

MONROE TOWNSHIP
ORDINANCE NO. 2011-7

AN ORDINANCE OF MONROE TOWNSHIP, CUMBERLAND COUNTY,
PENNSYLVANIA, PROHIBITING SOLICITING AND PEDDLING WITHIN MONROE
TOWNSHIP, EXCEPT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR THE
PROSECUTION AND PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Monroe Township has determined that an Ordinance prohibiting soliciting and peddling within Monroe Township, except under certain circumstances, is essential to ensure the health and safety of the residents of Monroe Township and to protect public and private property; and

WHEREAS, the Board of Supervisors of Monroe Township feels that it is in the best interests of Monroe Township to prohibit soliciting and peddling within Monroe Township, except under certain circumstances; and

WHEREAS, this Ordinance and the objections leading to its enactment are authorized by "The Second Class Township Code," Act of May 1, 1933, P.L. 103; No. 69, reenacted and amended November 6, 1996, P.L. 350, No. 60 (53 P.S. Section 65101, et. seq.) it is therefore enacted and ordained by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

SECTION 1: DEFINITIONS

1. The word "soliciting" as used in this Ordinance shall mean 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; or from house to house; or by visitation to private residences; or by entering in or upon private property, within Monroe Township and shall further mean the seeking or taking of contracts or orders for home or other building repairs; improvement and alterations; and also orders or contracts for any mechanical, electrical, plumbing, or hearing device or equipment for house; or other building improvements or repairs, upon or from places aforesaid within Monroe Township.
2. The word "peddling" as used in this Ordinance shall mean 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; or from house to house; or by visitation to private residences; or by entering in or upon private property; within Monroe Township.

3. PROVIDED: The words "soliciting" and "peddling," however, shall not apply as follows:
 - A. To farmers seeking or taking orders for the sale of their own products.
 - B. To 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.
 - C. To the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
 - D. To any honorably discharged soldier, sailor or marine of any branch of the military service who complies with all laws, rules and regulations of the Commonwealth of Pennsylvania.
 - E. To the seeking or taking of orders by insurance agents or brokers licensed under the applicable laws of the Commonwealth of Pennsylvania for insurance.
 - F. To persons, corporations, partnerships and associations, their agents or employees, who have complied with all applicable provisions governing solicitations for charitable, benevolent, military (active or retired), or patriotic purposes.
 - G. To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.
 - H. To persons being of the age of eighteen (18) years or younger who are soliciting for goods and services for educational, athletic or non-profit organizations.
4. The word "solicitor" as used in this Ordinance, shall mean any person who shall engage in soliciting as herein above defined.
5. The word "peddler" as used in this Ordinance shall mean any person who shall engage in peddling as herein above defined.
6. The word "person" as used in this Ordinance shall mean any natural person, association, partnership, firm, organization or corporation, or any derivative thereof.
7. In this Ordinance, 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 Monroe Township without first having obtained a license as provided herein.

SECTION 3. APPLICATION FOR LICENSE

Every person desiring to engage in soliciting or peddling in Monroe Township shall first make application to the Township for a license. If such person shall also be required to obtain a license from any Cumberland County official, they shall, on making such application, exhibit a valid county license. The said application shall be upon a blank provided by the Township and shall contain at least the following information verified by an oath or affirmation:

1. Full name of the applicant and local address, if any;
2. Permanent address;
3. Name of employer or statement that such applicant is self-employed;
4. The nature of the goods, wares, services or merchandise offered for sale;
5. A statement as to whether or not the applicant has ever been convicted of a crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefore;
6. The type of vehicle or vehicles to be used, if any, together with the state registration number thereof;
7. Upon request, the applicant shall also submit to finger printing and furnish a photograph, PROVIDED:
 - A. 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 Ordinance shall be transferable from one person to another.

SECTION 4. LICENSE FEE.

No license shall be issued under this Ordinance until the sum of fifty dollars (\$50.00) shall be paid to the Township. A separate application shall be filed and a separate license 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.

The license granted pursuant to this Ordinance shall be valid for a period of thirty (30) days after the date of issuance 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, that person shall be required to file a new application for a permit and pay a new license fee of fifty dollars (\$50.00) for each thirty (30) day period. Such licenses may be issued in advance for consecutive thirty (30) day periods not exceeding twelve (12), upon payment of the requisite license fee(s).

SECTION 6. CONTENT OF LICENSE.

Such license when issued shall state, inter alia, the product to be sold or services to be rendered by the license. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in Monroe Township, carry such license upon his person and shall exhibit it upon request to all law enforcement officers, Township officials and citizens. No solicitor or peddler shall engage in selling any products or service nor mentioned on such license.

SECTION 7. RESTRICTED HOURS.

No person licensed as a solicitor or peddler under this Ordinance shall engage in soliciting or peddling on any day of the week before nine (9) o'clock a.m. or after eight (8) o'clock p.m.

SECTION 8. RESTRICTION AS TO PARKING.

No person licensed as a solicitor or peddler under this Ordinance shall park any vehicle upon any of the streets, highways or alleys located within the Township, regardless of the ownership thereof, in order to sort, rearrange or clean any of his goods, wares, services or merchandise, nor shall any person place or deposit any refuse on any such streets, highways or alleys; nor shall any person maintain or keep a street or curbside market by parking any vehicle upon any street, highway or alley located in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

SECTION 9. REVOCAION OF LICENSE.

Any license issued under this Ordinance shall be suspended or revoked at any time by the Township, or its duly designated agent, upon proof being furnished that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of Monroe Township.

SECTION 10. RESTRICTIONS.

No person licensed as a solicitor or peddler under this Ordinance shall hawk or cry his wares or services upon any of the streets, highways, alleys or sidewalks located within the Township nor shall they use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

SECTION 11. PROHIBITION.

Except as otherwise authorized herein, no person shall engage in soliciting or peddling in Monroe Township on either public or private property.

SECTION 12. ORDINANCE TO BE CRIMINALLY ENFORCED

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof by a summary proceeding before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for the first offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for every additional offense, plus all court costs, and imprisonment, all pursuant to the applicable provisions of "The Second Class Township Code". Each one (1) day continuance of the violation of the provisions of this Ordinance shall constitute a separate offense and shall be punishable as such.

SECTION 13: CONTINUATION

The provisions of this Ordinance, so far as they are the same as those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective in accordance with law.

SECTION 15: SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section,

sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Monroe Township that such remainder shall be and shall remain in full force and effect.

SECTION 16: RELATIONSHIP TO OTHER ORDINANCES

Ordinance No. 3 of 1974, and any amendments thereto by either Ordinance or Resolution, along with any other Ordinances, parts of Ordinances, Resolutions or parts of Resolutions, inconsistent herewith shall be and the same are expressly repealed.

ENACTED AND ORDAINED this day of , 2011.

ATTEST:

MONROE TOWNSHIP BOARD
OF SUPERVISORS

Samuel M. Simmons, III, Chairman

John B. Dwyer, Sr., Vice-Chairman

A.W. Castle, III, Member

CERTIFICATE

I, the undersigned, Secretary of the Township of Monroe, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which

duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on _____, 2011; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of _____, 2011.

Secretary