord. 71, 3/6/1990; by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, § 1]

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.

§ 13-114. Abatement of Nuisances. [Ord. 18, 7/31/1970, § 14]

In addition to the remedies provided in § 13-113, any continued violations of this Part in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

PART 2

FALSE BURGLAR ALARMS**§ 13-201. Fee Established. [Ord. 56, 6/7/1988; as amended by Ord. 2003-31, 10/21/2003, § 1]**

The owner and/or tenant of any property located within the Township shall pay a fee, in an amount as established from time to time by resolution of the Board of Supervisors, per false alarm caused by any burglar or other security system which is in excess of three such false alarms within any three-month period.

PART 3

GARAGE AND YARD SALES**§ 13-301. Permit Required. [Ord. 12/7/1999; as amended by Ord. 2001-17, 10/16/2001; and by Ord. 2003-31, 10/21/2003, § 1]**

1. No person(s) or entity(ies) shall conduct any garage sale or yard sale on any property within the Township without first obtaining a permit for the same from the Township Secretary. Upon request for such permit, and upon demonstration that the applicant meets the criteria set forth in this Part, and upon the payment of a permit fee in an amount as established from time to time by resolution of the Board of Supervisors, the Secretary shall issue such permit to the applicant.
2. A garage sale or yard sale as used in this Part includes the offering for sale of five or more new, used or secondhand items of personal property at any one residential premises at any one time. This definition includes all sales in residential areas entitled "garage sales," "yard sales," "tag sales," "porch sales," "lawn sales," "attic sales," "basement sales," "rummage sales," "flea market sales" or any similar casual sale of tangible personal property.

§ 13-302. Hours for Sale. [Ord. 12/7/1999; as amended by Ord. 2012-90, 12/3/2012]

No garage sale or similar open-air sale shall be conducted before 6:00 a.m. nor after 5:00 p.m. Merchandise intended to be sold at such sale may be set up outside no more than 24 hours before the commencement of any such sale. Any merchandise displayed for sale in the front or side yard must be covered during this period and shall not be uncovered until one hour from the start of the sale.

§ 13-303. Display Regulations. [Ord. 12/7/1999]

All displays of merchandise for sale must remain on private property and may not encroach the public right-of-way for sidewalks or roads.

§ 13-304. Limit on Number of Sales. [Ord. 12/7/1999; as amended by Ord. 2001-14; 6/2/2001]

No one person, group of persons, and no entity or group of entities shall be permitted to conduct more than two garage sales or yard sales, or combination thereof, in any consecutive twelve-month period. No such sale shall exceed two consecutive days in duration. Days in which rain or other inclement weather prevents an outdoor sale from taking place, or limits the hours of operation to less than three on any given day, shall not be counted against the two-day limit.

§ 13-305. Property or Merchandise to be Sold. [Ord. 12/7/1999]

Only personal property owned by the applicant or the applicant's immediate family members may be sold at any garage sale, yard sale or similar open-air sale within

the Township. In cases where an applicant is an entity rather than an individual, only personal property owned by members of the entity or by their immediate family members may be sold at such sales.

§ 13-306. Advertising. [Ord. 12/7/1999]

Signs advertising any permitted garage sale or yard sale may be displayed at the location of the sale, not within any public right-of-way, and subject to any other applicable provisions of the Code of Ordinances of the Township of Oxford. Such signage may also be display at private property locations other than the location of the sale, provided that the applicant received the permission of the owner of such private property to display such signage. Signs shall be no larger the five square feet in size. No signage shall be displayed more than 24 hours before the commencement of any such sale, and all signage must be removed within three hours after the completion of any such sale. No amplified announcements, music or other unduly loud noise shall be permitted on or about the location of any such sale.

§ 13-307. Display of Permit. [Ord. 12/7/1999]

The applicant must display the permit issued for any garage sale or yard sale in a prominent place at the location of such sale for the entire duration thereof.

