

ORDINANCE OF THE TOWNSHIP OF MOUNT PLEASANT, COUNTY OF COLUMBIA AND
STATE OF PENNSYLVANIA

ORDINANCE NO. 19-1982

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

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Mount Pleasant Township, Columbia County, Pennsylvania, and it is hereby ordained and enacted by authority of same:

SECTION 1. DEFINITIONS; EXCEPTIONS.

- a) "Soliciting", as used in this article, means 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 and upon private property, within the Township, including but not limited to the soliciting of oil and gas leases.
- 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 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.
- 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) Any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P. L. 50, as amended, who procures from the Prothonotary of the proper county a certificate in pursuance of the Act of Assembly;
 - 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 customer.
- d) "Solicitor", as used in this article, means any persons 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 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 transferrable from one person to another.

SECTION 4. LICENSE FEE

No license shall be issued under this article until the sum of Five (\$5.00) Dollars shall be paid to the Township Secretary, and it shall be 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 shall apply where an employer desires to secure licenses for his employees, agents or servants.

SECTION 5. LICENSE TERM; NEW LICENSE

The license granted pursuant to this article shall be valid for thirty (30) days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire 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. Such licenses may be issued, in advance, for consecutive thirty (30) day periods not exceeding twelve (12) in number, upon payment, in advance, of the Five (\$5.00) Dollar license fee for each thirty (30) day period provided in Section 4.

SECTION 6. 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 7. 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 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 8. 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. Nor 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 9. 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 10. 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, nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

SECTION 11. RECORD OF LICENSES

The Secretary shall keep a record of all licenses issued under this article and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses, and make a report thereof each month to the Board of Supervisors.

SECTION 12. 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 of 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 13. 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 legislative intent that this article would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 14. 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 Columbia 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 7th day of September, 1982.

MOUNT PLEASANT TOWNSHIP

SUPERVISORS

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