

TOWNSHIP OF CENTRE

ORDINANCE NO. 13

AN ORDINANCE REGULATING SOLICITING AND PEDDLING WITHIN THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED and ENACTED by the Board of Supervisors of the Township of Centre, Berks County, Pennsylvania, and it is hereby ORDAINED and ENACTED as follows:

SECTION 1.

(a) The word "soliciting" as used in this Ordinance shall mean the seeking or taking of contracts or orders for any goods, wares, services, or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the Township of Centre, Berks County, and shall further mean the seeking or taking of contracts or orders for home or other building repairs; improvement and alterations; and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for house; or other building improvements or repairs, upon or from the places aforesaid within the said Township.

(b) The word "peddling" as used in this Ordinance shall mean the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery which the person selling or

offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks; or for future delivery, or from house to house; or by visitation to private residences; or by entering in or upon private property; within the said Township.

PROVIDED: The words "soliciting" and "peddling" shall not apply:

(1) To farmers seeking or taking orders for the sale of their own products.

(2) To the seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products, or milk and milk products, or local district newspapers.

(3) To the sale of goods, wares, and merchandise donated by the owners thereof; the proceeds whereof are to be applied to any charitable or philanthropic purpose.

(4) To any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended, and who procures from the Prothonotary of the proper County a certificate in pursuance of the said Act of Assembly.

(5) To persons, corporations, partnerships and associations their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes.

(6) To any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

(c) The word "solicitor" as used in this Ordinance shall mean any person who shall engage in soliciting as hereinabove defined.

(d) The word "peddler" as used in this Ordinance shall mean any person who shall engage in peddling as hereinabove defined.

(e) The word "person" as used in this Ordinance shall mean any natural person, association, partnership, firm, organization, or corporation.

(f) In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2.

No person shall engage in soliciting or peddling in the Township of Centre without first having taken out a license as herein provided.

SECTION 3.

Every person desiring to engage in soliciting or peddling in the Township of Centre shall first make application to any of the Supervisors or to the Secretary of the Board of Supervisors or to the Chief of Police for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application exhibit a valid county license. The said application shall be upon a blank provided by the Township Supervisors and shall contain at least the following information verified by oath or affirmation.

(a) Full name of the applicant and local address, if any.
(b) Permanent address.
(c) Name of employer or a statement that such applicant is self-employed.

(d) The nature of the goods, wares, services or merchandise offered for sale.

(e) A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed thereon. This shall not include parking penalties, but shall include all other traffic violations.

(f) The type of vehicle to be used, if any.

(g) Upon request, the applicant shall also submit to fingerprinting and furnish a photograph, PROVIDED:

Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him and an individual license shall be required for each helper. No license under this Ordinance shall be transferable from one person to another.

SECTION 4.

(a) No license shall be issued under this Ordinance until the sum of Ten Dollars (\$10.00) shall be paid to the Township Secretary for the use of the Township. At time each application is made a separate application shall be filed and a separate

permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

(b) In all instances, the Chief of Police shall investigate the application as to references, and any possible information available as to the product and or services petitioned by the application. The application and report of the Chief of Police shall be submitted to the Supervisors at their next regularly scheduled meeting, unless such meeting is less than two weeks from the filing of the application, in which event the matter may be considered either at the next meeting or at the regular meeting following the next one.

(c) It is distinctly provided that the foregoing steps are for the protection of the residents of the Township but the grant of a permit in no way is a guarantee of the service or product and the Supervisors, their agents, employees are in no way responsible for the quality of service or products sold in the Township.

SECTION 5. The license granted pursuant to this Ordinance shall be valid for thirty (30) days after the date of such license. Upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee as here provided. Such licenses may be issued, in advance for consecutive thirty (30) day periods

not exceeding twelve in number, upon payment, in advance of the ten (\$10.00) dollar fee for the original period and two dollars and fifty cents (\$2.50) license fee for each thirty (30) day period subsequent to the original thirty (30) days.

SECTION 6.

Such license when issued shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the Township of Centre, carry such license upon his person and shall exhibit it upon request, to all police officers, township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

SECTION 7.

No person licensed as a solicitor or peddler under this Ordinance shall engage in soliciting or peddling on any day of the week before nine (9) o'clock, ante meridian, or after eight (8) o'clock, post meridian. During the time of the year when Eastern Standard Time is effective the aforesaid hours shall be Eastern Standard Time and during the time of the year when Daylight Savings Time is effective, the aforesaid hours shall be Daylight Savings Time.

SECTION 8.

No person licensed as a solicitor or peddler under this Ordinance shall park any vehicle upon any of the streets, highways,

or alleys of the Township in order to sort, re-arrange, or clean any of his goods, wares, services or merchandise; nor shall any such person place or deposit any refuse on any such streets, highways or alleys; nor shall any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

SECTION 9.

No person licensed as a solicitor or peddler under this Ordinance shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter.

SECTION 10.

The secretary shall keep a record of all licenses issued under this Ordinance and shall inform the Chief of Police of licenses issued hereunder. The Chief of Police shall supervise the activities of all holders of such licenses.

SECTION 11.

Any license issued under this Ordinance may be suspended or revoked at any time by the Secretary of the Township of Centre upon proof being furnished to him that the application contained false information or that the licensee was convicted of a crime involving moral turpitude after the issuance of such license or that the licensee was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of the Township of Centre.

SECTION 12.

No person licensed as a solicitor or peddler under this Ordinance shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

SECTION 13.

Any person who shall violate any of the provisions of this Ordinance shall, upon the conviction thereof, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars, and costs of prosecution for each and every offense, or in default of the payment of such fine and costs, to undergo imprisonment in the Berks County Prison for a period of one day for each dollar of fine and costs not paid, said term not to exceed thirty (30) days.

SECTION 14.

The provisions of this Ordinance shall be severable and if any of the provisions or sections, shall be declared unconstitutional or illegal by a Court of competent jurisdiction, the decision of such Court shall not affect the validity of the remaining provisions or sections, of this Ordinance; it is hereby declared by the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 15.

All Resolutions, Ordinances or, parts of Ordinances heretofore enacted inconsistent herewith are hereby repealed insofar as such inconsistencies may exist.

SECTION 16.

The supervisors call upon the citizens of the Township knowing of any infraction of this Ordinance to report same to the Township Secretary, the Chief of Police, or to a Board member immediately.

ENACTED into an Ordinance this 11th day of APRIL, 1973.

EFFECTIVE: APRIL 16, 1973.

Attest: George C. Seifert, Sec Wm. E. Spatz
Chairman
David E. Spohn
Raymond F. Stappell
Supervisors of the Township
of Centre, Berks County,
Penna.