§ 13-308. Violations; Penalties. [Ord. 12/7/1999]

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 less than \$100 nor 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.

PART 4

FLEA MARKETS**§ 13-401. Permit Required. [Ord. 12/21/1999, § 1]**

No person(s) or entity(ies) shall conduct any "flea market" (herein defined as the temporary organization or combination of one or more individuals or entities, sharing space for the purpose of marketing and selling miscellaneous goods, used or new, in an open-air facility, pole building or similar temporary or permanent structure) within the Township without first obtaining a permit for same from the Township Secretary. Upon application for such permit, and upon demonstration that the applicant meets the criteria set forth in this Part, and upon the payment of a permit fee in an amount as established from time to time by resolution of the Board of Supervisors, the Secretary shall issue such permit to the applicant.

§ 13-402. Duration of Permit; Frequency. [Ord. 12/21/1999, § 1; as amended by Ord. 2008-69, 4/15/2008]

1. Any permit issued pursuant to § 13-501 of this Part shall be valid for a period of not more than 30 consecutive calendar days. Flea markets may only be conducted during the period that an issued permit is valid.
2. No one person or entity shall be granted more than two permits per calendar year.

§ 13-403. Hours of Operation. [Ord. 12/21/1999, § 1]

No flea market shall be open for business except during the hours from 6:00 a.m. to 6:00 p.m.

§ 13-404. Display Regulations. [Ord. 12/21/1999, § 1]

All displays of merchandise for sale must remain within the boundaries of the flea market, said boundaries to be established by sketch plan presented to the Township at the time application is made for a flea market permit.

§ 13-405. Customer Parking. [Ord. 12/21/1999, § 1]

Each flea market must reserve for its customers at least three spaces of off-street parking for each 100 square feet of display area. The requirements of this provision may be waived by the Township if the applicant can demonstrate that sufficient on-street parking exists to accommodate customers of the flea market; provided, however, that no parking may take place within the public rights-of-way for sidewalks or roads.

§ 13-406. Advertising. [Ord. 12/21/1999, § 1]

Signs advertising any flea market may be displayed on the flea market premises, not within any public right-of-way, and are subject to any other applicable

provisions of the Code of Ordinances of the Township of Oxford. Signs shall be no larger than eight square feet in area, and they may not be illuminated or internally lighted. No amplified announcements, music or other unduly loud noise shall be permitted on or about the location of any flea market.

§ 13-407. Display of Permit. [Ord. 12/21/1999, § 1]

The applicant must display the permit issued for any flea market in a prominent place at the location of such flea market at all times during the hours of operation of the flea market.

§ 13-408. Violations; Penalties. [Ord. 2003-31, 10/21/2003, § 1]

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.

PART 5

BUILDING PERMIT**§ 13-501. Building Permit Required. [Ord. 37, 11/16/1981, § 2.00; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4; and by Ord. 2013-94, 1/15/2013, § 1]**

1. It shall be unlawful for any person to place, build or alter any building or structure in Oxford Township without having completed a building permit application. Furthermore: **[Amended by Ord. No. 2019-119, 7/16/2019]**
 - A. When such building, alteration or structure has a cost of less than \$2,500, a placard, in lieu of a permit, will be issued at no cost.
 - B. When such building, alteration or structure has a cost of \$2,500 or greater, it shall be unlawful for any person to place, build or alter any building or structure in Oxford Township without having obtained a building permit and paying the appropriate fees.
2. (Reserved)¹
3. It shall be unlawful for any person to begin any work for the placement, building or alteration of any building or structure unless and until a building permit has been duly issued.
4. In addition to the provisions above, supplemental permits, such as, but not limited to, Zoning, UCC, County, State et al. and associated fees, may be required.

§ 13-502. Issuance of Building Permit. [Ord. 37, 11/16/1981, § 2.01; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4; and by Ord. 2003-31, 10/21/2003, § 1]

1. The Building Permit Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Part and all other applicable codes and ordinances.
2. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for a permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), the Dam Safety and Encroachments Act (Act 1978-325, as amended); the U.S. Clean Water Act, § 404, 33 U.S.C. § 1344; and the Pennsylvania Clean Streams Act (Act 1937-394, as amended). No permit shall be issued until this determination has been made.

