

MAIN TOWNSHIP

ORDINANCE NO. 1 OF 2016

An Ordinance of Main Township, Columbia County, Pennsylvania, Regulating Soliciting and Peddling; Requiring the Submission of a License Application, Payment of Licensing Fees; Regulating the Hours of Peddling and Soliciting; Regulating Parking of Vehicles and Providing Penalties for Violation.

SECTION 1. NAME AND CITATION

This Ordinance shall be known as the Main Township Peddling and Solicitation Ordinance.

SECTION 2.

Soliciting - as used in this Section means the seeking or taking of contracts or orders for any goods, wares, services, personal property or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residence, or by entering in or upon private property, within the Township.

Peddling - as used in this Section, means the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private property within the Township.

The words "soliciting" and "peddling" shall not be deemed to include:

- A. Farmers seeking or taking orders for the sale of their own products.
- B. The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products, milk or milk products, and snacks and favors such as flavored ice.
- C. The sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable, non-profit, or philanthropic purpose, including those activities authorized by local schools, 4-H, Scouts, and other similar organizations.
- D. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- E. Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the "Solicitation of Charitable Purposes Act", 10 P.S §162.1 et. seq. as amended, or who are specifically exempted under the provisions thereof.

Solicitor - as used in this Section, means any person who shall engage in "soliciting" as hereinabove defined.

Peddler - As used in this Section, means any person who shall engage in "peddling" as hereinabove defined.

Person - as used in this Section, means any natural person, association, partnership, firm, organization, or corporation.

In this Section, the singular shall include the plural and the masculine shall include the feminine and neuter.

SECTION 3. LICENSE REQUIRED

No person shall engage in soliciting or peddling in the Township without first having obtained a license as herein provided.

SECTION 4. LICENSE APPLICATION

Every person desiring to engage in solicitation or peddling in the Township shall first make application to the appropriate official designed by the Township for a license. The application shall be upon a form provided by the appropriate official designated by the Township and shall contain at least the following information verified by oath or affirmation:

- A. Full name of applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.
- E. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall provide and government issued proof of identification.

Each application shall be accompanied by a license fee in the amount of \$35.00 and may be changed, from time to time, upon resolution of the Township Supervisors. Each person who will be engaged in solicitation or peddling shall make a separate application and be issued a separate license. No license issued under this Section shall be transferable from one person to another.

SECTION 5. LICENSE TERMS; NEW LICENSE

The license granted pursuant to this Section shall be valid for thirty (30) days after the date of such license and prior to the expiration of any license if the person holding the same shall desire to continue soliciting or peddling, he/she may apply for a license renewal paying the

renewal fee of \$25.00. The renewal license shall be issued unless the applicant has been found to be in violation of a provision of this Ordinance.

SECTION 6. LICENSE EXHIBITION

Such license, when issued, shall state, inter alia, the products to be sold, services to be rendered or subscriptions or contributions to be solicited by the license. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

SECTION 7. HOURS

No person licensed as a solicitor or peddler under this Ordinance shall engage in soliciting or peddling on Saturdays or Sundays; nor on any other day of the week before 10 a.m. or after 7 p.m., prevailing time.

SECTION 8. PARKING VEHICLE ON STREET; LITTERING

No person licensed as a solicitor or peddler under this Ordinance shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall maintain or keep a street or curbstome market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

SECTION 9. FIXED LOCATION PROHIBITED

No person licensed as a solicitor or peddler under this Ordinance shall occupy any fixed location upon any of the sidewalks, streets, highways, or alleys of the Township for the purpose of soliciting or peddling with or without any stand or counter.

SECTION 10. RECORD OF LICENSE

The appropriate official designated by the Township shall keep a record of all licenses issued under this Section and shall provide the Chief of Police with a daily list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

SECTION 11. LICENSE SUSPENSION, REVOCATION

Any license issued under this Section may be suspended or revoked at any time by the appropriate official designated by the Township upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license, or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township.

SECTION 12. CRYING WARES, USING NOISEMAKERS PROHIBITED

No person licensed as a solicitor or peddler under this Section shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence, unless the application for license specifically requests permission to use such a device and the permit granted allows such use.

SECTION 13. PENALTIES FOR VIOLATION

Any Person who shall violate any provision of this Section 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 \$1,000.00 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 violated shall constitute a separate offense.

SECTION 14. SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 15. REPEALER

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after adoption by the Board of Supervisors.

AND NOW, this Ordinance is adopted this 7th day of March, 2016.

Attest:

Lisa Schell

MAIN TOWNSHIP SUPERVISORS:

Robert L. Frey
ROBERT FREY, Supervisor

Thomas Shuman
THOMAS SHUMAN, Supervisor

Richard Shuman
RICHARD SHUMAN, Supervisor