

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF CLIFFORD, SUSQUEHANNA COUNTY, PENNSYLVANIA, REGULATING PEDDLERS AND SOLICITORS IN THE TOWNSHIP OF CLIFFORD BY REQUIRING LICENSES FOR PEDDLING AND SOLICITING; BY LIMITING THE TIME AND PLACE OF PEDDLIN; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS AND SOLICITORS; BY ESTABLISHING PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF; BY PROVIDING AT THE COST THEREOF NOTICES TO GIVE NOTICE OF SUCH LIMITED ACCESS TO PREMISES; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Clifford, Susquehanna County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Peddling and Soliciting Ordinance."

SECTION 2. Definitions and Interpretation.

a. The word "peddling", as used in this Ordinance, shall mean to sell, to offer for sale, to solicit or to take orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets in the Township of Clifford, or from door to door within the Township of Clifford, provided the word "peddling" shall not apply to:

1. farmers selling their own produce; or
2. the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or

3. any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

b. The word "soliciting", as used in this Ordinance, shall mean engaging in the soliciting of any money or gift of any goods, wares, merchandise or other articles of value, upon any of the streets in the Township of Clifford, or from door to door within the Township of Clifford, whether or not accompanied by the dissemination of information.

c. The word "peddler", as used in this Ordinance, shall mean any person who shall engage in peddling, as hereinabove defined.

d. The word "solicitor", as used in this Ordinance, shall mean any person who shall engage in soliciting, as hereinabove defined.

e. The word "person", as used in this Ordinance, shall mean any individual, joint venture, association, partnership, trust, corporation or other legal entity.

f. The word "street", as used in this Ordinance, shall mean any street, road, highway or alley and shall include the sidewalk within the lines of or alongside of the same.

g. In this Ordinance, the singular shall include the plural, and the plural shall include the singular, and the masculine shall include the feminine and the neuter.

SECTION 3. License Requirement. On or after the effective date of this Ordinance, no person shall engage in



peddling or in soliciting in the Township of Clifford without first having obtained a license to so peddle or solicit, respectively, as more fully set forth in this Ordinance.

SECTION 4. Application for License. Every person desiring a license to engage in peddling or in soliciting within the Township of Clifford shall make application therefor to the Township Secretary. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Further, if any such person shall be required to register with the Commonwealth of Pennsylvania in connection with soliciting for any charitable organization, he shall, when making such application, exhibit evidence of such Commonwealth registration. Upon such application, such person shall give his name; address; his criminal record, if any; the name of the person for whom he works; the nature of the goods, wares and merchandise that he intends to peddle or the use to which funds solicited shall be put; the period of time he intends to peddle or solicit; the type of vehicle that he uses, if any, and the license number thereof; the place where he was engaged in peddling or soliciting immediately prior to his making such application, if any; and the place where he intends to go after completion of his peddling or soliciting in the Township of Clifford. Notwithstanding anything herein stated to the contrary, each individual intending to peddle or solicit for or on behalf of any other legal entity shall make personal application for such license, which individual license shall be

required for each individual to engage in peddling or soliciting in the Township of Clifford. No license issued under this Ordinance shall be transferable from one person to another person.

SECTION 5. Investigation of Applicant. Before issuing a peddler's license or a solicitor's license, the Township Secretary, or his duly authorized agent, in the sole discretion of said Secretary or agent, may require an investigation of said applicant to obtain sufficient proof that the applicant is of good business and/or moral character and/or to confirm the accuracy of representations made in each such application. By submitting an application for a peddler's license or a solicitor's license, the applicant agrees to await a reasonable amount of time for such investigation, which investigation may take no more than ten (10) days from the date of application. If, as a result of such 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 Secretary, or his duly authorized agent, shall notify the applicant that such application has been disapproved and that no license shall be issued.

SECTION 6. License Fees. No license shall be issued under this Ordinance until the fee therefor, which shall be for the used of the Township of Clifford, shall have been paid to the Treasurer of the Township of Clifford by the applicant for such license. The fee for such license shall be Twenty-Five



Dollars (\$25.00).

SECTION 7. Issuance and Revocation of Licenses. Any license issued pursuant to this Ordinance shall be valid for a period of ninety (90) days from the date thereof. It shall be a privilege of the licensed person to conduct such business or activity as is permitted by the license, and no such license shall confer any property right upon the licensed person. Any license issued hereunder may be suspended at any time, upon written charge presented to the Township Secretary, alleging that the licensee has committed any violation of this Ordinance; has given any false or misleading information in connection with any application for such license; or has committed any violation of any other law, order, statute, regulation or rule in connection with the licensed business or activity. Any licensee may appeal from such act of revocation to the Board of Supervisors of Clifford Township at the next regular meeting thereof. No license fee or portion thereof shall be refunded in the case of revocation.

SECTION 8. Limitations on License. In addition to any other regulation in connection with a peddler's license or a solicitor's license contained herein or otherwise, the following restrictions shall apply:

a. Peddlers. No peddler having received a peddler's license under this Ordinance shall peddle in the Township of Clifford between the hours of 7:30 p.m. and 8:00 a.m., prevailing time. No peddler, having received a peddler's

license under this Ordinance, shall peddle at any premises within the Township of Clifford if, at a primary entrance to such premises there is posted at the time such peddler enters upon such premises, a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the peddler, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any peddler, whether licensed hereunder or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof. No peddler shall occupy any fixed location upon any of the streets or public places in the Township of Clifford for the purpose of peddling.

b. Solicitors. No solicitor, having received a solicitor's license hereunder, shall solicit in any premises within the Township of Clifford if, at a primary entrance to such premises there is posted at the time such solicitor enters upon such premises a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the solicitor, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any solicitor, whether licensed hereunder or not, who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof.

SECTION 9. Notices. Any person owning or occupying any building or portion thereof within the Township of Clifford, Susquehanna County, Pennsylvania, who desires to secure the



protection under the Notice Regulations contained in this Ordinance shall comply with the following requirements:

a. Such individual shall post at a primary entrance to such premises a notice which states "NO PEDDLERS OR SOLICITORS INVITED".

b. such notices shall be in block letters at least one (1) inch in height and shall be provided by the Township of Clifford to persons requesting them, at the cost thereof.

c. such notice so exhibited shall constitute sufficient notice to any peddler or solicitor, whether registered under this Ordinance or not, of the determination by the occupant or owner of such premises of the information contained on such notice.

SECTION 10. Penalties. Any individual, joint venture, partnership, trust or corporation who or which shall violate the provisions of this Ordinance, shall, upon judicial finding or verdict thereof, be subject to judgment for each such violation of not more than Six Hundred Dollars (\$600.00), plus costs of suit. Each day that a violation continues shall constitute a separate offense. All fines shall be paid to the Township of Clifford for its general use.

Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of Clifford Township against a person under this Ordinance shall in no way constitute an election of remedies, and the Township of Clifford, and any other person having a cause of action against such person, shall be entitled to pursue any such remedies.

against such person as provided by law or in equity.

SECTION 11. Severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 12. Repeal of Conflicting Ordinances. All existing ordinances or parts of ordinances, including, inter alia, Ordinance No. 41-1969 of the Township of Clifford entitled, "Peddler's Ordinance", together with the amendments and supplements thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 13. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ADOPTED this 12<sup>th</sup> day of October, 1991.

BOARD OF SUPERVISORS  
TOWNSHIP OF CLIFFORD

BY: \_\_\_\_\_

BY: T. R. Williams

BY: Edam Baron

Robert W. Kochmer