

ORDINANCE NO. 121

AN ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA, TO DEFINE AND REGULATE PEDDLING AND SOLICITING OF FUNDS OR SERVICES; REQUIRING PEDDLERS AND FUND SOLICITORS TO SECURE LICENSES; PROVIDING FOR CERTAIN EXCEPTIONS THERETO; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of White, the County of Beaver, and Commonwealth of Pennsylvania, a Township of the Second Class, that:

WHEREAS, numerous complaints have been received by the Township Supervisors concerning peddlers and those soliciting funds or services within the Township, and

WHEREAS, the Board of Supervisors of the Township believe that unregulated peddling and soliciting of funds or services within the Township constitute a hazard to the comfort and safety of the inhabitants of the Township.

NOW, THEREFORE, be it enacted and ordained as follows:

SECTION 1. "Peddling," as used herein shall be construed to mean the administering of services or carrying of goods, wares, merchandise, and food products about, from house to house, or upon the avenues, streets, roads, highways, lanes, alleys or sidewalks in the Township of White, for purposes of sale. "Peddling" shall not include or apply to (1) farmers selling their own product, or (2) to any manufacturer or producer in the sale of milk and milk products, meat and meat products or bread and bakery products, or (3) to any persons taking orders for merchandise by sample from dealers or merchants, or (4) to insurance companies or their agents or insurance brokers, authorized to transact business under the Insurance Laws of the Commonwealth, or (5) to honorably discharged soldiers, sailors or marines of the military or naval services of the United States who have qualified as disabled, as set forth by the Act of 1935, P.L. 126, as amended by the Act of 1937, P.L. 1191.

SECTION 2. "Soliciting," as used herein shall be construed to mean and include (1) the going from house to house within the Township for the purpose of requesting gifts or donations of cash, or anything of value, for any type of philanthropic or charitable organizations, society, non-profit corporation or welfare purpose; (2) the sale of any tickets whether by house to house or through one central location or several points or distribution within the Township, the proceeds of which are designated for a philanthropic or charitable organization, society, non-profit corporation or welfare fund; and (3) the requesting of gifts or donations of cash or anything of value at one or more locations within the Township of White for a philanthropic or charitable organization, society, non-profit corporation or welfare fund.

SECTION 3. Hereafter it shall be unlawful for any person to engage in peddling or the soliciting of funds as hereinbefore defined, without having first obtained a license there for or being exempt from the terms of this Ordinance in the manner hereinbelow set forth, or after revocation or expiration of said license or after revocation or expiration of the exemption granted in accordance with the terms of this Ordinance.

SECTION 4. Licenses shall be granted only to citizens of the United States of America. Licenses shall be valid only for a current calendar year and shall not be assignable nor transferable.

SECTION 5. Applications for licenses shall be presented to the Township Secretary and shall be in writing and shall be verified by the affidavit of applicant and shall set forth; name; sex; home and business addresses of applicant; citizenship of applicant; whether or not applicant has ever been convicted of any crime or misdemeanor, and, if so, the details of the same; whether or not applicant has ever been denied a similar license by any other unit of government and, if so, all details in connection therewith; whether or not any other unit of government has revoked or cancelled a similar license and, if so, all details in connection therewith. If a vehicle is to be used, Applicant shall state the license number of said vehicle, and in addition thereto, the applicant shall also set forth any other information which shall be specified by the Board of Township Supervisors. Applicant shall also furnish two recent photographs, profile, of applicant. All photographs shall be not less than two inches by three inches, in size. Applicant shall also state his or her weight, age, race, color of hair and complexion.

SECTION 6. Applications for license for peddling shall set forth complete list of all articles to be sold and a complete list of all goods, wares, food products, magazines and periodicals for which sales or orders will be solicited. Applications for the soliciting of funds shall set forth the name of the organization for which the applicant will solicit funds; the address of the home office of the said organization, together with the address of the nearest local branch of said organization; the name of the President or other chief executive officer; the Secretary, together with his or her mailing address; the Treasurer, together with his or her mailing address; the name and address of the nearest local individual having charge of the fund raising for said organization for the current year for which application is being made; and the purpose for which applicant proposes to solicit under the license if granted.

SECTION 7. Licenses shall be issued only to an individual and no licenses shall be issued to a society, organization, partnership, firm or corporation desires to peddle or solicit funds, each individual person doing the peddling or soliciting of funds must be licensed.

SECTION 8. The Secretary shall exhibit all applications for licenses to the Township Supervisors at their next regular meeting, at which time applicant shall appear and be examined by the Supervisors, who shall then decide whether or not a license shall be issued, and, if so, the applicant shall pay the fees hereafter required, and the Secretary shall issue the license. Failure of an applicant to appear in person before the Supervisors shall be construed to constitute a withdrawal of the application.

