

CURRENT VERSION

NEW VERSION

<p>SECTION 1.</p> <p>LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.</p> <p>PERSON — Any natural person, partnership, association, corporation, or other legal entity.</p> <p>TRANSIENT RETAIL BUSINESS —</p> <ol style="list-style-type: none">Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any foods, wares, or merchandise upon any street, alley, sidewalk, or public ground, or from house to house, within the Township of Smithfield; or,Selling, soliciting or taking orders for any goods, wares, or merchandise, from a fixed location within the Township of Smithfield, 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. <p>The singular shall include the plural; the plural shall include the singular; and, the masculine shall include the feminine and neuter.</p> <p>SECTION 2. [placeholder]</p> <p>§ 13-202. License Required; Conditions of Issuance; Fee. [Ord. 125, 9/22/1992]</p> <p>No person shall engage in any transient retail business within the Township of Smithfield without first having obtained from the Zoning Officer a license, for which a fee, which shall be for the use of the Township of Smithfield, shall be charged, established pursuant to resolution of the Smithfield Township Supervisors.</p> <p>§ 13-203. Exceptions</p> <p>1. No license fee shall be charged:</p> <ol style="list-style-type: none">To farmers selling their own produce.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.To any manufacturer or producer in the sale of bread and bakery products, meat and meat product, or milk and milk products. Provided, the term “milk or milk products” shall not include or apply to ice cream or other frozen desserts.	<p>SECTION 1. Chapter 13, Part 2, Section 201 – Definitions of the Smithfield Township Code of Ordinances shall update the definition of “Transient Retail Business” in Chapter 27, Section 1002 – Other Words and Chapter 13, Section 201 - Definitions, as such:</p> <p>[definitions of legal holiday and person not changing]</p> <p>TRANSIENT BUSINESS</p> <p>Businesses that are “pop-up” stores (such as Christmas tree and flower tents, holiday ornaments, seasonal clothing and wares), food trucks and portable commercial businesses such as food prep kitchens (commonly called “ghost kitchens”). These businesses may only be located on private property and only with the written consent of the property owner. Access to the business must be by an existing driveway entrance. with either a valid and existing Township or PennDOT highway occupancy permit. Toilet facilities are not required. A sufficient number of off-street parking is required based upon a best estimate of expected customer usage but such parking cannot block or otherwise obstruct adjacent rights-of-way, alleys, roads or streets.</p> <p>SECTION 2. Chapter 13, Part 2, - Transient Retail Business of the Smithfield Township Code of Ordinances, shall be altered to change the words “transient retail business” to “transient business” throughout the entirety of Part 2.</p> <p>§ 13-202. License Required; Conditions of Issuance; Fee</p> <p>No person shall engage in any transient retail business within the Township of Smithfield without first having obtained from the Zoning Officer a license, for which a fee, which shall be for the use of the Township of Smithfield, shall be charged, established pursuant to resolution of the Smithfield Township Supervisors.</p> <p>§ 13-203. Exceptions – Not changing.</p> <p>1. No license fee shall be charged:</p> <ol style="list-style-type: none">To farmers selling their own produce.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.To any manufacturer or producer in the sale of bread and bakery products, meat and meat product, or milk and milk products. Provided, the term “milk or milk products” shall not include or apply to ice cream or other frozen desserts.
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<p>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.</p> <p>E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.</p> <p>F. To any person who has complied with the provisions of the Charitable Organization Reform Act, 10 P.S. §161.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.</p> <p>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 within the Township of Smithfield.</p> <p>2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Zoning Officer and obtain a license without fee; provided, 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, the Zoning Officer 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, 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 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 their applicants.</p> <p>SECTION 3.</p> <p>1. Every person desiring a license under this Part shall first make application to the Zoning Officer for such license. Such license shall be subject to the following specific regulations and requirements.</p> <p>A. <u>The location for said fixed transient retail license must be located in a C-1 or 13-1 Zoning District.</u></p> <p>B. Off-street parking shall be required in accordance with Schedule II of Chapter 27, in addition to the parking requirements of the principal use.</p> <p>C. Applicant must <u>provide a copy of a highway occupancy permit proving that the access to the required fixed retail use and required parking area is permitted by PennDOT or by Smithfield Township.</u></p> <p>D. On-site sanitary facilities or portable toilets shall be available for both customers and staff of the transient fixed retail business. In the event on-site sanitary facilities are provided by the principal business use, the hours of operation for the transient fixed retail business shall have the same hours of operation as those of the principal business use.</p>	<p>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 Scouts or Girl Scouts or similar organizations.</p> <p>E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.</p> <p>F. To any person who has complied with the provisions of the Charitable Organization Reform Act, 10 P.S. §161.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.</p> <p>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 within the Township of Smithfield.</p> <p>2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Zoning Officer and obtain a license without fee; provided, 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, the Zoning Officer 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, 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 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 their applicants.</p> <p>SECTION 3. Chapter 13, Part 2, Section 204 – License Application Procedures of the Smithfield Township Code of Ordinances, is hereby repealed and restates as follows:</p> <p>1. Every person desiring a license under this Part shall first make application to the Zoning Officer for such license. Such license shall be subject to the following specific regulations and requirements.</p> <p>A. <u>Transient licenses shall only be permitted in the following zoning districts: M-1, RE, and ED.</u></p> <p>B. [removed]</p> <p>C. Applicant must <u>use an existing driveway on a property and shall not construct a new ingress/egress point on the property to access the transient business.</u></p> <p>D. [removed]</p>
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- E. Written consent of the property owner shall be submitted with the permit application. **Such fixed retail and transient business shall conform with front and side yard requirements for the principal building and shall have a rear yard of at least 20 feet.**
- F. Applicant must provide a dumpster for litter and waste generated from the retail transient business, together with a copy of the lease agreement with the municipal hauler for regular garbage disposal pick-up.
- G. All retail items for sale must be contained completely within the framework of the temporary structure or tent.
- H. The applicant for a **fixed retail site license** shall be permitted one sign with a maximum of one square foot for each linear front footage of the structure or building used by the applicant, with a maximum of a 24 square foot sign for the use if the licensed premises is granted for the use in connection with the retail items being marketed at that site.
- I. The applicant must comply with all applicable County, State and Federal regulations, and must provide copies of any required permits or licenses required by the County, State or Federal Government to the Township. In addition, a copy of applicant's sales tax number is to be provided with the permit application. In the event the transient retail business hours are between sunset and sunrise, the applicant must comply with all provisions of Chapter 27 of the Smithfield Township Code of Ordinances concerning the lighting of the parking lot.
- J. Applicant must submit two copies of a prepared site plan showing layout of the proposed temporary use including the location of the temporary structure, dumpster, sanitary facility, parking area and setbacks.
- K. The transient retail license shall be for a period of no more than 30 consecutive days and there shall be a thirty-day lapse between the issuance of a subsequent license to the same applicant at the same site.
- L. The transient retail license shall be for a period **of no more than 30 consecutive days and there shall be a thirty-day lapse between the issuance of a subsequent license to the same applicant at the same site.**

