

**NEWBERRY TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 360**

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**AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK COUNTY, PENNSYLVANIA, REGULATING PEDDLING, CANVASSING AND SOLICITING WITHIN THE TERRITORIAL LIMITS OF NEWBERRY TOWNSHIP; REQUIRING SOLICITORS TO OBTAIN A REGISTRATION AND IDENTIFICATION CARD PRIOR TO SOLICITING WITHIN NEWBERRY TOWNSHIP; PROVIDING APPLICATION PROCEDURES FOR INDIVIDUALS WISHING TO PEDDLE, CANVASS OR SOLICIT WITHIN NEWBERRY TOWNSHIP; SETTING FORTH STANDARDS OF CONDUCT FOR EVERY PERSON ENGAGED IN PEDDLING, CANVASSING OR SOLICITING WITHIN NEWBERRY TOWNSHIP; PROVIDING FOR THE REVOCATION OF IDENTIFICATION CARDS; PROVIDING CERTAIN EXCEPTIONS TO THE REGISTRATION AND LICENSING REQUIREMENTS; ESTABLISHING THE LICENSING FEE TO BE COLLECTED BY NEWBERRY TOWNSHIP; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE.**

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**WHEREAS**, Newberry Township has previously regulated transient merchants conducting business within the territorial limits of Newberry Township; and

**WHEREAS**, the Second Class Township Code of the Commonwealth of Pennsylvania authorizes the Township to license and regulate transient merchants conducting business within the Township; and

**WHEREAS**, Newberry Township wishes to revise and update the Ordinance regulating transient merchants who conduct business within the territorial limits of Newberry Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the Board of Supervisors of Newberry Township as follows:

**SECTION 1. TITLE.**

This Ordinance shall be known and may be cited as the "The Newberry Township Peddling, Canvassing or Soliciting Ordinance."

**SECTION 2. DEFINITIONS AND WORD USAGE.**

The following words shall be construed to have the meanings set forth below. The singular number includes the plural, and the masculine includes the feminine and neuter.

**PEDDLING, CANVASSING OR SOLICITING** - The taking of orders for goods, wares or merchandise, including subscriptions for magazines or other printed matter, the obtaining of contracts for home and building devices, repairs and improvements and the securing of contributions to various causes and organizations, from house to house, or upon any street or sidewalk in the Township. These terms do not include religious or political proselytizing, political candidates or representatives canvassing for votes.

**PERSON** - Any natural person, association, partnership, firm or corporation.

**TOWNSHIP** - Newberry Township.

### **SECTION 3. REGISTRATION AND IDENTIFICATION CARD REQUIRED.**

Except as otherwise provided in this Ordinance, no person shall engage in peddling, canvassing or soliciting in the Township without first having registered with the Township and having obtained an identification card from the Township.

### **SECTION 4. APPLICATION PROCEDURE.**

A) Any person desiring to engage in peddling, canvassing or soliciting shall submit a written application to the Township on a form to be furnished by the Township.

B) The applicant shall state his name, age, sex, home address, business address, name and address of employer, if any, what he desire to canvass, peddle and solicit for, the length of time he wishes to engage in this work and the make and type of vehicle, if any, he will use, its registration number and whether he has ever been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude.

C) The Township will issue to the applicant an identification card within ten (10) days from the date of filing of the application, unless the application is rejected by the Township based on findings made by the Newberry Township Police Department.

D) An identification card will not be issued to any person who has been convicted of a felony, misdemeanor or a crime of any kind involving moral turpitude and such person shall not be allowed to engage in canvassing, peddling or soliciting in the Township.

E) An identification card will be valid for the period of time for which the applicant has paid the required license fee. Such card may not be transferred from one person to another.

### **SECTION 5. STANDARDS OF CONDUCT.**

Every person engaged in peddling, canvassing or soliciting within the confines of Newberry Township shall, in the conduct of his activities, comply with the following standards of conduct:

A) He shall conduct himself at all times in an orderly and lawful manner.

B) He shall carry his identification card at all times and exhibit it upon request to any police officer or to any person on whom he shall call or with whom he shall talk, or if not registered and licensed under this Ordinance, he shall identify himself by means of a firm or corporate identification card or a valid Pennsylvania State motor vehicle driver's license.

C) He shall not permit any person to have possession of his identification card and shall immediately report its loss to the Township. He shall not cause or permit his identification card to be altered or defaced in any way.

