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# CONDUCT

## ARTICLE I

### CURFEW

#### **Section 101. Short Title**

This Ordinance shall be known and may be cited as “The Ontelaunee Township Curfew Ordinance.”

Ord. 1991-8, 9/12/1991, §1.

#### **Section 102. Establishment Thereof**

No minor under the age of seventeen (17) years shall be upon any of the streets, highway, alleys, parks or public places in the Township of Ontelaunee after 10:00 p.m. and until 6:00 a.m., prevailing time, of the following day, unless such minor is accompanied by his or her parent, guardian or other person having legal care and custody of such minor person, or is accompanied by a responsible person of good repute over twenty-one years of age, or is in the performance of an errand or duty directed by his or her parent, guardian or legal custodian, or is going to or from, or attending an organized school or community activity, or whose legally recognized employment makes it necessary for such minor person to be in or upon such streets, highway, alleys, parks or public places after 10:00 p.m. and until 6:00 a.m., prevailing time, of the following day, in which case such minor shall carry a certified card of employment issued and signed by the Secretary of the Township of Ontelaunee.

Ord. 1991-8, 9/12/1991, §2.

#### **Section 103. Responsibility**

No parent, guardian or other person having legal care or custody of any minor under seventeen (17) years of age shall allow or permit any such minor to go or be in or upon any of the streets, highways, alleys, parks or public places of the Township of Ontelaunee after 10:00 p.m. and until 6:00 a.m., prevailing time, of the following day, except as specific in Section 102 above, or unless reasonable necessity can be shown therefor.

Ord. 1991-8, 9/12/1991, §3.

#### **Section 104. Enforcement**

Policemen finding any such minor under the age of seventeen (17) years in or upon any of the streets, highways, alleys, parks or other public places of the Township of Ontelaunee in violation of any of the provisions of this Ordinance, after the hour of 10:00 p.m. and until 6:00 a.m., prevailing time, of the following day, shall take the name and address of such minor and the name and address of the parent, guardian or other per-

son having the legal care or custody of such minor, send or take such minor home and make a report of the same to the Chief of Police of the Township within twenty-four (24) hours. Whereupon the Chief of Police shall send the parent, guardian or legal custodian of such minor a written notice of the violation of this Ordinance, together with the notice to such parent, guardian or legal custodian that unless the provisions of this Ordinance are complied with, the penalty for violation thereof, as provided in Section 106 of this Ordinance, shall be invoked against such parent, guardian or legal custodian of such minor.

Ord. 1991-8, 9/12/1991, §4.

**Section 105. Court Proceedings**

Any minor who violates the provisions of this Ordinance more than three (3) times shall be reported to a society or organization whose purpose is to take charge of incorrigibles and delinquents and proceedings shall then be taken before the Court of Common Pleas for their permanent welfare, and a like procedure shall be followed in cases where the arrest of the parent, guardian or legal custodian shall be effective, or where for any reason the provisions of Section 102 of this Ordinance cannot be made effective by fines and penalties imposed under Section 106 of this Ordinance.

Ord. 1991-8, 9/12/1991, §5.

**Section 106. Penalty**

See Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1991-8, 9/12/1991, §6; superseded by Ord. 2001-2, 7/12/2001.

**Section 107. Declaration**

It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

Ord. 1991-8, 9/12/1991, §9.

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## ARTICLE II

### NOISE

#### Section 201. Terms

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory not merely directory.

- A. **TOWNSHIP** - is the Township of Ontelaunee, Berks County, Pennsylvania.
- B. **OWNER** - is a person owning, leasing, occupying or having charge of any premises within the Township.
- C. **PERSON** - is any natural person, firm, partnership, association, corporation, company or organization of any kind.

Ord. 1997-1, 7/10/1997, §1.

#### Section 202. Prohibition

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Township, provided that noises created in the normal and reasonable course of a legitimate business activity shall not be deemed illegal.

Ord. 1997-1, 7/10/1997, §2.