1. Editor's Note: Former Subsection 2, regarding obtaining a permit for buildings or structures costing less than \$2,500, was repealed Ord. No. 2019-119, 7/16/2019.

3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
4. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

§ 13-503. Application Procedures and Requirements. [Ord. 37, 11/16/1981, § 2.02; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4; and by Ord. 2003-31, 10/21/2003, § 1]

1. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by Oxford Township. Such application shall contain the following:
 - A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location.
 - E. Listing of other permits required.
 - F. Brief description of proposed work and estimated cost.
 - G. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located within or partially within any identified floodplain area, applicants for building permits and special permits shall comply with the requirements of the Oxford Township Floodplain Ordinance, as amended from time to time.² **[Amended by Ord. 2013-94, 1/15/2013, § 2]**

§ 13-504. Review by County Conservation District. [Ord. 37, 11/16/1981, § 2.03; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the

2. Editor's Note: See Ch. 8, Floodplains.

Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

§ 13-505. Review of Application by Others. [Ord. 37, 11/16/1981, § 2.04; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be transmitted by the Building Permit Officer to any other appropriate agencies and/or individuals for review and comment.

§ 13-506. Changes. [Ord. 37, 11/16/1981, § 2.05; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer for consideration.

§ 13-507. Placards. [Ord. 37, 11/16/1981, § 2.06; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

In addition to the building permit, the Building Permit Officer shall issue a placard, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Building Permit Officer.

§ 13-508. Start of Construction. [Ord. 37, 11/16/1981, § 2.07, §§ 1-4]

1. Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the building permit, or the permit shall expire, unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

§ 13-509. Inspection and Revocation. [Ord. 37, 11/16/1981, § 2.08; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

1. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Oxford Township laws and ordinances.

He shall make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.
3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
4. A record of all such inspections and violations of this Part shall be maintained.

§ 13-510. Limitations on Permits. [Ord. 2013-94,³ 1/15/2013, § 3]

1. No permit shall be issued for the building or alteration of any building or structure unless such building or alteration conforms to required building setback lines as specified in the Oxford Township Zoning Ordinance.
2. No permit shall be issued for the building or alteration of any building or structure unless surface drainage of the land, as required, is provided for as required in the Oxford Township Stormwater Management Ordinance.⁴
3. No permit shall be issued for the building or alteration of any building or structure upon land in a subdivision unless and until a final plan of such subdivision shall have been approved and properly recorded.

§ 13-511. Fees. [Ord. 37, 11/16/1981, § 2.09; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

Applications for a building permit shall be accompanied by a fee, payable to Oxford Township, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer. The fee shall be based on a schedule adopted by the Board of Supervisors from time to time. If no such schedule has been established, the fee schedule created under the Township's existing building permit ordinance shall control.

3. **Editor's Note:** This ordinance also provided for the redesignation of former §§ 13-510 through 13-512 as §§ 13-511 through 13-513, respectively.

4. **Editor's Note:** See Ch. 26, Water, Part 1, Stormwater Management.

§ 13-512. Enforcement. [Ord. 37, 11/16/1981, § 2.10; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4; and by Ord. 2003-31, 10/21/2003, § 1]

1. Notices. Whenever the Building Permit Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - A. Be in writing;
 - B. Include a statement of the reasons for its issuance;
 - C. Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires;
 - D. Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of the State;
 - E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the Township, 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 less \$25 nor 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. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permitted to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered or relocated, in noncompliance with this Part may be declared by the Board Supervisors to be a public nuisance and abatable as such.

