

AN ORDINANCE OF THE TOWNSHIP OF EXETER, LUZERNE COUNTY PENNSYLVANIA, REGULATING PEDDLERS AND SOLICITORS IN THE TOWNSHIP OF EXETER BY REQUIRING LICENSES FOR PEDDLING AND SOLICITING; BY LIMITING THE TIME AND PLACE OF PEDDLING; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS AND SOLICITORS; BY ESTABLISHING PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF; BY PROVIDING AT THE COST THEREOF NOTICES TO GIVE NOTICE OF SUCH LIMITED ACCESS TO PREMISES; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Exeter, Luzerne County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Peddling and Soliciting Ordinance".

SECTION 2. Definitions and Interpretation.

A. The word "peddling" or "soliciting", as used in this Ordinance, shall mean engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares, merchandise, money or other articles of value, upon any of the streets, or public ground, in the Township of Exeter, or from door-to-door within the Township of Exeter. Specifically excluded from the definition of peddling and/or soliciting are the following:

- (1) Farmers selling their own produce; or
- (2) The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or
- (3) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products; or

(4) Any person working without compensation and selling goods, wares and merchandise, or soliciting money or other articles of value, for the sole benefit of a non-profit corporation, such as Township Fire Companies, Township Ambulance, Boy Scouts and Girl Scouts, and Little League Organizations.

B. Peddler and/or solicitor, as used in this Ordinance, shall mean any person who shall engage in peddling and/or soliciting as hereinabove defined.

C. Person, as used in this Ordinance, shall mean any individual, joint venture, association, partnership, trust, corporation or other legal entity.

D. Street, as used in this Ordinance, shall mean any street, road, highway, or alley, including the sidewalk within the lines of or alongside of the same.

E. In this Ordinance, the singular shall include the plural and the plural shall include the singular and the masculine shall include the feminine and the neuter.

SECTION 3. License Requirement. On and after the effective date of this Ordinance, no person shall engage in peddling or in soliciting in the Township of Exeter without first having obtained a license to so peddle or solicit, respectively, as more fully set forth in this Ordinance.

SECTION 4. Application for License. Every person desiring a license to engage in peddling or in soliciting within the Township of Exeter shall make application therefor to the Township Secretary. If such person shall also be required to obtain a license from any County

officer, and/or if such person shall be required to register with the Commonwealth of Pennsylvania in connection with soliciting for any charitable organization, he shall, when making such application, exhibit evidence of a valid county license and/or state registration. Upon such application, such person shall give the following information on the Township's application form:

1. Name;
2. Address;
3. Criminal record, if any;
4. The name of the person or entity for whom he works;
5. The nature of the goods, wares and merchandise that he intends to peddle or the use to which funds solicited shall be put;
6. The period of time he intends to peddle or solicit;
7. The type of vehicle that he uses, if any;
8. The license number thereof;
9. The place where he was engaged in peddling or soliciting immediately prior to his making such application, if any;
10. The place where he intends to go after completion of his peddling or soliciting in the Township of Exeter;
11. Current photograph of the person peddling or soliciting;
12. Any county or state registration or license required on the license application form aforesaid.

Notwithstanding anything herein stated to the contrary, each individual intending to peddle or solicit for or on behalf of any other legal entity shall make personal application for such license, which individual license shall be required for each individual to engage in peddling or soliciting in the Township of Exeter. No license issued under this Ordinance shall be transferable from one person to another person.

SECTION 5. Verification of Application Information by Police Department. Upon receipt of the application and the prescribed fee, the Township Secretary shall immediately transmit the application to the Township Police Department, which Department shall, without delay, take such action as may be necessary to verify the identity and character of

the application, and the entity for whom he works, and to verify the statements and information contained in the application. Upon completion of its investigation, the Police Department, if it is satisfied that the applicant and/or the entity for whom he works, is of good character, and that his business is legitimate, shall endorse its approval upon the application. If not so satisfied, the Police Department shall endorse its disapproval upon the application with its reasons for disapproval. Investigation by the Police Department shall take no more than 10 days from the date the application is submitted to the Township Secretary.

SECTION 6. Issuance of License. The Township Secretary, upon receipt of the approval or disapproval from the Police Department, shall immediately notify the applicant of the action of the Township, and if the application shall have been approved, the Township Secretary shall, upon payment by the applicant of a license fee of \$ 25.00, forthwith issue a license in accordance with the application.

Any license issued pursuant to this Ordinance shall be valid for a period of 30 days from the date thereof.

SECTION 7. Display of License. Every license holder shall carry such license upon his person. He shall exhibit such license, upon request, to all police officers, Township officials and citizens or residents of the Township.

