

**TOWNSHIP OF LIBERTY
ADAMS COUNTY, PENNSYLVANIA
ORDINANCE NO. ____ OF 2024**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LIBERTY TO
PROVIDE PEDDLING AND SOLICITING REGULATIONS FOR LIBERTY TOWNSHIP**

WHEREAS, Section 1532 of the Pennsylvania Second Class Township Code provides Supervisors with the right to regulate and license transient merchants conducting business within the Township; and

WHEREAS, the Board of Supervisors have determined, upon full consideration of the matter, that for the health, welfare and safety of its residents it is desirable to adopt regulations governing solicitors and itinerant merchants, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Liberty Township that the “Code of the Township of Liberty, PA” shall be amended as follows:

Section 1. A new Chapter 209 entitled “Peddling and Solicitation” shall be added to the Code of the Township of Liberty, PA as set forth below:

§ 209-1. Definitions.

The definitions as set forth below are hereby incorporated into this chapter.

GOODS or MERCHANDISE

Any personal property of any nature whatsoever.

HOME SOLICITOR

A person who goes from house to house or from place to place soliciting or canvassing money, gifts or contributions for any purpose, selling or taking orders for or offering to sell or take orders for any goods, merchandise or services.

HOME SOLICITATION TRANSACTION

A transaction or the purchase of goods or services, payable in installments or cash, in which the home solicitor engages in a personal solicitation of a sale to a person at a residence other than his own. A home solicitation transaction shall not include a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale of realty in which transaction the purchaser is represented by a licensed attorney or in which the property is offered for sale by the owner.

ITINERANT MERCHANT

A person who sets up and operates a temporary business within the premises of another business or any other building or location within the Township, selling or taking orders for or offering to sell or take orders for any goods or services.

CHIEF OF POLICE

The Chief of Police of Liberty Township or other individual in charge of the Police Department.

RESIDENCE

Any separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SERVICES

The act of providing assistance, attention or professional aid to an individual or company in return for a fee, profit, gain or other compensation.

SOLICITING

Canvassing or seeking money, gifts or contributions for any purpose, selling or attempting to sell goods or services, or to take or attempt to take orders for services or goods to be performed or furnished in the future.

TEMPORARY BUSINESS

An activity carried on or exercised for gain or profit, including but not limited to the purchase, sale, barter or exchange of merchandise, goods, wares or services for a period not to exceed 45 days in any calendar year.

§ 209-2. License required.

It shall be unlawful for any itinerant merchant or home solicitor to solicit, sell, display or offer for sale any goods or services within the Township without first obtaining a license from the Township. The license shall be valid for one (1) month or part thereof.

§ 209-3. Exceptions to license requirement.

No license shall be required under this chapter for:

Farmers selling their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose or the imposition of collection of any license fee upon insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.

§ 209-4. Application.

A. Any person who wishes to engage in home solicitation or any itinerant merchant who wishes to solicit within the Township shall file a written application with the Township, which application shall include:

- (1) Proof of the identity and home address of the applicant and the name and address of the employer or firm which such applicant represents.
- (2) A brief description of the nature, character and quality of the goods to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization or corporation along with written proof of authority to represent the company or individual stated in the application.
- (4) If a motor vehicle is to be used, a description of the vehicle together with the valid motor vehicle registration number and the valid license number.
- (5) A description of the proposed location(s) of the solicitation.

- (6) The period of time the applicant so wishes to solicit, sell or take orders in the Township.
 - (7) The names of other communities in which the applicant has worked as a solicitor in the past 12 months; and if that person was employed by a different company in those communities, the name of those companies shall also be stated.
 - (8) Whether the applicant has been convicted within the last five years for any misdemeanor or felony and provide what the nature of the violation was.
 - (9) Proof of sales tax permit issued by the state or proof that the goods sold are not subject to such sales tax.
- B. An itinerant merchant who makes application to offer goods for sale upon private property other than his own shall provide written proof that he has permission to use such property from the owner or the owner's agent.
 - C. Any temporary business shall not be allowed to cause public safety problems such as traffic congestion, hazardous parking conditions or blocking pedestrian rights-of-way. The existence of such conditions shall, in the opinion of the Chief of Police or his designee, constitute grounds for denial of application or forfeiture of permit.
 - D. The application shall be accompanied by an application fee of \$25.00 per month or any part thereof.
 - E. Upon expiration of a license, the solicitor or itinerant merchant may apply for a new license in the manner prescribed by this section.
 - F. The fees set forth in 209-4 (D) above may be revised by Resolution of the Liberty Township Board of Supervisors.

§ 209-5. Issuance of licenses.