#### Section 203. Violations

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but shall not be deemed to be exclusive, namely:

- A. Horns, signaling devices, etc.: Sounding any horn or signaling device on any automobile, street car or other vehicle on any street or public place of the Township except as a danger warning; creating, by means of any such signaling device, any unreasonably loud or harsh sound; or the sounding of any such device for any unnecessary or unreasonable period of time.
- B. Radios, phonographs, television sets, etc.: Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player or other machine or device for the producing

or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is being operated. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

- C. Loud speakers, amplifiers for advertising: Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except in the course of legitimate business activity or auction sales.
- D. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven o'clock P.M. and seven o'clock A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling hotel or other type of residence, or of any person in the vicinity.
- E. Exhausts: The discharge into the open air of the exhaust of any stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Ord. 1997-1, 7/10/1997, §3.

**Section 204. Penalties**

See Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1997-1, 7/10/1997, §4; superseded by Ord. 2001-2, 7/12/2001.

[See also Ch. 27, Zoning, for additional noise regulations specific to Zoning Districts.]

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**ARTICLE III**

**NUISANCE**

**Section 301. Nuisance Prohibition**

No person, firm or corporation shall maintain or cause or permit to be maintained on any property owned or occupied by such person, firm or corporation within the Township of Ontelaunee, Berks County, Pennsylvania, any condition:

- A. Productive of a nuisance detrimental to the public health as determined by the State Health Officer or by the Board of Supervisors after a full and complete investigation; or
- B. Productive of a nuisance dangerous as a fire hazard as determined by the Fire Chief of the Leesport Fire Company or by the Board of Supervisors after a full and complete investigation; or
- C. Productive of a nuisance dangerous to life and limb as determined by the Police Department of the Township of Ontelaunee or by the Board of Supervisors after a full and complete investigation.

Ord. 1979-2, 10/11/1979, §1.

**Section 302. Nuisance Abatement**

Upon failure of the owner or occupier of any property upon which any of the conditions referred to in Section 301 of this Ordinance is maintained to remove or correct such conditions within thirty (30) days after notice from the Township of Ontelaunee, the Township shall proceed to remove or correct such conditions and collect the cost thereof, together with a penalty of ten percent (10%) of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit. Nothing contained herein shall be construed as a prohibiting the Township from pursuing any other legal or equitable remedy.

Ord. 1979-2, 10/11/1979, §2.

**Section 303. Penalties for Violations**

See Chapter 4, Article IV entitled "Civil/Criminal Enforcement Procedure".

Ord. 1979-2, 10/11/1979, §3; superseded by Ord. 2001-2, 7/12/2001

**ARTICLE IV**

**SOLICITATION**

**Section 401. Definitions and Interpretation**

As used in this Article:

- A. **LEGAL HOLIDAY** – New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.
- B. **PEDDLER** – Any person with no fixed place of business, who goes from house to house, from place to place, or from street to street, by any means, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making deliveries to purchaser.
- C. **PERSON** – Any natural person, partnership, association, corporation or other legal entity.
- D. **SOLICITOR** – Any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, wares or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery. A solicitor is not a peddler.
- E. **TOWNSHIP** – Township of Ontelaunee, Berks County, Pennsylvania.
- F. **TRANSIENT RETAIL BUSINESS** – Any business conducted in Ontelaunee Township for the sale of goods, wares or merchandise whatsoever for a period of less than ninety (90) days. Transient retail business includes peddlers and solicitors.

Ord. 2009-10, 12/3/2009, §1.

