

MILLCREEK TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA
ORDINANCE NO. 081419

AN ORDINANCE REPEALING MILLCREEK
TOWNSHIP ORDINANCE 7 AND ESTABLISHING
NEW RULES AND REGULATIONS TO GOVERN
PEDDLING AND SOLICITING WITHIN THE
TOWNSHIP, INCLUDING LICENSE REQUIREMENTS
AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Millcreek Township, Lebanon County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows.

Section 1. Findings. The Millcreek Township Board of Supervisors has determined that the safety and privacy of the Township's residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to them, and that it is in the best interest of the Township to differentiate between certain categories of peddlers and solicitors.

Section 2. Purposes. It is the purpose and intent of this Ordinance to provide the Township with standards that define and regulate peddling and soliciting. These standards are intended to protect the safety and privacy of the residents of the Township by regulating the behavior of peddlers and solicitors and by limiting peddler's and solicitor's access to residents who do not wish to interact with them.

Section 3. Definitions. The following words shall have the following meanings when used in this Ordinance, unless the context requires otherwise:

LICENSE – A peddler's or solicitor's license issued in accordance with the provisions of this Ordinance.

PEDDLE – To engage in the peddling, soliciting, hawking, vending, taking of orders (either by sample or otherwise), selling, or offering for sale any commercial services, goods, wares, merchandise, printed matter, or food products by visiting private homes or residences without the direct invitation of the inhabitants, or on the public streets or highways of the Township. Provided, the word "peddling" shall not apply to farmers selling their own produce and the sale of goods, wares, and merchandise, donated by the owners of them, the proceeds of which shall be applied to any charitable or philanthropic purpose (but in no event to an organization that seeks to affect legislation).

PEDDLER – Any person engaged in peddling.

PERSON – Any individual, joint venture, association, partnership, trust, corporation, or other legal entity.

SOLICIT – To engage in the solicitation of any money or gift of any services, goods, wares, merchandise, or other articles of value by visits to private homes or residences without the direct invitation of the inhabitants, or on the public streets or highways of the Township, whether or not accompanied by the dissemination of information.

SOLICITOR – Any person engaged in soliciting.

STREET – Any street, road, highway, or alley and shall include the sidewalk within the lines of or alongside of the same.

Section 4. Posting. Any person who is the owner or lawful occupant of private property within the Township may prohibit the practice of going in or upon the private property of such owner or occupant by peddlers or solicitors by posting upon such property a sign that reads "no peddling or soliciting" or substantially similar language in a location that is reasonably visible to persons who intend to enter upon such property.

Section 5. Entry. Peddlers and solicitors are prohibited from entering upon any property that is posted with a "no peddling or soliciting" sign and may be prosecuted for trespassing. If such sign is posted, the peddler or solicitor, whether licensed in accordance with this Ordinance or not, shall immediately and peacefully depart from the property.

Section 6. Conduct of Peddlers and Solicitors. Every peddler and solicitor, whether licensed in accordance with this Ordinance or not, shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

A. The peddler or solicitor shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the peddler or solicitor is attempting to peddle or solicit to.

B. The peddler or solicitor shall not enter or attempt to enter any dwelling, house, or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.

C. The peddler or solicitor shall only engage in peddling or soliciting within the Township on Monday through Saturday during daylight hours. No peddling or soliciting shall be allowed on Sundays or on any state or federal legal holiday.

D. The peddler or solicitor shall not call out or shout to sell his or her services or goods, nor shall the peddler or solicitor use any loudspeaker or horn or other device for announcing his or her presence by which the public is annoyed.

E. The peddler or solicitor shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of peddling or soliciting, with or without any stand, counter, or cart.

F. The peddler or solicitor shall not peddle or solicit in any Township park without first acquiring a permit from the Township.

G. The peddler or solicitor shall not park any vehicle upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of sorting, rearranging, or cleaning any of his or her goods, wares, or merchandise or for the purpose of disposing of any carton, wrapping material, stock, wares, or foodstuffs.

H. The peddler or solicitor shall not operate from nor use in conjunction with his or her activities any vehicle with a gross vehicle weight rating of 19,501 pounds or heavier.

I. The peddler or solicitor shall not engage in any activity that creates a public nuisance, disrupts traffic, or disturbs the peace and tranquility of the Township.

Section 7. Licensing of Commercial Peddlers/Solicitors. No person shall engage in peddling or soliciting in the Township of Millcreek without first having obtained a license to peddle or solicit as more fully set forth in this Ordinance.

