

**SPRING BROOK TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA**

ORDINANCE #2013-5

**AN ORDINANCE OF THE TOWNSHIP OF SPRING BROOK, LACKAWANNA COUNTY, PENNSYLVANIA
PROVIDING FOR THE LICENSING AND REGULATION OF SOLICITING AND PEDDLING IN
SPRING BROOK TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, Section 1532 of the Second Class Township Code, 53 PS §65101 et seq., as amended, authorizes the licensing and regulation of transient merchants conducting business within the Township; and

WHEREAS, the Board of Supervisors has determined that the licensing and regulation of peddlers and solicitors within the Township is in the best interests of the health, safety, and welfare of the residents of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Spring Brook Township, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by authority of same as follows:

SECTION 1 – DEFINITIONS

A. The following terms shall have the meanings indicated:

ENFORCEMENT OFFICER – the individual(s), agency, or firm appointed by the Board of Supervisors to issue licenses required by and, enforce the provisions of, this Ordinance.

PEDDLER – any person who shall engage in peddling as herein defined.

PEDDLING – 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.

PERSON – any natural person, association, partnership, firm, organization, corporate entity, or limited liability company.

SOLICITING – the seeking or taking of contracts or orders for any goods, wares, services, or merchandise for 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 Township; and, shall further mean the seeking or taking of contracts or orders for home or other building repairs,

improvements, and alterations and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for houses or other building improvements or repairs upon or from the places aforesaid within the Township.

SOLICITOR – any person who shall engage in soliciting as hereinabove defined.

TOWNSHIP – Spring Brook Township, Lackawanna County, Pennsylvania.

- B. In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2 – LICENSE REQUIRED

- A. No person shall engage in soliciting or peddling in the Township without first having obtained a license as herein provided.
- B. No license shall be required for:
1. Farmers selling their own produce.
 2. For 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.
 3. Children under the age of eighteen (18) years who take orders for and deliver newspapers or fundraising products for a school or youth organization.
 4. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

SECTION 3 – LICENSE APPLICATION

- A. Every person not falling in the license exceptions in Section 2 B. above who desires to engage in soliciting or peddling in the Township shall first make application to the Enforcement Officer for a license. The application shall be upon a form provided by the Enforcement Officer and shall contain or have attached at least the following information verified by oath or affirmation:
1. Full name of the applicant and local address, if any.
 2. Permanent address.
 3. Name of employer and employer's address and a letter of confirmation or representation from the company; or a statement that such applicant is self-employed.
 4. Applicant's driver's license number and a copy of the driver's license.
 5. The nature of the goods, wares, services or merchandise offered for sale.
 6. A copy of the Pennsylvania Department of Agriculture license for any applicant selling food products.

7. 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(s) imposed there. The Enforcement Officer will verify through the applicable state law-enforcement agency the information provided by the applicant.
 8. Make, model, year, and license plate number of all vehicles to be used.
 9. Three (3) references.
 10. Number of license terms requested (See Section 5 below).
 11. Applicable fees, payable to Spring Brook Township.
- B. A separate application shall be filed and separate fees shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure permits for its employees, agents, or servants. No license issued under this Ordinance shall be transferable from one person to another.
- C. The Enforcement Officer shall approve or deny an application within thirty (30) days of the date the completed application was received by the Township. The decision to approve or deny such application is within the sole discretion of the Enforcement Officer, based on their review of the information contained in that application.

SECTION 4 – LICENSE FEE

At the time of the filing of the application(s) with the Enforcement Officer, each applicant under this Ordinance shall pay a license fee in an amount as established, from time to time, by resolution of the Board of Supervisors.

SECTION 5 – LICENSE TERM; NEW LICENSE

The license issued pursuant to this Ordinance shall be valid for thirty (30) days from the date of issuance and, upon the expiration of the 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 licenses may be issued, in advance, for consecutive thirty-day periods not to exceed twelve (12) in number, upon payment in advance, of the applicable license fees.

SECTION 6 – LICENSE EXHIBITION

Such license, when issued, shall state, *inter alia*, the products to be sold, services to be rendered, or subscriptions or contributions to be solicited by the license. 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 all police officers, Township officials, and residents. No solicitor or peddler shall engage in selling any product or service not stated on such license.

SECTION 7 – HOURS

No solicitor or peddler under this Ordinance shall engage in soliciting or peddling on Sundays or legal holidays, or on any other day of the week before 10:00 AM or after 4:00 PM, prevailing time.

SECTION 8 – PARKING VEHICLE ON STREET; LITTERING

No solicitor or peddler licensed under this Ordinance shall park any vehicle upon any of the streets, roads, or highways of the Township in order to sort, rearrange, or clean any of his goods, wares, services, or merchandise; or complete any associated paperwork or order forms. No such person shall place, deposit, or discard any refuse on any such streets, roads, or highways. No such person shall keep or maintain a street or curbside market by parking any vehicle upon any street, road, or highway 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 solicitor or peddler licensed under this Ordinance shall occupy any fixed location upon any of the sidewalks, shoulders, streets, roads, highways, median strips, or public lands of the Township for the purpose of soliciting or peddling with or without a stand or counter.

SECTION 10 – CRYING WARES, NOISEMAKERS PROHIBITED

No solicitor or peddler licensed under this Ordinance shall hawk or cry his wares or services upon any of the sidewalks, shoulders, streets, roads, highways, median strips, or public lands of the Township, nor shall he use any loudspeaker, bell, whistle, or other device for announcing his presence by which the public is annoyed.

SECTION 11 – NO SOLICITATION OR NO TRESPASSING SIGN

A resident or business of Spring Brook Township may display a “No Solicitation” or “No Trespassing” sign at their premises. If such signs are displayed, a solicitor or peddler shall not enter the premises for the purposes of solicitation or peddling.

SECTION 12 – DENIAL OF LICENSE, LICENSE SUSPENSION OR REVOCATION AND APPEALS THEREFROM

Any license issued under this Ordinance may be suspended or revoked at any time by the Enforcement Officer upon proof being furnished to the Enforcement Officer that the application for the license contained false information, or that the applicant or licensee was convicted of a crime involving moral turpitude after issuance of such license or was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of the Township. Appeals from any suspension or revocation, as well as from the denial of a license, may be made to the Spring Brook Board of Supervisors at any time within thirty (30) days after such suspension, revocation, or denial. No part of the license fee shall be refunded to any person whose license shall have been suspended or revoked. The decision to grant or deny an appeal shall be within the sole discretion of the Board of Supervisors based on its review of an application, circumstances surrounding the application for and use of a permit, and any and all relevant factors.

SECTION 13 – RECORD OF LICENSES

The Enforcement Officer shall keep a record of all licenses issued under this Ordinance.

SECTION 14 – VIOLATIONS AND PENALTIES

Any person who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each section of this Ordinance that shall be found to have been violated shall constitute a separate offense.

SECTION 15 – SEVERABILITY

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 decision of such court shall not affect the validity of the remaining provisions or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 16 – ADOPTION

This Ordinance shall be effective five (5) days from the date of adoption.

ENACTED AND ORDAINED, this 14th day of November, 2013.

**SPRING BROOK TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Chairman

Secretary

Vice-Chairman

Member

Member

Member