

**SHENANGO TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA**

ROADSIDE SALES ORDINANCE

ORDINANCE NO. 1 of 2009

**AN ORDINANCE ESTABLISHING REGULATIONS AND
STANDARDS OF CONDUCT FOR THE OPERATION OF
ROADSIDE STANDS WITHIN SHENANGO TOWNSHIP**

WHEREAS, Shenango Township is a Second Class Township, governed by the Second Class Township Code, 53 P.S. 65101 *et seq.*, which authorizes the Township to adopt ordinances for the protection of the public health, safety and welfare; and

WHEREAS, the unregulated operation of roadside stands may create a nuisance or otherwise adversely affect the health, safety or welfare of the citizens of Shenango Township; and

WHEREAS, the purpose of this Ordinance is to provide for reasonable regulations and uniform standards of conduct for the operation of roadside stands.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED**, and it is hereby **ORDAINED** and **ENACTED** as follows:

Section 1: Definitions.

The following words shall be construed to have the meanings set forth below. The singular number included the plural and the masculine includes the feminine and neuter.

ROADSIDE STAND - A non-permanent structure of no more than 200 square feet (size subject to the approval of the applicable township authority) set up temporarily along a roadside at which a person or persons sells only items sold or harvested on a seasonal basis, such as summer vegetables and produce, and Christmas trees and Christmas-related items, which that person or persons produced on the tract of land on which the roadside stand is set up, or on land owned by the person or persons who produced the agricultural commodities, if those agricultural commodities are produced on other land.

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

TOWNSHIP - Shenango Township

Section 2: Registration and permit required.

Except as otherwise provided in this chapter, no person shall operate a roadside stand in the township without first having registered with the township and having obtained a permit from the

township.

Section 3: Prohibited activity

It is unlawful for any person to sell food or goods from any permanent, semi-permanent or temporary locations along the street, highway or right-of-way in any public place, unless the seller applies for and obtains a permit for the operation of a roadside stand.

Section 4: Application Procedure.

A. Any person desiring to operate a roadside stand shall submit a written application to the township on a form to be furnished by the township. The person shall also submit a fee of One-Hundred Dollars (\$100.00) per season, as determined by the applicable authority.

B. The applicant shall state his name, age, sex, home address, business address, name and address of employer, if any, what produce or other products he desires to sell, the length of time he wishes to operate a roadside stand, the size in square feet of the proposed structure, and whether he has ever been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.

C. The township will issue to the applicant a permit within ten (10) days from the filing date of the application, unless the application is rejected by the township.

D. Whether a permit will be issued to a person convicted of a felony, misdemeanor or crime or a crime of any kind involving moral turpitude is solely within the discretion of the township.

E. A permit will be valid for the period of time for which the applicant has stated he will operate a roadside stand in the township.

F. The township shall have the right to decline an application to operate a roadside stand if it deems that it would create a public nuisance or otherwise adversely affect the health, safety or welfare of the citizens of the township.

Section 5: Standards of conduct

Every person operating a roadside stand within the township shall comply with the following standards of conduct:

A. He shall conduct himself at all times in an orderly and lawful manner.

B. He shall have available for inspection his permit and exhibit it upon request to any police officer or other person authorized by the township to request such inspection.

C. He shall not operate a roadside stand before 8:00 a.m. nor after 8:00 p.m., prevailing time.

D. Roadside stands shall at all times be kept and maintained in a clean, sanitary and orderly manner, and any structure shall be properly maintained and kept in a state of proper repair.

E. All waste generated in the operation of a roadside stand shall be removed daily.

F. No signage will be permitted, unless first approved by the applicable authority.

G. Roadside stands shall be adequately served by public streets and highways. In no instance shall site access materially impede traffic flow on adjacent streets and highways, create a traffic hazard, or alter area traffic patterns.

H. Persons may only sell those items expressly applied for in their application for a permit.

Section 6: Revocation of permit.

Any permit may be revoked by the township if the holder fails to comply with the standards of conduct listed above hereof or any of them or upon ascertainment that the permit-holder has made a false statement in his application.

Section 7: Violations and penalties.

Any person who shall operate a roadside stand without registering with the appropriate township officer or any person, whether or not required to be registered and issued a permit under this chapter, or who shall violate any of the other provisions of this chapter shall, upon conviction thereof before a District Judge, be subject to a fine or penalty of not more than Six-Hundred Dollars (\$600.00), plus costs of prosecution. Such fine or penalty shall be collected as like fines or penalties are now by law collected. Such action shall be brought before a district judge in the same manner provided for in the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Section 8: Severability clause

If any Section or part thereof or any part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts of this ordinance, and to that end, the provisions of this ordinance are severable.

Section 9: Repeals, savings clause

All ordinances or parts thereof in conflict with the provisions of this ordinance are repealed, providing, however, any proceedings pending, including prosecutions for violations of any previous ordinance being repealed hereby, shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.

Section 10: Effective date

This ordinance shall become effective upon its enactment, ordainment, and approval.

ENACTED AND ORDAINED AND APPROVED this 9th day of July, 2009.

Attest:

Buss D. Tanner
Secretary

Date: 07/09/09

SHENANGO TOWNSHIP
BOARD OF SUPERVISORS

Robert R. Selman
William Q. Albertson