

NORTH EAST TOWNSHIP

ORDINANCE NO. 2018 – 002

AN ORDINANCE OF THE TOWNSHIP OF NORTH EAST DEFINING, REGULATING AND LICENSING SELLING, PEDDLING, SOLICITING AND SIMILAR ACTIVITIES CONDUCTED BY VISITATION TO PRIVATE HOMES OR RESIDENCES OR ON THE PUBLIC STREETS OR HIGHWAYS OF THE TOWNSHIP OF NORTH EAST.

WHEREAS, the North East Township Board of Supervisors has determined that it is appropriate to address the selling, peddling, soliciting and similar activities by individuals in or on private homes, residences, public streets or highways of North East Township.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the authority of the same that the Supervisors of North East Township, as follows:

Section I. License required for certain activities.

From and after the enactment hereof it shall be unlawful for any person not exempted by Section VI hereof who is not the holder of a valid and unexpired license issued pursuant to this Ordinance to engage in selling, purchasing, or soliciting the sale or purchase of food, printed matter, services, goods, ware or merchandise of any description, or in soliciting contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences or on the public streets or highways of North East Township.

Section II. Application for license.

A. Any person not exempted by Section VI hereof desiring to obtain a license to engage in the activities described in Section I hereof shall make written application on such form as provided by the Township, in person, to the Township Secretary or their agent so designated by the Secretary. The applicant shall supply the following information:

1. Name;
2. Date of birth;
3. Temporary address;
4. Permanent address;
5. The address at which notices under this Ordinance are to be sent;
6. The name and address of employer or principal, if any, and the nature of the business activity;
7. The nature of the business or activity in which the applicant wishes to engage within the Township; and
8. A statement as to whether the applicant has been convicted in any jurisdiction of any crime other than minor traffic violations and, if so, of what crime or crimes.

- B. The applicant shall, together with the application, submit to the Township Secretary his/her photograph and a written description of himself, all recorded by the North East Township Secretary, and shall pay a fee in the amount of \$60 per person for three (3) months to defray the cost of administering this Ordinance.
- C. Upon submission of said application and supporting evidence of identification and the payment of the fee as foresaid, there shall be issued to the applicant a license in the form of a card which shall, unless revoked, entitle the licensee to engage in the activities described in Section hereof for a period of three (3) months from the date of issuance.
- D. Licenses may be renewed upon payment of the fee herein provided for and amendment of the original application to reflect any changes necessary in the information therein contained.

Section III. Compliance with rules of conduct.

Every person to whom a license has been issued hereunder shall, in the carrying on of his business or activities in the Township, comply with the following rules of conduct:

- A. He/She shall carry his/her license card at all times and exhibit it upon request to any peace officer, code enforcement officer or any person upon whom he/she shall call, or with whom he/she shall talk in carrying on his licensed activities.
- B. He/She shall not permit any person to have possession of his/her license card and shall immediately report its loss to the Township Secretary. He/She shall not cause or permit his/her license card to be altered or defaced.
- C. He/She shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. He/She shall not represent his license card to be an endorsement of licensee or of his/her goods or services or of the goods or services of his/her principal or employer.
- E. He/She shall immediately surrender his/her license card upon revocation of his/her license as hereinafter provided.
- F. Activities authorized under this Ordinance shall only occur between the hours of 9:00 A.M. and 6:00 P.M.

Section IV. Revocation of license.

Any license hereinafter issued may be revoked by the Board of Supervisors upon the failure of the licensee to comply with the standards of conduct established by Section III hereof or upon ascertainment that the licensee has made any false statement in his application for

license hereunder. Notice of revocation shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

Section V. Hearing on revoked license.

Any person whose license has been revoked shall be entitled to appear, with counsel if he so desires, before the Board of Supervisors at a regular or special meeting and be heard in behalf of a request for reinstatement of his license.

Section VI. Exemptions.

The following persons are exempted from the licensing requirements of this Ordinance:

- A. Persons soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of, or duly registered pursuant to, the Solicitation of Funds for Charitable Purposes Act, 1990, Dec. 19, P.L. 1200, No. 202, 10 P.S. § 162.1 et seq., as amended; who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
- B. Farmers engaged in selling only the produce of their own farms from truck or other vehicle.
- C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in Section I, when so engaged; including, without limitation, real estate, insurance or securities brokers and salesmen.

Section VII. Violations and penalties; enforcement.

- A. Any person who violates or permits the violation of this Ordinance shall be required to pay a criminal fine of not less than \$50 nor more than \$1,000, together with costs of prosecution, for each such violation, and may upon default of payment of said fine be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist. The 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.
- B. In addition to the remedy set forth in Subsection A of this section, this Ordinance may be enforced through an action in equity in the Court of Common Pleas of Erie County, Pennsylvania.

Section VIII. This Ordinance shall be effective ten (10) days after its adoption.

ENACTED AND ORDAINED by the Board of Supervisors of the North East Township, Erie County, Pennsylvania, this ____ day of _____, 2018.

NORTH EAST TOWNSHIP

BY:

Fredrick Shunk, Chairman

BY:

August Neff, Supervisor

BY:

Robert Mazza, Supervisor

ATTEST:

Karen Ahlgrim, Secretary

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