

JACKSON TOWNSHIP
ORDINANCE NO. 91/104
SOLICITING/PEDDLING ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGISTRATION, REGULATION AND CONTROL OF SOLICITING AND PEDDLING IN JACKSON TOWNSHIP, MONROE COUNTY, PENNSYLVANIA.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: DEFINITIONS

A. EXEMPTIONS - No license shall be required or fee charged to any of the following:

1. To farmers selling their own produce;
2. For the sale of goods, wares and merchandise donated by owners thereof, the total net proceeds whereof are to be applied to any charitable or philanthropic purpose;
3. Boy Scouts, Girl Scouts, School or Township Community Fund Raisers, Charitable or Religious Groups.

B. PEDDLER - a peddler is any person, whether a resident of Jackson Township, Commonwealth of Pennsylvania, or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meat, fish, vegetables, fruits, truck garden or farm products or provisions, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. The word "peddler" shall include the words "hawker" and "huckster".

C. SOLICITOR - a solicitor is any person, whether a resident of Jackson Township, Commonwealth of Pennsylvania, or not, traveling either by foot, wagon, automobile, motor truck or any type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever, for future delivery, or for services, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment of such sales or not.

SECTION 2: PERMIT REQUIRED

Every person whether as principal or agent (except for the individuals and/or organizations set forth under the definition of "Exemptions" set forth above) is forbidden to solicit, hawk or peddle any merchandise or any articles of trade or solicit funds or monies or merchandise door to door within the Township of Jackson, unless and until a permit is obtained.

SECTION 3: APPLICATION FOR PERMIT

A. APPLICATIONS for licenses by solicitors and peddlers as required above, shall be made to the Zoning & Codes Officer, shall be sworn and in writing and shall contain the following information:

1. Name and physical description of applicant;
2. Address;
3. A brief description of the nature of the business to be conducted and the goods to be sold, and, if the goods are farm or orchard products, a statement whether they are produced or grown by the applicant;
4. If applicant is employed, the name and address of the employer, together with credentials establishing exact relationship;
5. The length of time for which the right to do business is desired;
6. If a vehicle is to be used, a description of the same, together with Pennsylvania State Vehicle License number or other means of identification;
7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, and if so, the nature of the offense, and the punishment or penalty assessed therefore;
8. The applicant shall present two photographs, 1¼" by 1½", of himself or herself.

B. LICENSE FEES for Solicitors and Peddlers shall be:

1. Twenty-five (\$25) Dollars per year; however, said fee may be increased or decreased by the Supervisors of Jackson Township, Monroe County, Pennsylvania, as set forth in subparagraph 3 hereinafter.

2. Additional licenses may be issued to employees of a license holder on the payment of the said fee as determined by virtue of sub-paragraph one (1.) above for each employee after approval and investigation by the Zoning & Codes Officer.

3. The Supervisors shall have the right and the authority to prescribe fees for issuance of permits and to amend the fee schedule upon public notice by resolution from time to time.

SECTION 4: INSPECTION OF PERMIT

A. Every permittee soliciting, hawking, or peddling door to door within the limits of Jackson Township, Monroe County, Pennsylvania, shall upon request, produce the permit for inspection.

SECTION 5: REGULATIONS

A. A peddler or solicitor, or any person on this behalf, shall not:

1. Shout, make an outcry, blow a horn, ring a bell or use any sound device or musical instrument, including any loud speaking radio or sound amplifying system, on any of the streets, alleys, parks or other public places of the Township or on any private premises in the Township where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard on the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell;

2. Have any exclusive right to any location in the public streets, shall not be permitted a stationary location and shall not be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance the judgment of the Zoning & Codes Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced;

3. Sell or offer for sale goods, wares or merchandise from vehicles on any of the public streets of the Township provided, however, that the prohibition herein contained shall not include the peddling from door to door or from vehicles, of fresh food products of farm and garden, not bona fide deliveries of goods, wares, merchandise or food made on a regular route to regular customers;

4. Solicit or peddle from 7:00 P.M. to 10 A.M., or at any time when a sign has been posted on a building or property stating "No solicitors or peddlers", or words to that affect, except that a licensed solicitor or peddler may call upon the occupant of a residence at other times when he has received express prior permission from such occupant to do so;

5. Cast, throw, distribute, deposit, scatter, pass out, give away, circulate or deliver any commercial or business handbill, dodger, circular or other advertising material or device to any residence or business, or leave the same on any porch, doorstep or vestibule, driveway, thereof, or in any yard or public hallway thereof, or on any vacant lot or other private property in the Township without first having obtained the express consent or without the express request of an adult resident or occupant thereof;

6. Cast, throw, deposit, leave upon, distribute, scatter, pass out, give away, circulate or deliver to any premises any commercial advertising sample or device or other merchandise of any kind, except into the hands of an adult person who resides upon or occupies such premises.

SECTION 6: PENALTIES

A. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Three hundred (\$300) Dollars, or more than Two-thousand Five-hundred (\$2,500) Dollars together with costs of the proceeding. Every day that a violation of any part of this ordinance continues shall constitute a separate offense.

SECTION 7: SEVERABILITY

A. The provisions of this ordinance are severable and if any provision is held to be invalid, the decision so holding shall not be construed to affect or impair the remaining provisions of this ordinance. It is hereby declared as the intent of the Supervisors that this ordinance would have been adopted had such invalid provision not been included.

SECTION 8: REPEALER

A. All ordinances or any parts of this ordinance inconsistent with the provisions of this ordinance are hereby repealed.

IN RE: AN ORDINANCE PROVIDING FOR THE
REGISTRATION, REGULATION, AND CONTROL OF SOLICITING AND
PEDDLING IN JACKSON TOWNSHIP, MONROE COUNTY, PENNSYLVANIA.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance proposed to be adopted for the above purposes by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, on the 14th day of November, 1991.



ROBERT C. LEAR
CODES ENFORCEMENT SOLICITOR

ORDAINED AND ENACTED into an Ordinance this 14
day of NOV, 1991.

TOWNSHIP OF JACKSON

BY: Edward N. Possinger
Edward N. Possinger, Chairman

BY: Jack B. Rader, Jr.
Jack B. Rader, Jr., Vice Chairman

BY: Robert E. Moore
Robert E. Moore, Supervisor

ATTEST: Jacqueline R. Romanski
Jacqueline R. Romanski
Secretary/Treasurer