

**TOWNSHIP OF FRANKLIN
FAYETTE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1-4-18**

AN ORDINANCE REGULATING SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF FRANKLIN, COUNTY OF FAYETTE, PENNSYLVANIA, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATION

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Franklin Township, Fayette County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. DEFINITIONS, EXCEPTIONS

- (a) "Soliciting" as used in this Section, 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 geographical boundaries of Franklin Township, hereafter "Township".
- (b) "Peddling", as used in this Section, 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) 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.

(7) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

(d) "Solicitor", as used in this Section, means any person who shall engage in soliciting as hereinabove defined.

(e) "Peddler", as used in this Section, means any person who shall engage in peddling as hereinabove described.

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

(g) In this Section, the singular shall include the plural and the masculine shall include the feminine or neuter.

SECTION 2. LICENSE REQUIRED.

No person shall engage in soliciting or peddling in the Township without first having obtained 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 for a license to the Township Secretary or other persons as designated by the Board of Supervisors. 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 an application form provided by the Township 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 imposed sentence.
- (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 Section shall be transferable from one person to another.

SECTION 4. LICENSE FEE.

No license shall be issued under this Section until the sum of Twenty-five (\$25.00) Dollars shall be paid to the Township 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, be it an employer or his employees, agents or servants.

SECTION 5. LICENSE TERM; NEW LICENSE.

The license granted pursuant to this Section shall be valid for thirty (30) days after the date of issuance 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 license may be issued, in advance, for consecutive thirty (30) day periods, not exceeding twelve (12) in number, upon payment, in advance, of the Twenty-Five (\$25.00) Dollar license fee for each thirty (30) day period provided in Section 4.

SECTION 6. LICENSE ISSUANCE & EXHIBITION.

At the discretion of the Township no license may be issued under this Section until a period of forty-eight (48) hours has elapsed from the time the application has been filed with the Township, in order to give the Township sufficient time to make any investigation deemed necessary by any person designated by the Board of Supervisors before issuing a license. The Township, during the 48-hour-period following the application, may investigate the applicant to determine whether it is against the interest of the Township to issue a license. Upon the approval of license application and payment of fee as set forth in Section 4, the Township Secretary or other person designated by the Board of Supervisors shall issue a license, containing the date of issuance and the date of expiration, as well as the name of the applicant, the applicants address, the name of employer and products to be sold or services to be rendered. 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 any Township official or their designee. No solicitor or peddler shall engage in selling any product or service not mentioned on the license.

SECTION 7. HOURS.

No person licensed as a solicitor or peddler under this Section 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.

SECTION 8. PARKING VEHICLE ON STREET; LITTERING

No person licensed as a solicitor or peddler under this Section 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 Section shall occupy any fixed location upon any 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 Section 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 devise for announcing his presence by which the public is annoyed.

SECTION 11. RECORD OF LICENSE.

The Township Secretary or other person designated by the Board of Supervisors shall keep record of all licenses issued under this Section and the Township Code Enforcement Officer shall apply daily for a list of licenses issued hereunder since the previous day. The Township Code Enforcement Officer 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 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 for 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 Ordinance shall be severable, and if any of the provisions or sections shall be declared unconstitutional or illegal by a Court of competent jurisdiction, the decisions of such Court shall not affect the validity of the remaining provisions or sections of this Ordinance.

SECTION 14. PENALTY.

Any person who violates or causes or permits the violation of any provision of this Ordinance shall be subject to a criminal fine of not less than \$100.00 or more than \$300.00 per violation, plus court costs, including reasonable attorney's fees incurred by the Township, and to imprisonment to the extent permitted by law for punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which the violation is found to exist or for each section of the Ordinance found to have been violated. Enforcement of this Ordinance shall be by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In addition to any other remedy available at law, the Township may enforce this Ordinance by an action in equity. All fines and penalties collected for violation of this Ordinance shall be paid to the Township Treasurer. The initial determination of an Ordinance violation and the service of notice of the violation are hereby delegated to the Township Secretary and/or the Township Code Enforcement Officer and/or any other officer or agent that The Board of Supervisors shall deem appropriate.

SECTION 15. REPEALER.

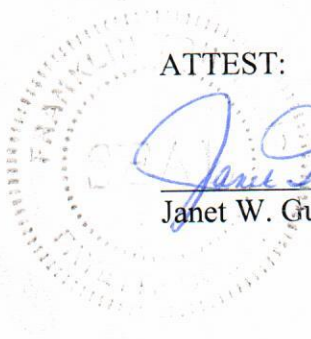
All prior Ordinances are hereby repealed and rescinded in whole or in part to the extent inconsistent herewith.


SECTION 16. EFFECTIVE DATE.

The effective date of this Ordinance shall be five (5) days after enactment.

ORDAINED AND ENACTED as an Ordinance of the Township of Franklin this 5th day of April, 2018.

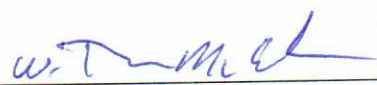
ATTEST:



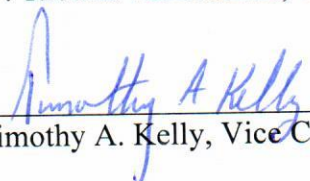


Janet W. Guthrie, Assistant Secretary

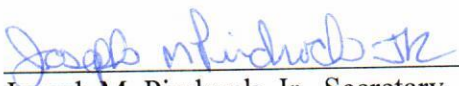
BOARD OF SUPERVISORS



W. Thomas McCracken, Chairman



Timothy A. Kelly, Vice Chairman



Joseph M. Pindrock, Jr., Secretary