

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 47

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY, PENNSYLVANIA, REGULATING PEDDLING AND/OR DOOR TO DOOR SOLICITATION WITHIN THE TOWNSHIP, REQUIRING REGISTRATION AND APPLICATION FOR ISSUANCE OF A TOWNSHIP PERMIT, PAYMENT OF REQUIRED PERMIT FEE, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of South Beaver, Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code, the following:

Section 1. No person shall engage in peddling or door to door solicitation within the Township of South Beaver without having first completed and filed with the Township of South Beaver a Registration form provided by the Township, and applying for and receiving issuance of a Permit pursuant to this Ordinance.

Section 2. Every person desiring to engage in peddling or door to door solicitation within the Township of South Beaver shall first register with the Township, make application for and receive a Permit, which Permit shall not be valid after six months or one year from date of issuance, from the Township prior to engaging in such peddling or door to door solicitation activity.

A. Registration of such person, per the form provided by the Township, shall include the name, home address and telephone number, name of employer, if any, business address and telephone number, of each and every person to be involved in the peddling or door to door solicitation activity, the nature of or description of the goods, merchandise, wares, product, services or matter being peddled and/or solicited from door to door within the Township of South Beaver, the duration, length or period or time such peddling or solicitation activity is desired to be permitted, the type, manufacturer name and model, color and license plate number (an any other data deemed pertinent by the Township of South Beaver) of each and every vehicle, if any, to be used by such

person while engaged in said activity, and the number of helpers or employees that such person shall or may have with him or her while engaged in such peddling or solicitation activity. Such helper or employee, if any, is a person who must complete a separate Registration form as required by this Ordinance.

B. Upon completion of such Registration form, signing of the application part thereof for a permit, with verification of correctness of information therein provided, payment of the required permit fee, a Permit shall be issued to the applicant. A Permit shall be issued for the length or period of time applied for conducting such peddling and/or soliciting activity or one year, whichever period of time is shorter. No Permit is assignable or transferrable by the permittee to any other person.

C. In the event any informational data required of and as to any person or vehicle should change at any time during the Permit period, such involved person shall be required to file a supplemental Registration form with current and correct data thereon prior to continuing in engaging in any peddling or solicitation activity within South Beaver Township.

D. In the event any informational data supplied by any person shall be incorrect, false or misleading, and/or in the event any person shall fail to complete or file a supplemental Registration form as required, and/or in the event any person shall engage in any illegal or immoral activity, the Permit may be cancelled by South Beaver Township.

E. Administration of this Ordinance, i.e. the receiving of Registration forms, issuance of permits and receipt of permit fees on behalf of the Township of South Beaver is hereby placed with the Secretary of the Township, and/or members of the South Beaver Township Police Department. The Township may designate such other agent or representative of the Township to administer this Ordinance by Resolution adopted by the Board of Supervisors from time to time.

Section 3. Every person to whom a Permit is issued under and pursuant to this Ordinance, shall at all time he or she is engaged in peddling or solicitation activities within the Township of South Beaver, carry said permit on his person

and upon request of any Police Officer, Township Official or employee, citizen and/or resident of the Township, shall produce and exhibit such Permit to the requestor. Further, no person, with or without a Permit issued under and pursuant to this Ordinance, shall engage in any peddling and/or soliciting activity in any manner that is in violation of the laws of the Commonwealth of Pennsylvania, nor:

A. Shall such person hawk, cry or announce his or her goods, merchandise, wares, product, services or matter being peddled and/or solicited from door to door, with or without loud speaker, horn or other device for announcing his or her presence in any manner by which the public, residents or citizens of the Township of South Beaver are annoyed; and/or

B. Shall occupy a fixed location upon any of the public lands, streets, roads, alleys and/or sidewalks of the Township, with or without stand, counter or booth, or by and/or from any vehicle.

Section 4. Permit fees shall be charged and paid as follows, with all funds being deposited to the general funds of the Township of South Beaver:

- A. For one individual for
 - (1) six month period or less \$ 10.00
 - (2) over six month period to maximum of one year period \$ 15.00
- B. For each additional individual on same permit application for
 - (1) six month period or less, additional . . . \$ 2.00
 - (2) over six month period to maximum of one year period \$ 4.00

Section 5. Definition of words as used in this Ordinance, unless the context clearly indicates otherwise, shall be as follows:

Peddler - Any person that engages in the activity of peddling as herein defined

- Peddling - Engaging in the activity of door to door soliciting the sale or purchase of goods, merchandise, wares, product, services or matter, without having a prearranged appointment with the potential customer of the peddler.
- Person - Any natural person, association, partnership, firm or corporation
- Soliciting - Engaging in the activity of peddling as herein defined, and/or the door to door soliciting of funds, donations or other contribution from residents or citizens of the Township, or the general public within the Township, without having a prearranged appointment with the potential customer or donor.
- Township - Township of South Beaver

Section 6. Excepted from the requirements and regulations of this Ordinance are members or person belonging to the Girl Scouts of America, Boy Scouts of America, the South Beaver Township Volunteer Fire Department, any church that has its church building within the Township or any adjacent municipality to the Township, any fund raising group affiliated with the Blackhawk Area School District or its sponsored activities, a newspaper delivery person, or person that is a candidate for public office, and/or any individual that is solely canvassing and/or soliciting support for or against a public/governmental issue pending at local, Commonwealth and/or federal government level.

Section 7. Any person who violates any provision of this Ordinance, or who knowingly makes an incomplete, false or fraudulent report or statement to avoid the provisions of this Ordinance, upon summary conviction before any justice of the peace, magistrate or Court of competent jurisdiction, shall be sentenced to pay a fine of not less than Thirty (\$30.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense and costs, and in default of payment of said fine and/or costs, may be imprisoned for a period not exceeding thirty (30) days. Each day that a person fails to comply with any provision or part of this Ordinance shall constitute a separate offense under this Ordinance.

Section 8. Should any section, clause, part or word of this Ordinance be declared by a Court of competent jurisdiction as invalid, illegal or unconstitutional, such decision of the Court shall not affect the validity or impair any of the remaining sections, clauses, parts or words of this Ordinance; the provisions of this Ordinance being thus severable and declared valid.

Section 9. This Ordinance shall become effective upon publication and adoption as required by law.

ENACTED AND ORDAINED this 9th day of November, 1993.

TOWNSHIP OF SOUTH BEAVER

Carol Miller
Secretary

Charles W. Biffert
Supervisor

Robert Cole
Supervisor

David Shannon
Supervisor