D) He shall not engage in peddling, canvassing or soliciting before 8:00 a.m. nor after 8:00 p.m., prevailing time.

E) He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.

F) He shall not be guilty of any false pretense or misrepresentation, and particularly, he shall not represent his identification card to be an endorsement of himself or his goods or services or of the goods or services of his employer by the Township.

G) He shall immediately surrender his identification card to the Township upon revocation thereof

H) He shall give a written receipt for all orders taken within Newberry Township where a down payment is received, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares, merchandise or services ordered, the total purchase price thereof and the amount of the down payment received by the solicitor from the purchaser.

#### **SECTION 6. REVOCATION OF IDENTIFICATION CARD.**

Any identification card may be revoked by the Township if the holder fails to comply with the standards of conduct contained in Section 5 hereof or any of them or upon ascertainment by the Newberry Township Police Department that the holder has made a false statement in his application.

#### **SECTION 7. EXCEPTIONS.**

The Township reserves the right to have all the following named groups be subject to the registration and licensing requirements of this Ordinance, except that the license fee shall be waived. All other provisions of this Ordinance will be applicable to the following:

A) Boys or girls under nineteen (19) years of age who take orders for and deliver newspapers, greeting cards, candy, submarine sandwiches and the like for Boy Scouts, Girl Scouts, schools, churches or other charitable and civic organizations.

B) Persons delivering or distributing goods or services previously ordered or contracted for by the person to whom they are delivered or distributed.

C) Persons who deliver milk, bread, gasoline, kerosene or other heating and/or cooking fuels.

D) Persons who work for an organization which has registered with the Pennsylvania Department of State under the Solicitation of Charitable Funds Act, Act of August 9, 1963, P.L. 628 (see 10 P.S. §160-1 et seq.), and produce such proof of such current registration.

E) Persons who are acting as representatives of accredited war veterans organizations.

F) Farmers who are selling their own produce that is raised or produced on their farm.

G) Persons engaged in interstate commerce.

H) Persons engaged in religious public ministry, public political activity and other non profit group activity of a non commercial nature.

#### **SECTION 8. LICENSE FEE.**

The license fee shall be established by Resolution adopted by the Board of Supervisors of Newberry Township. The Township shall indicate on the identification card the period of time for which the required license fee shall have been paid.

#### **SECTION 9. VIOLATIONS AND PENALTIES.**

Any person who shall engage in peddling, canvassing or soliciting without registering with the appropriate Township officer or any person, whether or not required to be registered and licensed under this Ordinance, who shall violate any of the other provisions of this Ordinance shall, upon conviction thereof before a District Justice, be subject to a fine or penalty of not more than Six Hundred (\$600.00) Dollars, plus costs of prosecution and shall be subject to imprisonment not to exceed ninety (90) days. Such fine or penalty shall be collected as like fines or penalties are now by law collected.

#### **SECTION 10. SEVERABILITY.**

The provisions of this Ordinance shall be severable, and if any of the provisions of 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 to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

**SECTION 11. REPEALER.**

Newberry Township Ordinance No. 317, entitled, "An Ordinance Regulating Soliciting and Peddling Within the Township of Newberry, York County, Pennsylvania, Requiring Solicitors and Peddlers to Obtain Licenses, Establishing License Fees, Providing for the Enforcement Thereof and Penalties for Violation Thereof," is hereby repealed in its entirety, and any Ordinance of Newberry Township, or part thereof, that conflicts with the terms and provisions hereof is hereby repealed.

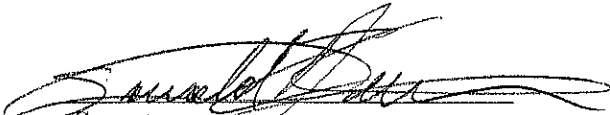
**SECTION 12. EFFECTIVE DATE.**

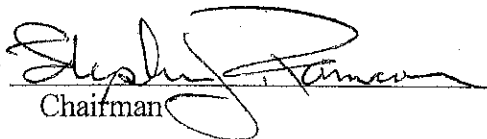
This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of Newberry Township this 23<sup>rd</sup> day of February, 2010.

ATTEST:

**BOARD OF SUPERVISORS OF  
NEWBERRY TOWNSHIP**

  
Secretary

By:   
Chairman