- A. It shall be the duty of the Chief of Police, or his designee to issue such applicant a license to solicit or sell or take orders for such goods, services or merchandise set forth in the applicant's application within twenty (20) working days of the receipt of a completed application and prescribed fee unless it has been determined that the application contains false information. If the application contains false information or if issuance would constitute violation of any other conflicting statute or regulation, the Chief shall not issue the license.
- B. A license requested under this chapter shall be issued for the length of time requested, but no longer than one (1) month.

§ 209-6. License document.

- A. Upon issuance of a license, the licensee shall be issued a document which shall contain the name of the licensee, the license number and the date of expiration. The document issued to the home Solicitors applicant shall contain a photo of the applicant. Applicant shall provide said photo to Township.
- B. It shall be unlawful for any home solicitor or itinerant merchant to solicit within the Township without carrying the required licensed document on his or her person.
- C. It shall be unlawful for an itinerant merchant to solicit at locations other than those listed in the application for a license.
- D. It shall be unlawful for any person soliciting to fail or refuse to display such license document, and make same available for public or police inspection.
- E. It shall be unlawful for any person to duplicate or otherwise display a facsimile of a license document

issued pursuant to this chapter.

§ 209-7. Appeal from denial.

Any applicant aggrieved by the action of the Police Chief in the denial of an application for a license shall have the right of appeal to the Board of Supervisors. Such appeal must be filed by the applicant with the Township no more than 20 days after the mailing date of the notice of denial sent to the address listed on the application. The appeal shall be a letter containing a written statement setting forth the grounds for the appeal. A hearing on the denial shall be scheduled for the next regular meeting of the Board, to be held no sooner than ten days after the appeal has been filed with the Township. Notice shall be sent to the appellant at the address listed on the letter of appeal. The decision and order of the Board of Supervisors on such appeal shall be final and conclusive.

§ 209-8. Hours for home solicitation.

- A. A person shall not go upon any residential premises and ring the doorbell or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a home solicitation transaction:
 - (1) Before 9:00 a.m. or after 8:00 p.m. of any day, Sunday through Saturday; or
 - (2) At any time on State or Federal holidays.
- B. Subsection A shall not apply to a visit to the premises as a result of a request or an appointment made by the occupant.

§ 209-9. Prohibited conduct.

It shall be unlawful for a person engaged in soliciting under this chapter to:

- A. Misrepresent the purpose of the solicitation;
- B. Continue efforts to solicit from an individual once that individual informs the solicitor that he/she does not wish to make a purchase from that solicitor; or
- C. Represent the issuance of any license under this chapter as an endorsement or recommendation of any solicitation.

§ 209-10. Exhibiting notice prohibiting solicitors.

- A. A person desiring that no merchant or other person engage in a home solicitation at his/her residence shall exhibit in a conspicuous place upon or near the main entrance to the residence a notice containing the words "No Solicitors."
- B. Every solicitor, upon going onto any premises upon which a residence is located, shall first examine the residence to determine if any notice prohibiting soliciting is exhibited upon or near the main entrance to the residence. If notice prohibiting soliciting is exhibited, the solicitor shall immediately depart from the premises without disturbing the occupant by ringing the doorbell, rapping or knocking on the door, creating any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a home solicitation transaction unless the visit is the result of a request made by the occupant.

§ 209-11. Violations and penalties.

- A. Any person who violates or permits the violation of this chapter, any amendments hereto, shall, upon

being found liable therefor in an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal procedure, pay the fine as set forth below, plus all costs. The Municipal Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under PA R. Crim. P. No. 83(c) (relating to trial in summary cases.) Violations of this chapter shall be punishable by a fine of not less than \$300 or more than \$1,000. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and/or for each section of this chapter, its amendments, which have been violated.

B. In addition to any other remedies provided in this chapter, any violation thereof shall constitute a nuisance and may be abated or addressed by the Liberty Township Board of Supervisors by either seeking mitigation of the nuisance, by institution of a suit or suits in equity to restrain or prevent violations of this chapter or by seeking legal relief from a court of competent jurisdiction.

Section 2. Effective date. This Ordinance shall become effective in accordance with the law.

Section 3. Repealer and Savings. All other township ordinances or parts of other ordinances in conflict herewith, are hereby repealed.

Section 4. Severability. If any article, section, or provision in this ordinance should be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof other than the parts so decided to be unconstitutional or invalid.

ENACTED by the Board of Supervisors of Liberty Township at a regular meeting on _____, 2024.

ATTEST:

TOWNSHIP OF LIBERTY
ADAMS COUNTY,
PENNSYLVANIA

BOARD OF SUPERVISORS OF
LIBERTY TOWNSHIP

Wendy Peck, Secretary

By: _____
Walter Barlow, Chairman

(SEAL)

