

ORDINANCE NO. 207

**AN ORDINANCE REGULATING PEDDLING AND SOLICITATION
WITHIN THE TOWNSHIP OF NEW SEWICKLEY AND PRESCRIBING
PENALTIES FOR VIOLATION**

BE IT ENACTED AND ORDAINED by the Township of New Sewickley, Beaver County, Pennsylvania and it is hereby enacted and ordained by the authority of the same.

Section 1. License Required.

It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale, any goods, commodity, or services in, or to solicit funds or donations of any kind, or disseminate information upon or along any of the public streets, alleys, or public places of the Township of New Sewickley, or by going from house to house for such purposes, without having first procured a license to do so. "Sell" and "offer for sale" shall be defined to include any interaction that primarily proposes a commercial transaction.

Section 2. Licensing Procedure; Operating Regulations.

- (a) It shall be the duty of any person, firm, corporation, or association engaging in any activity set out in Section 1, within the limits of the Township of New Sewickley, to make application to the Township Secretary for a license to do so. It shall be the duty of the Township Secretary to investigate the said application, with regard to accuracy of the information on the application and any record of unsafe, criminal or fraudulent conduct of the applicant.
- (b) The license referred to in this section shall issue upon filing of a completed application unless the Township Secretary informs the person, firm, corporation or association in writing and within 10 days of the date of application that the Township Secretary can show that the person, firm, corporation or association is seeking to engage in unsafe, illegal, fraudulent or criminal activity, or has made a material misrepresentation on the license application.
- (c) In order to preserve the right of Township residents to enjoy the peace and tranquility of their homes without unreasonable interruption or annoyance during times when door-to-door solicitations are most unwelcome, it shall be unlawful for any person, firm,

corporation, or association to sell or offer for sale any goods, commodity, or services, or to solicit funds or donations of any kind, or disseminate information in, upon, or along any of the public streets, alleys, or public places of the Township of New Sewickley, or by going from house to house for such purposes between the hours of 8:00 p.m. and 10:00 a.m., or all day on Sundays or other business holidays recognized as such holidays by the Commonwealth of Pennsylvania.

- (d) No activity described in Section 1 shall be done on any private property posted with no-solicitation signs, and any such violation will be considered a trespass subject to the criminal laws of the Commonwealth.
- (e) The license application referred to in Section 2 shall require only information sufficient to allow the person, firm, corporation, or association engaging in activity described in Section 1, to be contacted by a New Sewickley Township citizen or by New Sewickley Township. This information shall include the name, address, and phone number of the person, firm, corporation, or association engaging in activity described in Section 1. The application shall also require a brief description of the goods, commodity, or service to be sold or offered for sale. If the applicant is a business enterprise of any kind, the application shall also include the official name of the business, any alternate names under which the enterprise conducts business, its state of incorporation, its tax identification number, and its registered address for accepting service of process.
- (f) Any religious, charitable, political, philanthropic, public interest or community service organization, society, association or corporation shall be exempt from the provisions of this ordinance.
- (g) Roadside peddlers shall be subject to the following additional restrictions:
 - 1. No temporary or permanent structures shall be permitted within the right-of-way of any public street, highway or thoroughfare.
 - 2. Parking shall be provided off the paved portion of any public street, highway or thoroughfare adequate to prevent the interference with traffic traveling on the paved portion of any public street, highway or thoroughfare.

3. Sight distance shall be provided to assure that any person stopping to purchase items or persons traveling on the public street, highway or thoroughfare shall be adequate to assure the safe movement of vehicles and pedestrians.
4. Written permission or a lease shall be provided, signed and notarized by the owner of the land whereon the place of business is established authorizing the person to establish the place of business.
5. No person shall have any exclusive right to any location in the public street, highway or thoroughfare, nor shall any location be permitted in a congested area where such operation might impede, inconvenience or pose a threat to the public use of such streets, thoroughfares or highways.

Section 3. Fees.

The Board of Supervisors of New Sewickley Township shall establish, by resolution, a schedule of fees for the obtaining of permits required under the provisions of this part. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the Board of Supervisors. The issuance of a permit shall be contingent upon the payment of the proper fee as established by the resolution and the fee schedule.

Section 4. Appeals.

If any person, firm, corporation, or association is denied a license pursuant to Section 2, that denial shall, at the written request of the person, firm, corporation or association be reviewed by the New Sewickley Township Board of Supervisors at their regularly-scheduled meeting occurring in the month following the date of the denial of the application. The license shall be deemed approved unless the New Sewickley Township Board of Supervisors, by majority vote, finds that the person, firm, corporation, or association is seeking to engage in unsafe illegal, fraudulent, or criminal activity, or has made a material misrepresentation on the license application.

Section 5. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this part, upon conviction thereof in any action brought before a 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 reasonable attorney fees incurred by the Township and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.

Section 6. Severability.

The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

Section 7. Repealer.

Enactment of this Ordinance shall repeal Ordinance No. 9 and Ordinance No. 79 of the Township of New Sewickley.

This Ordinance shall take affect five (5) days after its adoption by the Board of Supervisors.

ADOPTED AND ORDAINCE AND ENACTED this 2nd day of May, 2017.

NEW SEWICKLEY TOWNSHIP

By: Walter C. Beyhag

ATTEST:

Patricia Duff
Township Secretary