§ 13-513. Appeals. [Ord. 37, 11/16/1981, § 2.10; as amended by Ord. 2000-8, 8/15/2000, §§ 1-4]

1. Any person aggrieved by any action or decision of the Building Permit Officer involving the administration of the provisions of this Part may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer.
2. Upon receipt of such appeal, the Board of Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purposes of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of the Commonwealth including the Pennsylvania Floodplain Management Act.

PART 6

PEDDLING, SOLICITING AND CANVASSING**§ 13-601. Definitions. [Ord. 2008-67, 3/18/2008]**

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

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of:

- A. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or
- B. Distributing a handbill or flyer advertising a noncommercial event or service.

ITINERANT VENDOR or HAWKER — A person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the Township, soliciting, selling, or taking orders for, or offering to sell or take orders for, any goods or services. A temporary business is one that continues for 45 days or less and exists whether solicitation is from a stand, vehicle, or freestanding.

PEDDLER — A person who attempts to make personal contact with a resident at his/her residence, without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor."

SOLICITOR — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

- A. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service; or
- B. Distributing a handbill or flyer advertising a commercial event or service.

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§ 13-602. Exceptions. [Ord. 2008-67, 3/18/2008]

This Part shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

§ 13-603. License Required for Peddlers, Hawkers, and Solicitors, Available for Canvassers. [Ord. 2008-67, 3/18/2008]

1. No person shall act as a peddler, hawker, or solicitor within the Township without first obtaining a peddler license in accordance with this Part.
2. A canvasser is not required to have a peddler license, but any canvasser wanting a peddler license for the purpose of reassuring Township residents of the canvasser's good faith shall be issued one upon request.

§ 13-604. Fees. [Ord. 2008-67, 3/18/2008]

The fee for the issuance of each peddler license shall be:

- A. For a peddler acting on behalf of a merchant: a fee of \$5 per day.
- B. For a solicitor requesting a peddler license (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence): no fee.
- C. For a canvasser requesting a peddler license: no fee.

§ 13-605. Application for License. [Ord. 2008-67, 3/18/2008]

1. Any person or organization (formal or informal) may apply for one or more peddler licenses by completing an application form at the office of the issuing officer during regular office hours.
2. The peddler license shall be issued or denied promptly after application but in all cases within 72 business hours of completion of an application. **[Amended by Ord. 2014-100, 10/21/2014]**

§ 13-606. Contents of Application. [Ord. 2008-67, 3/18/2008]

The applicant (person or organization) shall provide the following information:

- A. The name of the applicant.
- B. The number of peddler licenses required.
- C. The name, physical description and a photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided and a photocopy taken. If a photograph is not

supplied, the Township will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.

- D. The permanent and (if any) local address of the applicant.
- E. The permanent and (if any) local address of each person for whom a license is requested.
- F. A brief description of the proposed activity related to this peddler license. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).
- G. The date and place of birth for each person for whom a card is requested.
- H. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a license is requested for the seven years immediately prior to the application.
- I. The motor vehicle make, model, year, color, and State license plate number of any vehicle which will be used by each person for whom a card is requested.
- J. If a license is requested for a peddler:
 - (1) The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
 - (2) A copy of the principal's sales tax license as issued by the Commonwealth of Pennsylvania.
- K. If a license is requested for a solicitor:
 - (1) The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.
 - (2) The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.
- L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

§ 13-607. Revocation of License. [Ord. 2008-67, 3/18/2008; as amended by Ord. 2014-100, 10/21/2014]

- 1. Grounds. Any license issued hereunder may be revoked at any time, or issuance of a license denied, if the issuing officer becomes aware that the license holder/applicant:

- A. Has been convicted of a violation of any provisions of this Part; or
 - B. Has knowingly made a false material statement in the application; or
 - C. Has been convicted of a crime involving moral turpitude or convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township; or
 - D. Otherwise becomes disqualified for the issuance of a license under the terms of this Part.
 - E. Is engaging in peddling activities before 9:00 a.m. or after 7:00 p.m.
 - F. Is engaging in peddling activities upon premises posted with "NO SOLICITATION" or similar prohibitory language or upon a premises on the "no visit list" maintained by the Township.
 - G. Is engaging in peddling activities for items or causes not listed on the application.
2. Notice. If the issuing officer revokes or denies the peddler license of one or more persons, he shall immediately convey the decision to the applicant orally and shall, within 16 working hours after the revocation or denial, issue a written notice of the reason for the revocation or denial, which shall be immediately made available to the applicant.

