

HANOVER TOWNSHIP
SOLICITING AND PEDDLING
ORDINANCE NO. 39

An ordinance of the Township of Hanover, a second class Township, of the county of Beaver, Commonwealth of Pennsylvania

AN ORDINANCE REGULATING SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF HANOVER, BEAVER 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 Hanover Township, Beaver County, Pennsylvania, and it is hereby ordained and enacted as follows:

Section I: Definitions and 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 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 sale of bread and bakery products, meat and meat products or milk and milk products;
- (3) The seeking or taking of orders by insurance agents or broker licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance;
- (4) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer;
- (5) Any resident of the Township of

Handover who is a member of any fraternal, benevolent, civic or charitable association when soliciting for a fund drive associated with the activities of the aforementioned associations.

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

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

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

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

Section II: License Required

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

Section III: License Application

Every person desiring to engage in soliciting or peddling in the Township shall first make application to 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 the vehicles to be used, if any;

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

When a person makes an application for himself and one or more employees, agents or servants, all applicable personal information specified above shall be given for each employee, agent or servant and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each employee, agent or servant. No license under the ordinance shall be transferable from one person to another.

Section IV: License Fee

No license shall be issued under this article until the sum of _____ 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. The license fee required to be paid shall not apply to:

(1) The sale of goods, wares and merchandise donated by owners thereof, the proceeds whereof are to be applied to any charitable or Philanthropic purpose;

(2) Any honorable 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. O. 50, as amended, who procures from the Prothonotary of the proper county a certificate in pursuance of the Act of Assembly;

(3) Persons, corporations, partnerships and associations, their agents, 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 purpose.

The fact that no other license fee shall be required to be paid shall not release the applicant from the requirement for obtaining a license and filing the license application as required by Section III.

Section V: License Term - New License

The license granted pursuant to this article shall be valid for thirty (30) days after the new 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 license fee for each thirty (30) day period provided in Section IV.

Section VI: License Term Exhibition

Such license, when issued, shall state, *inter allia*, 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 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 VII: Hours

No person licensed as a solicitor or peddler under this Ordinance shall engage in soliciting or peddling on any day of the week other than between the hours of 9:00 A.M. and 5:00 P.M. when Eastern Standard Time is in effect and between the hours of 9:00 A.M. and 7:00 P.M. when Eastern Daylight Savings time is in effect.

Section VIII: 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 person residing in the immediate vicinity.

Section IX: Fixed Location Prohibited

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

Section X: 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 be used any loud speaker, bell, whistle or other devise for announcing his presence by which the public is annoyed.

Section XI: Record of License

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

Section XII: License Denial, Revocation and Suspension, and Appeals therefrom

Any license issued under this Ordinance may be denied, revoked or 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 thereunder 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 or the Commonwealth of Pennsylvania or any Ordinance of the Township. Appeals from any denial, revocation or suspension of this license shall be made to the Board of Supervisors of Hanover Township from any time within ten (10) days after such denial, revocation or suspension, and a hearing

shall be held within thirty days (30) of the filing of the appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended.

Section XIII: Separability

The provisions of this article shall be severable, any 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 XIV: Penalty

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be fined not more than Three Hundred Dollars (\$300.00) and costs of prosecution for each offense, or in default of the payment of such fine and costs, undergo imprisonment in the Beaver County Prison for not more than ninety (90) days violation of any provisions of this Ordinance shall constitute a separate violation.

Section XV: Repealer

All Ordinances or part of Ordinances which are inconsistent herewith are hereby repealed.

Section XVI: Effective Date

This Ordinance shall be in force and effect from and after the publication of its enactment.

ENACTMENT

Enacted and Ordained this 12th day of May 1998.

Hanover Township Supervisors

Phillip N. Read
Phillip N. Read, Chairman

Diana K. Dzagan
Diana K. Dzagan, Vice-Chairman

Edwin R. Jordan
Edwin R. Jordan, Supervisor

ATTEST:

Eula L. Warner
Eula L. Warner,
Secretary/Treasurer

(Seal)

