

AN ORDINANCE REGULATING SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF SCHUYLKILL, SCHUYLKILL 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 Schuylkill Township, Schuylkill 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 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;

Pennsylvania of 1867, April 8, P.L. 50, as amended, who procures from the Pro-

thonotary of the proper county a certificate in pursuance of the Act of Assembly;

(5) The seeking or taking of orders by insurance agents or

brokers licensed under the insurance laws of the Commonwealth of Pennsylvania

for insurance;

(6) 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

(7) 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, asso-

ciation, 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 Police Department 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 Police Department and shall contain at least the

following information verified by oath or affirmation:

(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.

No license shall be issued under this article until the sum of Ten (\$10.00) Dollars shall be paid to the Police Department, 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 Ten (\$10.00)

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 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 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 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. 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 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. CHYING WARBS, 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

... shall he use any loud speaker, bell, whistle or other device for announcing his

SECTION 11. RECORD OF LICENSES.

The Police Department 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 Police Department 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 license 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 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 the 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 Schuylkill 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 6 day of June 1977.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF SCHUYLKILL

BY

James Park
Chairman

David De Carlo
Supervisor

Henry R. Hain
Supervisor

ATTEST:

Robert B. Bologo
Secretary