SECTION 9. If any application shall be approved by the Board of Supervisors, a license shall be issued for the current calendar year by the Secretary of the Board of Supervisors upon payment of a fee of Fifty (\$50.00) Dollars. The Application and one copy of each photograph shall be on file with the Township Secretary. The license, with a copy of each photograph attached, shall be furnished to applicant, who shall have the same with him at all times when he is peddling or soliciting funds in the Township or White. No person shall receive a license for the use of more than one vehicle for peddling or engaging in the soliciting of funds pursuant to any license issued.

All applicants, before receiving a license, shall give a bond, with Corporate Surety, in the sum of One Thousand (\$1,000.00) Dollars to the Township conditioned for complying with all ordinances of the Township and for keeping the peace. All licenses must exhibit their licenses to any Township Officer, Official, Pennsylvania State Policeman, or any other law enforcement officer engaged in his official duties within the Township of White. No licensee shall peddle within the Township before 9:00 o'clock A.M. or after 5:00 o'clock P.M., Eastern Standard Time or Eastern Daylight Saving Time, as the case may be, except that this provision shall not apply to regular deliveries of wares and goods upon established routes or to the delivery of goods which have been previously ordered by the purchaser. No licensee shall solicit funds before 9:00 o'clock A.M. and after 9:00 o'clock P.M., Eastern Standard Time or Eastern Daylight Saving Time, as the case may be. No licensee for peddling shall cry his articles for sale nor shall he announce his presence by the ringing of bells (except the customary house doorbells) or by other sounds or noise.

SECTION 10. Any license may be revoked by the Board of Supervisors for any violation of any Township Ordinance, or for any violation of law, or for breach or disturbance of the Peace, or for fraud or misrepresentation in securing the license, or for any other good and sufficient cause. Upon such revocation, the Secretary shall so indicate on the Township records and the licensee shall, upon notice thereof, given by certified mail to the address of the licensee stated on his application, immediately surrender the license previously issued for cancellation.

SECTION 11. The Board of Township Supervisors shall have the right and authority to, from time to time, by resolution duly adopted by the said Board, exempt from certain terms and provisions of the ordinance relating to the soliciting of funds, persons soliciting for such philanthropic or charitable organization as shall be specifically stated in any resolution adopted by the Board of Supervisors exempting the same from the terms and provisions of this Ordinance requiring the securing of a license provided, however, that the exemption granted in any resolution adopted by the Board of Supervisors shall be applicable only to the calendar year in which said resolution is adopted and only to individual soliciting for the charitable or philanthropic organization specified in said resolution. Further, said exemption shall apply to only the necessity of making application for and securing a license and the posting of bond in connection therewith and shall not exempt the said individuals from all other provisions of this Ordinance regulating the soliciting of funds within the Township of White.

SECTION 12. Any person, firm or corporation, who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof, by summary proceedings as provided by the Second Class Township Code, be sentenced to pay a fine, not exceeding the sum of Five Hundred (\$500.00) Dollars for any single violation of the Ordinance. Each day that any person shall so violate any of the terms and provisions hereof shall constitute a separate offense, and upon default in payment of the fine and costs, said person shall be committed to the County Jail for a period not in excess of Thirty (30) Days for each offense.

SECTION 13. The terms and provisions of each section of this Ordinance shall be deemed to be severable and independent of each other; and in the event any term or provision of this Ordinance is declared by any Court to be invalid or unconstitutional, the invalidity of said term or provision shall not in any way affect the

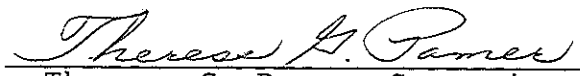
validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Board of Supervisors that all terms of this Ordinance shall be completely independent and severable.

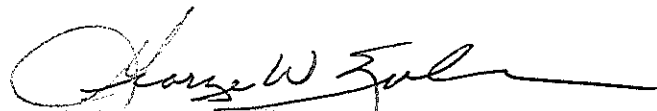
SECTION 14. All prior Ordinances or parts of Ordinances heretofore adopted are hereby revoked insofar as said Ordinances or parts of Ordinances are inconsistent with the terms and provisions of this Ordinance.

ENACTED AND ORDAINED this 7<sup>th</sup> day of December, 2004  
by the Board of Supervisors of the Township of White, the County of  
Beaver and Commonwealth of Pennsylvania.

SIGNED:

  
Thomas A. Bozic, Chairperson

  
Therese G. Pamer, Supervisor

  
George W. Zubrowski, Supervisor

ATTEST:

  
Deborah L. Kaszer, Secretary