

ORDINANCE NO. 44-3

AN ORDINANCE REGULATING, SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED and ENACTED by the Board of Supervisors of the Township of Silver Spring and it is hereby ORDAINED and ENACTED as follows:

SECTION 1. Definition

(a) "Soliciting" 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 the Township of Silver Spring 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 heating device or equipment for house; or other building improvements or repairs, upon places aforesaid within the said Township.

(b) The word "Peddling" 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 the said Township.

(c) "Person" shall mean any natural person, association, partnership, firm, organization or corporation. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(d) This ordinance shall not apply to the following:

(1) To farmers seeking or taking orders for the immediate sale of their own products.

(2) To persons selling or offering for immediate sale bread and bakery products, meat and meat products, or milk and milk products.

(3) To persons selling or offering for sale goods or services when at the time of said sale or offering for sale the person and his employer hold a valid license from the appropriate agency of the Commonwealth of Pennsylvania to offer the goods or service for sale to the public.

(4) 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.

(5) Persons taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

SECTION 2. No person shall engage in soliciting or peddling in the Township of Silver Spring without first having taken out a license as herein provided.

SECTION 3.

(a) Every person desiring to engage in soliciting or peddling in the Township of Silver Spring shall first make application to the Township for a license. The said application shall be upon a form provided by the Township and shall contain at least the following information varified by oath or affirmation.

- (1) Full name of the applicant and local address, if any.
- (2) Permanent address.
- (3) Name of employer or a statement that such applicant is self-employed.
- (4) The nature of the goods, wares, services or merchandise offered for sale and the manner in which it will be offered.
- (5) 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 imposed.
- (6) The type of vehicle to be used, if any.
- (7) Three business references who have known the applicant for three years or more.

(b) Where a person makes application for himself and one or more other persons, all applicable personal information specified above shall be given for each person and verified or affirmed by oath or affirmation by person to be licensed. An individual license shall be required for each solicitor or peddler. No license under this Ordinance shall be transferable from one person to another.

(c) No license shall be issued under this Ordinance until fifteen (15) days after the date for application for a license is made to the Township.

SECTION 4. No license shall be issued under this Ordinance until the sum of Five Dollars (\$5.00) shall be paid to the Township for the use of 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. This provision shall apply notwithstanding an employer desiring to secure licenses for several employees, agents or servants.

SECTION 5. The licenses granted pursuant to this Ordinance shall be valid for one year after 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 license and pay a new license fee.

SECTION 6. Such license when issued shall state, inter alia, 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 in the Township of Silver Spring, 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 products or service not mentioned on such license.

SECTION 7. 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, ante meridian, or after eight (8) o'clock post meridian. During the time of the year when Eastern Standard Time is effective, the aforesaid hours shall be Eastern Standard Time, and during the time of the year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

SECTION 8. The Township Secretary shall keep a record of all licenses issued under this Ordinance and the Chief of Police shall apply daily for list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

SECTION 9. Any license issued under this Ordinance may be suspended or revoked at any time by the Secretary of the Township upon proof being furnished to him 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 any subdivision thereof.

SECTION 10. No person licensed as a solicitor or peddler under this Ordinance 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 device for announcing his presence by which the public is annoyed.

SECTION 11. Any person who shall violate any of the provisions of this Ordinance shall, upon the conviction thereof, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars, and costs of prosecution for each and every offence, or in default of the payment of such fine and costs, to undergo imprisonment in the Cumberland County Prison for a period of one day for each dollar of fine and costs not paid, said term not to exceed five (5) days.

SECTION 12. The provisions of this Ordinance shall be severable and if any of the provisions or section, 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 Ordinance; it is hereby declared by the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 13. All Ordinances or parts of Ordinances heretofore enacted inconsistent herewith are hereby repealed insofar as such inconsistency may exist.

ENACTED into an Ordinance this 28 day of August A.D., 1974.

Attest:

Doreen A. Lebo
Secretary

Raymond M. Best
Raymond M. Best, Chairman