

ORDINANCE NO. 75-1

AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS WITHIN THE TOWNSHIP OF MIDDLESEX, REQUIRING PEDDLERS AND SOLICITORS TO OBTAIN LICENSE AND PRESCRIBING PENALTIES FOR VIOLATION, PROVIDING FOR GRANTING, DENYING AND REVOKING LICENSES AND APPEALS THEREFROM.

IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1: Sales Prohibited Without License. From and after the passage of this ordinance, it shall be unlawful for any person, whether as principal or as agent for another, and whether by personal contact, telephone or in any other manner, to sell, offer for sale, canvass, solicit, or take orders, either by sample or otherwise, any personal property, real property, or services whatsoever, upon any public street, road or thoroughfare of Township or from house to house, or in buildings of the said Township, without first obtaining a license in compliance with the provisions of this ordinance.

SECTION 2: Soliciting of Contributions or Advertising Without a License Prohibited. From and after the passage of this ordinance, it shall be unlawful for any person, whether as principal or as agent for another, to canvass or to solicit contributions or gifts, either of money, merchandise or anything of value, or to solicit advertising, or to canvass and poll in the nature of a survey, upon any public street or road or thoroughfare of Township, or from house to house in buildings in said Township, without first having obtained a license in compliance with the provisions of this ordinance.

SECTION 3: Exemptions. The provisions of this ordinance shall not apply to the following:

- A. Farmers who sell their produce;
- B. Any manufacturer or producer in the sale of bakery products, meat products, or milk products;
- C. Any salesman who solicits trade from wholesale and retail dealers within Township;
- D. Any salesman duly authorized to represent an insurance company which is properly authorized and licensed to do business within the Commonwealth of Pennsylvania.

SECTION 4: Person shall mean any natural person, association, partnership, or firm or corporation.

SECTION 5: Application for License.

A. Except as provided in subsection B hereof, every person desiring to engage in soliciting or peddling within Township shall first make application to Secretary for a license, on such form as established by the Supervisors. The application shall be verified by oath or affirmation.

Where a person makes such application for himself and one or more helpers, an application form shall be completed for each helper, and an individual license shall be required for each helper. No license issued under this ordinance shall be transferable from one person to another. Applications shall be accompanied by license fee required.

B. In the case of any person or persons soliciting or selling for a charitable purpose, the person, officer agency responsible for, and in charge of such soliciting or selling shall make written application to the Secretary, setting forth the names and addresses of all such persons who will so serve or solicit and if the application is approved by the Board, a license may be issued, covering all such persons and a duplicate or facsimile then issued which shall be valid for the day or days designated thereon.

SECTION 6: Investigation and Issuance of License.

Upon application and payment of proper fee, license shall be issued to the applicant by the Secretary or Police Department.

Peddlers and solicitors are required to exhibit their licenses upon request of any official of the Township and any person upon whose premises peddler or solicitor enters, and peddler shall not engage in selling any product not set forth in said license.

SECTION 7: Fees. Fee required to be paid with application is \$5.00 per week; or \$25.00 per year.

Fees shall be deposited in general fund of the Township and shall not be returnable if application is refused or license is revoked prior to its termination.

SECTION 8: No license fee is required for the following:

A. Any person engaged in the noncommercial dissemination of economic, political, health, cultural or religious information, at no cost;

B. Any person soliciting contributions or selling goods, wares and merchandise, the proceeds whereof are to be applied to any non-profit charitable, religious, patriotic or educational purpose;

C. Any veteran exempted from the payment of license fee by the laws of the Commonwealth;

D. Any other person exempted by law from paying a license fee for doing the acts permitted a license hereunder;

E. Any person or persons soliciting or selling for a charitable purpose who shall be exempted from payment of same by resolution of Board, after written application is made for same in accordance with this ordinance. Application shall be made to the Board requesting such exemption, which shall be granted upon determination that the applicant is organized and soliciting for a charitable, religious or educational purpose as defined under federal laws authorizing deductions for federal income tax purposes.

SECTION 9: Licenses shall not be issued under the terms of this ordinance and may be revoked by the Board upon adequate written notice to applicant or licensee with a hearing with opportunity to defend, with a written decision within a reasonable time after hearing, for any of the following causes:

A. Fraud, misrepresentation, or false statement contained in the application for license.

B. Fraud, misrepresentation, or false statement made in the course of solicitation or activities under license issued in accordance with this ordinance.

C. Fraud, misrepresentation, or false statement made in the course of licensee's business, whether within or without the Township, where such fact is established by competent evidence.

D. Violation of any of the provisions of this ordinance.

SECTION 10: Appeal may be taken from the decision to issue or to revoke to the Court of Common Pleas within 30 days after receipt of decision.

SECTION 11: Expiration of License. License shall expire on the last day of period for which license is issued.

SECTION 12: Period for Use of License. No person who is issued a license under this ordinance shall engage in peddling or soliciting at anytime on Sunday, nor upon any other day of the week before 9:00 A.M. or after 10:00 P.M. local time.

SECTION 13: Violations and Penalties. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before the District Justice in the Township or District, be sentenced to pay a fine of not more than \$300.00 and costs of prosecution, and, in default of payment, thereof, to imprisonment for not more than thirty (30) days in the County Prison; provided that every such violation and each day that any such violation shall continue shall constitute a separate offense.

SECTION 14: Construction and Severability. The word person as used in this ordinance shall be construed to include an individual, a partnership, unincorporated association and a corporation; the masculine gender shall include the feminine and neuter. The provisions of this ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid, or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance, and in such case it is hereby declared as a legislative intent that this ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

SECTION 15: All Resolutions, Ordinances or parts of Ordinances heretofore enacted inconsistent herewith are hereby repealed insofar as such inconsistency may exist.

ENACTED AND ORDAINED this 4 day of June, 1975.

BOARD OF SUPERVISORS
MIDDLESEX TOWNSHIP

Albert M. Shouer

David C. Wetzel

Robert M. Eppley

ATTEST:

A. E. Postone
Secretary