A. Any person desiring to engage in peddling or soliciting within the Township must first make application to the Township for a license. The Township may require such information in conjunction with this application as it deems appropriate, including, but not limited to: name and address; prior criminal record; name of employer; fingerprinting; photograph; the kind and type of the goods, wares and merchandise that are intended to be peddled, or the use to which funds solicited shall be put; the period of time the applicant intends to peddle or solicit; the type of vehicle(s) that the applicant uses, if any, and the license number(s) of those; the place where the applicant was engaged in peddling or soliciting immediately prior to filing this application, if any; the place where the applicant intends to go after completion of the peddling or soliciting in the Township of Millcreek; any type of solicitation being made to the public. In addition, if an applicant is also required to obtain a license or permit from any County office, the applicant shall provide a copy of a valid County license or permit to the Township in conjunction with the application for a license.

B. Before issuing a license, the Township, in its sole discretion, may require an investigation of the applicant to obtain sufficient proof that the applicant is of good character and to confirm the accuracy of representations made in the application. By submitting an application for a license, the applicant agrees to wait a reasonable amount of time for an investigation, which investigation may take no more than 10 business days from the date of application. If, as a result of an investigation, the applicant's business or moral character is found to be unsatisfactory or any representation is found to be false or misleading, the Township shall notify the applicant that the application has been disapproved and that no license will be issued.

C. No license issued under this Ordinance shall be transferable from one person to another.

D. License fees and license application forms shall be established from time to time by resolution of the Millcreek Township Board of Supervisors.

E. When a license is issued by the Township, the Township shall also issue to the licensee a badge identifying him or her as a licensed peddler or solicitor with the expiration date of the license stated on the badge. Every peddler or solicitor, when engaged in peddling or soliciting in Millcreek Township, shall wear the badge issued to him or her so that it is readily visible to Township residents, police officers, and Township officials. He or she shall also exhibit his or her license, upon request, to all Township residents, police officers and Township officials.

F. The alteration of any badge or license issued under this Ordinance shall be a violation of this Ordinance. The use of a badge or license by anyone other than the licensee named in the license or badge shall be a violation of this Ordinance.

G. All licenses shall expire after 90 days but may be renewed for additional ninety-day periods by request to the Township.

H. The issuance of a license grants the licensee the privilege of conducting such business or activity as is permitted by the license within the Township. The issuance of a license does not confer any property right upon the licensee.

Section 8. Exemptions From License Requirements. Persons engaged in door-to-door canvassing on religious or political subjects or for distributing religious or political handbills shall be exempt from the license requirements of this Ordinance. All such persons, however, shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the solicitor is attempting to solicit.

Section 9. Waiver of License Requirements. The application and license requirements may be waived by the Township for persons soliciting or peddling on behalf of organizations or purely public charities, such as local churches, scout troops, civic and service organizations, fire companies, athletic organizations, and the like; provided, however, that any such group must notify the Township in writing in advance of such peddling or soliciting setting forth the dates such peddling or soliciting will take place within the Township.

Section 10. Commonwealth Registration. Any person who is required to register with the Commonwealth of Pennsylvania in connection with peddling or soliciting for any charitable organization shall carry proof of this registration upon his or her person at all times and shall exhibit it upon the request of any person to whom the peddler or solicitor is attempting to peddle or to solicit.

Section 11. License Suspension or Revocation. The Township is hereby authorized to suspend or revoke any license issued under this Ordinance for any violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license. The Township is further authorized to refuse a license to any person with a criminal record and to any other person who would present a threat of harm or danger to the residents of Millcreek Township.

Section 12. Violations and Penalties. Any person who shall violate any of the provisions 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 \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that the violation of this Ordinance continues or each Section of the Ordinance that shall be found to have been violated shall constitute a separate offense.

Section 13. Civil Remedies. Notwithstanding anything in this Ordinance to the contrary, any enforcement of summary offenses under Section 12 above brought by or on behalf of Millcreek Township against a violator under this Ordinance shall in no way constitute an election of remedies, and the Township, and any other person having a cause of action against a violator, shall be entitled to pursue any such remedies against the violator as are provided by law or in equity.

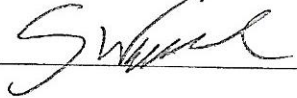
Section 14. Severability. The provisions of this Ordinance are severable, and in the event any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Supervisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal, or unconstitutional had not been included at the time of enactment.

Section 15. Repealer. Ordinance 7 of this Township, enacted September 4, 1968, is hereby repealed in its entirety. All other ordinances or parts of other ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed insofar as, but only insofar as, the same are inconsistent with the provisions of this Ordinance.

Section 16. Effective Date. This ordinance shall take effect and be in force five days after its enactment as provided by law.

DULY ENACTED AND ORDAINED on this 14th day of August, 2019, by the Board of Supervisors of the Township of Millcreek, Lebanon County, Pennsylvania.

BOARD OF SUPERVISORS
MILLCREEK TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA

ATTEST:


Secretary