SECTION 8. Limitations on License. In addition to any other regulations in connection with a license issued hereunder, the following restrictions shall apply:

- A. No person shall sell any product or type of product not mentioned in his license;

B. No person shall hawk or cry his wares upon any street or public ground; nor use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed;

C. When selling from a vehicle, the person shall not stop or park such vehicle upon any street in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

D. No person shall park his vehicle upon any street in the Township for the purpose of sorting, rearranging or cleaning any of his goods, ware or merchandise or of disposing of any cartons or wrapping material or of any stock or of wares, or food stuffs which may have become unsaleable through handling, age or otherwise;

E. No person shall engage in any business, on a house-to-house basis, at any time on Sunday or on any other day of the week at any time before 9:00 a.m. or after 5:00 p.m., except on advance appointments;

F. No peddler or solicitor shall peddle or solicit at any premises within the Township of Exeter if, at the primary entrance to such premises, there is posted at the time such peddler enters upon such premises, a notice which states: "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the peddler, shall immediately and peacefully depart from the premise.

G. Any peddler or solicitor, whether licensed hereunder or not, who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested

to do so by the occupant or owner thereof. No peddler or solicitor shall occupy any fixed location upon any of the streets or public places in the Township of Exeter for the purpose of peddling or soliciting.

SECTION 9. Supervision of Activity; Record. The Police Department shall supervise the activities of all persons holding licenses under this Ordinance. The Township Secretary shall keep a record of all licenses issued hereunder, and shall make a report thereof each month to the Township Board of Supervisors.

SECTION 10. Suspension and Revocation of License. The Township Secretary is hereby authorized to suspend or revoke any license issued under this Ordinance when she shall deem such suspension or revocation to be beneficial to the health, safety or morals of the Township and its inhabitants; or for violation of any provision of this Ordinance; or for the giving of false information on the application for the license hereunder; or for a violation of any other law, order, statute, regulation or rule by the peddler and/or solicitor.

SECTION 11. Appeal. Any person aggrieved by the action of the Police Department or the Township Secretary in granting or refusing to grant a license under this Ordinance, or by the Township Secretary in suspending or revoking a license, shall have the right of appeal from such action to the Township's Board of Supervisors. Every such appeal shall be in writing, setting forth the matters objected to, and shall be filed with the Township Secretary within 10 days after the action appealed from. Such appeal shall be heard by the Township Board of Supervisors at its next regular meeting or within 30 days following the

filing of the appeal, whichever shall be later, and the decision of the Board of Supervisors shall be commuted to the applicant within 10 days after the hearing. In case of suspension or revocation of the license, no part of the license fee shall be refunded to the person whose license shall have been suspended or revoked.

SECTION 12: Penalty for Violation. Any person who shall violate the provisions of this Ordinance, shall, upon judicial finding or verdict thereof, be subject to a judgment for each such violation of not more than \$300.00, plus costs of suit. Each day that a violation continues shall constitute a separate offense. All fines shall be paid to the Township of Exeter for its general use.

SECTION 13: Notices. Any person owning or occupying any building or portion thereof within the Township of Exeter, who desires to secure the protection under the Notice regulations contained in this Ordinance, shall comply with the following requirements:

A. Such individual shall post at a primary entrance to such premises a notice which states: "NO PEDDLERS OR SOLICITORS INVITED";

B. Such notices shall be in block letters at least one inch in height;

C. Such notice so exhibited shall constitute sufficient notice to any peddler or solicitor, whether registered under this Ordinance or not, of the decision by the occupant or owner of such premises that he does not want peddlers or solicitors on his premises.

SECTION 14. Severability. The provisions of this Ordinance shall be severable, and if any section, part of section or provision thereof

shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this ordinance.

SECTION 15. Repeals. All ordinances and parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION 16. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 13 day of APRIL, 1992.

BOARD OF SUPERVISORS,
TOWNSHIP OF EXETER

BY: Donald Hoffman
DONALD HOFFMAN, Chairman

BY: John Ruane
JOHN RUANE, Vice Chairman

Mary Frances Martin
Secretary



TOWNSHIP OF EXETER

LUZERNE COUNTY, PENNSYLVANIA

SOLICITING PERMIT

Application Date: _____.

Name: _____.
Last First Middle

D.O.B.: _____.

Address: _____.
_____.

S.S.#: _____.

Driver Lic.#: _____.
STATE: _____.

Home Phone #: _____.

Company Name: _____.

Contact Person: _____.

Address: _____.

Phone: _____.

Product: _____.

Type Of Vehicle being used: _____, including Color.

Plate #: _____ State: _____.

POLICE DEPARTMENT APPROVAL: Date: _____ Officer's Signature: _____.

CONDITIONS OF THE Permit

- . Permit is in effect for 30 days from the date on issuance.
- . No person shall sell any product not mentioned in the permit.
- . No soliciting on Sunday; and any other day before 9:00am or after 5:00 pm, except with advance appointments.
- . No soliciting at any residence which is posted.
- . Peddler or Solicitor shall carry the permit .
- . Peddler or Solicitor who has gained entry whether invited or not shall immediately and peacefully depart from the premises when requested to do so.

PENALTY FOR VIOLATION SHALL BE A FINE OF NOT MORE THAN \$ 300.00 and the Suspension or Revocation of the permit.....

Date Permit Issued: _____.

Permit issued by: _____.

Township Secretary.