§ 13-205. Issuance of License; Custody, Display and Exhibit. [Ord. 125, 9/22/1992]

Upon receipt of such application and the prescribed fee, the Zoning Officer, if he 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 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 Smithfield.

- E. Written **correspondence from the** property owner **granting the transient business permission to use their property and any restrictions on hours of operation** shall be submitted with the permit application.
- F. [removed]
- G. All retail items for sale must be contained completely within the framework of the temporary structure or tent, **which shall not exceed a 12-foot by 12-foot footprint for structures/tents, or a single vehicle or trailer.**
- H. The applicant for a **transient license** shall be permitted one sign with a maximum of one square foot for each linear front footage of the structure or building used by the applicant, with a maximum of a 24 square foot sign for the use if the licensed premises is granted for the use in connection with the retail items being marketed at that site.
- I. The applicant must comply with all applicable County, State and Federal regulations, and must provide copies of any required permits or licenses required by the County, State or Federal Government to the Township. In addition, a copy of applicant's sales tax number shall be provided with the permit application. In the event the transient business hours are between sunset and sunrise, the applicant must comply with all provisions of Chapter 27 of the Smithfield Township Code of Ordinances concerning the lighting of the parking lot.
- J. [removed]
- K. [removed]
- L. The transient license shall be for a period of one year, **and may be renewed annually. The Township shall not restrict hours of operation for transient businesses.**

§ 13-205. Issuance of License; Custody, Display and Exhibit

Upon receipt of such application and the prescribed fee, the Zoning Officer, if he 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 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 Smithfield.

§ 13-206. Prohibited Acts. [Ord. 125, 9/22/1992]

- 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 carry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Township of Smithfield.
 - c. [placeholder]

SECTION 5. Chapter 27, Section 309 – Schedule of District Regulations

NOTE: Transient businesses are currently only a principal permitted use in ED zones.

SECTION 4. Chapter 13, Part 2, Section 206 – Prohibited Acts of the Smithfield Township Code of Ordinances, shall add 1.C as follows:

- 1. [placeholder]
 - a. [placeholder]
 - b. [placeholder]
 - c. Sell combustible materials, unless such prohibition is preempted by Federal or State law.

SECTION 5. Chapter 27, Section 309 – Schedule of District Regulations of the Smithfield Township Code of Ordinances, shall add the transient business use as a principal permitted use in the RE and M-1 zones. (NOTE: already permitted in the ED Zone)