**Section 402. License Required and Conditions for Issuance; Fee**

- A. No person shall engage in any transient retail business within the Township of Ontelaunee without first having obtained from the Township Secretary a license, for which a fee, which shall be for the use of the Township, shall be charged and paid to the Township in an amount to be established from time to time by resolution of the Board of Supervisors. However, no permit or fee is required as it applies to religious proselytizing, anonymous political speech, and the distribution of handbills. At the expiration of any license, if the person holding the license shall desire to continue the transient merchant business, he or she shall be required to file a new application for a license and pay the license fee.
- B. No license fee shall be charged under this Section:

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1. To farmers selling their own produce.
  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 bakery products, meat and meat products, or milk and milk products.
  4. To children under the age of eighteen (18) years who take order for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
  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 the 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.
- C. Any person claiming any exemption outlined above shall provide the Township with documentation demonstrating that person qualifies for said exemption.
- D. No person, licensed under this Ordinance, shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys' nor may such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity.
- E. No person, licensed under this Ordinance, shall occupy any fixed location upon any of the streets, alleys, or sidewalks of the Township, with or without any stand or counter.

Ord. 2009-10, 12/3/2009, §1.

### **Section 403. Application for License**

Each individual intending to engage in peddling or soliciting must first obtain a license. A person desiring a license under this Ordinance shall first make application to the Township Secretary. If such person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state.



- A. His criminal record, if any;
- B. The name and address of the person by whom he is employed together with his supervisor's or contact person's name and telephone number;
- C. The type of goods, wares and merchandise he wishes to deal with in such transient retail business;
- D. The length of time for which license is to be issued;
- E. The type and license number of the vehicle to be used, if any;
- F. Permanent address, telephone number and cell phone number; and
- G. Applicant shall produce a State of government issued picture identification card.

Ord. 2009-10, 12/3/2009, §1.

**Section 404. Issuance of License; Custody, Display or Exhibit**

Upon receipt of such application and the prescribed fee, the Township Secretary or his/her designee, if he shall find an application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application. 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. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizen or residents of the Township of Ontelaunee. The license holder shall only be entitled to carry said license for the length of time for which the license is issued. When the time period for the license has expired, license holder shall apply for a new license and pay a new license fee.

Ord. 2009-10, 12/3/2009, §1.

**Section 405. Prohibited Acts**

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in their license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or other public grounds of 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.

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- D. Park any vehicle upon any of the streets or alleys in the Township for the purpose of cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or food stuffs which have become unsaleable through handling, age or otherwise.
- E. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premise upon request of the occupant.
- F. Permit any person to have possession of his or her license and shall immediately report its loss to the Township.

Ord. 2009-10, 12/3/2009, §1.

### **Section 406. Hours of Operation**

Peddlers and Solicitors may not engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday, from October 1 through April 30 at any time before 9:00 a.m. or after 6:00 p.m. on any day from May 1 through September 30, at any time before 9:00 a.m. or after 8:00 p.m. on any day.

Ord. 2009-10, 12/3/2009, §1.

### **Section 407. Supervision: Records and Reports**

The Township Secretary shall supervise the activities of all persons holding licenses under this Ordinance. The Township Secretary shall keep a record of all licenses issued hereunder.

Ord. 2009-10, 12/3/2009, §1.

### **Section 408. Suspension and Revocation of License; Appeal**

The Chief of Police of the Northern Berks Regional Police Department or the Township Secretary are hereby authorized to immediately deny, suspend or revoke any license issued under this Ordinance when he or she deems denial, suspension or revocation to be beneficial to the public health, safety, or welfare of the Township, or for violation of any provisions of this Ordinance, or for giving any false or fraudulent information upon any application for a license hereunder. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked. Any person whose license is suspended or revoked shall immediately surrender his or her license to the Township.

Ord. 2009-10, 12/3/2009, §1.

**Section 409. Violations and Penalties**

Any person, firm or corporation who shall violate any provision of this Ordinance, 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 less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) 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 Ordinance continues or each Section of this Ordinance which shall be found to have been in violation shall constitute a separate offense.

Ord. 2009-10, 12/3/2009, §1.

**Section 410. Non-Liability of Township**

All transient retail merchants, peddlers, and solicitors, including nonprofit corporations and agencies, shall hold harmless the Township from any liability, damage or injury which is causally related to an act of ordinary negligence on the part of such transient retail merchant, peddler or solicitor.

Ord. 2009-10, 12/3/2009, §1.