

ORDINANCE # 79-1

AN ORDINANCE REGULATING SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF MONROE, SNYDER COUNTY, PENNSYLVANIA, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Monroe Township, Snyder County, Pennsylvania, and it hereby ordained and enacted as follows:

SECTION 1. DEFINITIONS: EXCEPTIONS.

(a) "Soliciting", as used in this article, means the seeking or taking of contracts or orders for any goods, wares, services 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 residences, or by entering in or upon private property, within the Township.

(b) "Peddling", as used in this article, 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 carried 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.

(c) The words "soliciting" and "peddling" shall not apply to:

(1) Farmers seeking or taking orders for the sale of their own products;

(2) The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products;

(3) 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;

(4) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance;

(5) Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes; or

(6) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

(d) "Solicitor", as used in this article, means any person who shall engage in soliciting as hereinabove defined.

(e) "Peddler", as used in this article, means any person who shall engage in peddling as hereinabove defined.

(f) "Person", as used in this article, means any natural person, association, partnership, firm, organization or corporation.

(g) In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. LICENSE REQUIRED.

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

SECTION 3. LICENSE APPLICATION.

Every person desiring to engage in soliciting or peddling in the Township shall first make application to the Secretary of the Board of Supervisors for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license. The application shall be upon a blank provided by the Township Secretary and shall contain at least the following information verified by oath or affirmation:

- (a) Full name of the 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 there;

(f) The type and license number of vehicles to be used, if any.

(g) Upon request, the applicant shall furnish a photograph.

Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this article shall be transferable from one person to another.

SECTION 4. LICENSE FEE.

A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling, and shall apply where an employer desires to secure licenses for his employees, agents or servants. The license fee shall be as follows:

(a) For a one (1) day permit - \$2.00

(b) For a thirty (30) day permit - \$30.00

(c) For a yearly permit - \$100.00

SECTION 5. LICENSE EXHIBITION.

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. 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 6. HOURS.

No person licensed as a solicitor or peddler under this article shall engage in soliciting or peddling on any day of the week before 9:00 o'clock A.M. or after 8:00 o'clock P.M. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern

Standard Time, and during the time of the year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

SECTION 7. PARKING VEHICLE ON STREET: LITTERING.

No person licensed as a solicitor or peddler under this article 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 place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone 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 8. FIXED LOCATION PROHIBITED.

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

SECTION 9. CRYING WARES, USING NOISEMAKERS PROHIBITED.

No person licensed as a solicitor or peddler under this article shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, no shall he use any loud speaker, bell, whistle or other devise for announcing his presence by which the public is annoyed.

SECTION 10. RECORD OF LICENSES.

The Secretary shall keep a record of all licenses issued under this article. The Township Secretary shall supervise the activities of all holders of such licenses, and make a report thereof each month to the Board of Supervisors.

SECTION 11. LICENSE SUSPENSION: APPEALS THEREFROM.

Any license issued under this ordinance may be suspended at any time by the Secretary of the Township for violation of any of the provisions of this ordinance, or for giving false information on any application for a license hereunder or for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for

the licensee having been convicted or disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township. Appeals from any suspension may be made to the Board of Supervisors at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

SECTION 12. SEPARABILITY.

The provisions of this article shall be severable, and if any of the provisions or sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this article. It is hereby declared to be the legislative intent that this article would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 13. PENALTY.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be fined not more than one hundred (\$100.00) dollars and costs of prosecution for each offense, or in default of the payment of such fine and costs, undergo imprisonment in the Snyder County Prison for not more than thirty (30) days. Provided: each day's violation of any provisions of this ordinance shall constitute a separate violation.

ORDAINED AND ENACTED this 14th day of August , 1979.

SUPERVISORS OF MONROE TOWNSHIP

Fred A. Roush
Fred A. Roush

George A. Hare
George A. Hare

Lee A. Shaffer
Lee A. Shaffer

ATTEST:

Paul B. Nichol
Secretary

Peddler's License

Licensee: _____

Address: _____

Employer: _____

Vehicle make, year, model and plate number: _____

License effective from _____ to _____

Property and services: _____

Date: _____

Gail Nichols, Secretary
Monroe Township Secretary

Application For Peddler's License

1. Name: _____
2. Local Address: _____
3. Permanent Address: _____
4. Name of Employer or Self-Employed: _____
5. Goods, wares, services or merchandise to be sold: _____

6. Was applicant ever convicted of a crime? _____
How often? _____
Nature of Offense _____
Punishment imposed _____
7. Make, year, model and plate number of all vehicles to be used _____

8. Period for which license desired _____

9. Amount of fee paid with application \$ _____

Signature of Applicant