

**WEST PENN TOWNSHIP
SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 11 OF 2023

A RESOLUTION ESTABLISHING THE FORM OF PEDDLERS AND SOLICITORS APPLICATION UNDER ORDINANCE NO. 3 OF 1993; PROVIDING FOR CERTAIN REPEALERS AND VALIDITY; AND ESTABLISHING THE EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of West Penn Township adopted Ordinance No. 3 of 1993 regulating peddlers and solicitors in the Township of West Penn (the "Township"), including the requirement in Sections 3 and 4 thereof that every person engaging in peddling or soliciting in the Township is required to make application for and obtain a license from the Township.

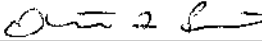
NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, in lawful session duly assembled, as follows:

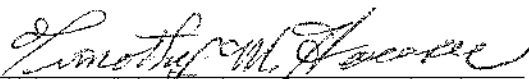
Section 1. Form of Peddlers and Solicitors Application. The form of application to the Township for a permit to peddle or solicit within West Penn Township shall be substantially in the form of the Application attached to this Resolution which is incorporated herein by reference.

Section 2. Miscellaneous. All Resolutions, or parts of Resolutions, insofar as they are inconsistent herewith, shall be and the same are hereby repealed. If any section or part of a section of this Resolution shall be declared invalid, such invalidity shall not affect the remaining parts or sections of this Resolution. It is hereby declared to be the legislative intent that this Resolution would have been enacted as if such invalid section, or portion thereof, had not been included therein. This Resolution shall take effect immediately upon adoption.

DULY ADOPTED this 5th day of June, 2023.

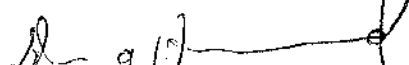
BOARD OF SUPERVISORS OF
WEST PENN TOWNSHIP

By: 
Anthony J. Prudenti, Chairman

By: 
Timothy M. Houser, Supervisor

ATTEST:


Katie Orlick, Secretary

By: 
Glenn Hummel, Supervisor

ORDINANCE NO. *3 of 1993*


AN ORDINANCE OF THE TOWNSHIP OF WEST PENN, SCHUYLKILL COUNTY, PENNSYLVANIA, REGULATING PEDDLERS AND SOLICITORS IN THE TOWNSHIP OF WEST PENN BY REQUIRING LICENSES FOR PEDDLING AND SOLICITING; BY LIMITING THE TIME AND PLACE OF PEDDLING; 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 West Penn, Schuylkill 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 West Penn, or from door to door within the Township of West Penn; 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.

4. yard sales limited in time and place;

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 West Penn, or from door to door within the Township of West Penn, 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.

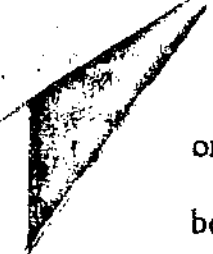
g. In this Ordinance, the singular shall include the plural, and the plural shall include the singular, and the masculine shall include the feminine and the



neuter.

SECTION 3. License Requirement. On and after the effective date of this Ordinance, no person shall engage in peddling or in soliciting in the Township of West Penn 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 West Penn shall make application therefor to the Township Chief of Police. If such person shall also be required to obtain a license from any county officer, he shall, when making such applications, 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 West Penn. Notwithstanding anything therein 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 West Penn. 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 Chief of Police, or his duly authorized agent, in the sole discretion of said Chief of Police or agent, may require an investigation of the 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 Chief of Police, 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 use of the Township of West Penn, shall have been paid to the Treasurer of the Township of West Penn by the applicant for such license. The fee for such license shall be Fifty (\$50.00) Dollars.


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 Chief of Police, 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 West Penn 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 West Penn 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 West Penn 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, 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. No peddler shall occupy any fixed location upon any of the streets or public places in the Township of West Penn 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 West Penn 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. Display of License. Every license holder shall carry such license upon his person, if engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Township officials and citizens or residents of the Township.

SECTION 10. Prohibited Acts. No person engaged in any transient retail business shall:

- a. Sell any product or type of product not mentioned in his license;
- b. Hawk or cry his wares upon any street, alley, sidewalk or public ground; nor use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed;



c. When selling from a vehicle, stop or park such 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;

d. Park any vehicle upon any street or alley in the Township for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any cartons or wrapping material or of any stock of wares or foodstuffs which may have become unsalable through handling, age, or otherwise;

e. Engage in any such business, on a house-to-house business, at any time on Sunday, or on any other day of the week at any time before eight o'clock A.M. or after five o'clock P.M., except on advance appointments;

f. Go in or upon any private residence in the Township without having been requested or invited to do so by the owner or occupant of such residence;

g. Occupy any fixed location upon any of the streets, alleys, or sidewalks of the Township for the purpose of conducting any transient retail business, with or without any stand or counter.

SECTION 11. Notices. Any person owning or occupying any building or portion thereof within the Township of West Penn, Schuylkill 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

SECTION 14. Repeal of Conflicting Ordinances. All existing ordinances or parts of ordinances, including, inter alia, Ordinance No. 41-1969 of the Township of West Penn 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 15. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ADOPTED this 4th day of October, 1993.

BOARD OF SUPERVISORS
TOWNSHIP OF WEST PENN

BY: Lionel M. Houser

BY: Robert F. Stegman

BY: William H. Hofflich

ATTEST
[Signature]