§ 13-608. Display of License. [Ord. 2008-67, 3/18/2008]

Each peddler license shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual or otherwise displayed as so to be reasonably visible to any person who might be approached by said person.

§ 13-609. Validity of License. [Ord. 2008-67, 3/18/2008]

A peddler license shall be valid, within the meaning of this Part, for a period of one month from its date of issuance or the term requested, whichever is less.

§ 13-610. "No Visit" List. [Ord. 2008-67, 3/18/2008]

The Township shall maintain a list of persons within the Township who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors, and canvassers. The Township may provide a form to assist residents, and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document and may be reproduced on the Township's web site and available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for and each recipient of a peddler license. If a canvasser chooses not to apply for a peddler license, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list.

§ 13-611. Distribution of Handbills and Commercial Flyers. [Ord. 2008-67, 3/18/2008]

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- A. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.
- B. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
- C. No handbill or flyer shall be left at or attached to any of the property:
 - (1) Listed on the Township's "no visit" list;
 - (2) Having a "no solicitor" sign.
- D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police (either by producing a peddler license or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the Township receives a complaint of damage caused to private property during the distribution of handbills or flyers.

§ 13-612. General Prohibitions. [Ord. 2008-67, 3/18/2008]

1. No peddler, hawker, solicitor or canvasser shall:
 - A. Enter upon any private property where the property has clearly posted in the front yard a sign, visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters at least two inches in height. ("The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers, hawkers, and canvassers.)
 - B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entranceway leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
 - C. Enter upon any private property where the current occupant has posted the property on the Township's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.
 - D. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated

walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

- E. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 - F. Enter upon the property of another except between the hours of 9:00 a.m. and 7:00 p.m., except that the above prohibitions shall not apply when the peddler, hawker, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property. **[Amended by Ord. 2014-100, 10/21/2014]**
2. No commercial solicitor, peddler, or hawker shall solicit for a purpose other than that set out in the application upon which the license was issued.

§ 13-613. Solicitation in Public Right-of-Way. [Ord. 2008-67, 3/18/2008]

- A. A person may solicit for a charitable or political purpose in or upon the public right-of-way, except those areas prohibited in this Part.
- B. A person may conduct commercial solicitation in or upon the public right-of-way, except those areas prohibited in this Part, if the solicitor has obtained a license or is a member of an organization that has obtained a license.
- C. Solicitation for any purpose in the public right-of-way shall be conducted only during the hours of daylight, specifically 1/2 hour after sunrise and 1/2 hour before sunset.
- D. It shall be unlawful for a person younger than 18 years of age to solicit in the public right-of-way.
- E. It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway. The restriction on solicitation in the traveled portion of the roadway does not apply to public residential streets.
- F. It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway of residential streets so that his/her presence impedes the flow of traffic.
- G. It shall be unlawful for any person to solicit in the public right-of-way that is within 1,000 feet from any public or private elementary or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when school is in session. On days when school is not in session, the distance prohibition above shall not apply; however, solicitation remains prohibited from the hours of 7:30 a.m. to 4:30 p.m. The measurement of the distance shall be made from the nearest property line of the public or private elementary or secondary school. **[Amended by Ord. 2014-100, 10/21/2014]**

§ 13-614. Violations and Penalties. [Ord. 2008-67, 3/18/2008]

Any person, firm, corporation, or organization violating any of the provisions of this Part shall, upon summary conviction before a District Justice having jurisdiction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, and in default of the payment thereof, shall be sentenced to imprisonment for a period not to exceed 30 days.

