

SOLICITATION ORDINANCE

**MARION TOWNSHIP
BEAVER COUNTY
PENNSYLVANIA**

ADOPTED NOVEMBER 13, 2000

ORDINANCE NO. 2000-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA REGARDING SOLICITING AND PEDDLING, INCLUDING THE PROCEDURE FOR LICENSING, HOURS WHEN SOLICITATION AND PEDDLING MAY BE CONDUCTED, EXEMPTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors of Marion Township, Beaver County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to regulate soliciting and peddling within the Township; and

WHEREAS, Act 60 of 1995, (53 P.S. §65101, et seq.) authorizes Townships of the Second Class to adopt ordinances to secure the safety of persons and property within the Township and license and regulate business activities within the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Marion Township, Beaver County, Pennsylvania, as follows:

ARTICLE I. SOLICITING AND PEDDLING

Section 1. DEFINITIONS:

A. "Soliciting" shall mean the seeking or taking of contracts for orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, or the dissemination of information for any cause, or the collection of information, or conducting any survey, upon any of the roads, streets or sidewalks, or from house to house; or by visits to private residences; or by entering in or upon private property; within the Township of Marion.

B. "Peddling" shall mean 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 roads, streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the said Township.

C. Provided the words "soliciting" and "peddling" shall not apply:

1. To farmers seeking or taking orders for the sale of their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied in any charitable or philanthropic purpose.
2. To the seeking or taking of orders by any manufacturer or producer for the sale of bread or baking products, meat products, or milk products.
3. To local charitable or not for profit organizations such as boy scouts, girl scouts, 4-H, athletic associations, and the like in the Township.

Section 2. NUISANCES DECLARED ILLEGAL: No person shall engage in soliciting or peddling in the Township of Marion without first having taken out a license as herein provided.

Section 3. APPLICATION PROCEDURE:

A. Every person desiring to engage in soliciting or peddling in the Township of Marion shall first make application to the Secretary of the Board of Supervisors for a license and shall provide at least the following information verified by oath or affirmation.

1. Full name of the applicant and local address, if any.
2. Permanent address.
3. Name of employer or a statement that such applicant is self-employed.
4. The general nature of the goods, wares, services or merchandise offered for sale or information being disseminated or the survey being conducted.
5. A statement as to whether or not the applicant has ever been convicted of any crime and if the answer is affirmative, the nature of the offense or offenses and the punishments imposed.
6. The type and license number of the vehicle to be used, if any.
7. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
8. 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.

B. After application is made pursuant to Section 1.3(A), the Township Secretary shall forthwith forward the same to the Township Police Department, who shall thereupon conduct such investigation of the facts contained therein as it deems necessary. Upon the approval of the police of Marion Township, or upon the passage of a period of 72 hours without its disapproval, the Secretary shall issue a license to the applicant, after payment of a fee provided for in Section 1.4. Nothing in this Section shall be so construed as to require the Secretary to issue a license to any applicant known to him or her to have given false information in the application or who was convicted of a crime involving moral turpitude under any law of the Commonwealth of Pennsylvania or any ordinance of the Township of Marion.

Section 4. LICENSE FEE: No license shall be issued under this Article until the sum of \$25.00 shall be paid to the Township Secretary for the use of the Township. 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 by every employer for each of his employees, agents or servants.

Section 5. VALIDITY OF LICENSE: The license granted pursuant to this Article shall be valid for 30 days after the date of such license and upon the expiration of any license, if the person holding the same shall decide to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee.

Section 6. DISPLAY OF LICENSE: 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 of Marion, 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 OF OPERATION: No person licensed as a solicitor or peddler under this Article shall engage in soliciting or peddling on Sunday or on any other day of the week before, 9:00 a.m. or after 6:00 p.m.

Section 8. PARKING OF VEHICLES: No person licensed as a solicitor or peddler under this Article shall park any vehicle upon any of the roads, streets, highways, or alleys of the Township in order to sort, rearrange or clean of his goods, wares, services, or merchandise; nor shall any such person place or deposit any refuse on any such roads, streets, highways or alleys; nor shall any 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 therefrom to persons residing in the immediate vicinity.

Section 9. NO FIXED LOCATION: No person licensed as a solicitor or peddler under this Article shall occupy any fixed location upon any of the sidewalks or the roads, streets, highways, alleys of the Township for the purpose of soliciting or peddling with or without any stand or counter.

Section 10. RECORDING OF LICENSES: The Secretary shall keep a record of all licenses issued under this Article and the Township Police Department shall be informed of the issuance of such licenses and shall supervise the activities of all holders of such licenses.

Section 11. REVOCATION OF LICENSE: Any license issued under this Article may be suspended or revoked at any time by the Secretary of the Township of Marion 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.

Section 12. LOUD NOISES: 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 nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

Section 13. PENALTIES FOR VIOLATION: Any person who violates or permits the violation of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a fine not exceeding \$300 plus all court costs, including reasonable attorney fees, incurred by the Township.

Section 14. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 15. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the Township of Marion, Beaver County, Pennsylvania, this 13th day of November, 2000.

ATTEST:

MARION TOWNSHIP
BOARD OF SUPERVISORS

Maureen Zana
Township Secretary

BY: Robert D. D.
Chairman

Gerrard Kraus

James H. Wolf