

# Spring Township Centre County, PA

## Peddlers/ Solicitation Ordinance Amendment

### Ordinance No. 02-24

AN ORDINANCE of the Township of Spring, Centre County, PA, amending Chapter 13 Part 2 Sections 13-203, 13-204, 13-205, 13-206, 13-207, 13-208, 13-209, 13-210, 13-211, 13-212, 13-213, 13-214, 13-215, 13-216 and 13-217 of the Spring Township Code.

BE IT ENACTED and ORDAINED by the Board of Supervisors of Spring Township, Centre County, PA, and it is hereby enacted and ordained by the Authority of the same as follows:

**Amendment to Sec. 13-203 Part 1: Definition** of the Township Ordinance is hereby amended by adding LICENSE and definition. The term PERMIT definition will add “on the behalf of a licensee”.

**Amendment to Sec.13-203 Part 2: Interpretation** of the Township Ordinance is hereby amended to include ice treats from a mobile vehicle on a public street, fire and EMS organizations serving Spring Township, youth activities groups, youth sports leagues, and/or teams, fundraisers for student attending schools located within or servicing student residing within Spring Township, church fundraising, community service and charitable organizations located within Centre County including but not limited to, Kiwanis Clubs, Rotary Clubs, and Lions Clubs.

**Amendment to Sec. 13-204: LICENSE/PERMIT REQUIRED** of the Township Ordinance is hereby amended to include the wording issued and permit.

**Amendment to Sec. 13-205: APPLICATION FOR LICENSE/PERMIT** of the Township Ordinance is hereby amended to include the word permit along and with the following addition: “Each licensee shall obtain a permit for each individual who will engage in activities on behalf of such licensee. Each licensee/permittee will be required to present Criminal History Background Check and Child Abuse Clearance at their expense, which can be found at PSP PATH and The Pennsylvania Department of Human Services. Any applicant convicted of a misdemeanor, felony, or the following crimes will be denied: Sexual Assault of any nature, registered as a Sex Offender, Theft, Child Abuse, Endangering the Welfare of a Child, Physical Assault, Terroristic Threats, Disorderly Conduct, and violation of any ordinance of Spring Township.” **Subsection C** is hereby amended to include “address”, “direct supervisor”, “and contact number”.

**Amendment to Sec. 13-206: LICENSE/PERMIT NONTRANSFERABLE** of the Township Ordinance is hereby amended by adding "Permit" along with the word "Entity".

**Amendment to Sec. 13-207: WAITING PERIOD FOLLOWING APPLICATION FOR LICENSE/PERMIT** of the Township Ordinance is hereby amended by adding the word "Permit".

**Amendment to Sec. 13-208: LICENSE/PERMIT FEE** of the Township Ordinance is hereby amended to add the terms "Permit" and "Vendor".

**Amendment to Sec. 13-209: ISSUANCE OF LICENSE/PERMIT** of the Township Ordinance is hereby amended by adding the term "Permit".

**Amendment to Sec. 13-210: LICENSE/PERMIT TERMS** of the Township Ordinance is hereby amended to read, "The license granted to an individual or business pursuant to this part shall be restricted to one license, per person or business annually. The license/permit will be valid for 3 calendar months from the date of issuance. No more than 8 individuals may be issued permits to solicit or peddle on behalf of a licensed business entity. Each such individual must qualify and pay a fee as required herein."

**Amendment to Sec. 13-211: LICENSE/PERMIT TO BE CARRIED AND EXHIBITED** of the Township Ordinance is hereby amended by adding the term "Permit" and "Permittee".

**Amendment to Sec. 13-212: LIMITATIONS ON ACTIVITIES** of the Township Ordinance is hereby amended by adding Subsection C Licensee/permittee will adhere to the "No Knock Program". The No Knock Program allows residents to contact Spring Township and be placed on an address list that do not wish to be solicited. Each solicitor or peddler will be provided with the most current list available.

**Amendment to Sec. 13-213: HOURS FOR SOLICITATION OR PEDDLING** of the Township Ordinance is hereby amended by adding the term "permitted" and changing the time from 9:00 a.m. to 8:00 p.m. to now read "9:00 a.m. to 5:00 p.m."

**Amendment to Sec. 13-214: RECORDING OF LICENSE/PERMITS ISSUED: SUPERVISION OVER ACTIVITIES** of the Township Ordinance is hereby amended to add the term "permits".


**Amendment to Sec. 13-215: SUSPENSION OR REVOCATION OF LICENSES OR PERMITS** of the Township Ordinance is hereby amended to read, "Any license/permit issued under this Part may be suspended or revoked at any time by the Secretary/Manager of Spring Township: (A) upon proof being furnished to him that the application for license contained false information; (B) that the licensee or permittee was convicted of crime involving, Sexual Assault of any nature, is or becomes a Registered Sex Offender, Theft, Assault, Child Abuse, Endangering the Welfare of a Child, Disorderly Conduct, Terroristic Threats, violation of any ordinances of Spring Township, and all Misdemeanor/Felonies after issuance of such license; or (C) that the licensee/permittee failed to comply with this Part in any manner."

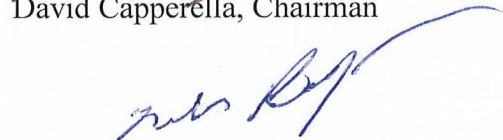
**Amendment to Sec. 13-216: HAWKING, USE OF CERTAIN AUDIBLE DEVICES PROHIBITED** of the Township Ordinance is hereby amended by adding the term "Permitted".

**Amendment to Sec. 13-217: SUSPENSION AND REVOCATION OF LICENSE OR PERMIT** of the Township Ordinance is hereby amended to include the term "Permit" and "Permittee".

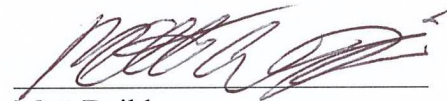
ORDAINED AND ENACTED into an Ordinance, on a motion by Frank Royer, seconded by Matthew Deibler and passed by the Board of Supervisors of Spring Township on this 3<sup>rd</sup> day of June, 2024.

Spring Township Supervisors

  
\_\_\_\_\_  
David Capperella, Chairman

  
\_\_\_\_\_  
Frank Royer, Vice Chairman

  
\_\_\_\_\_  
Attest

  
\_\_\_\_\_  
Matt Deibler

**PART 2**  
**PEDDLERS AND SOLICITORS**

§13-201       **TITLE**

This part shall be known as the “Peddlers and Solicitors Ordinance.”  
[Ord.32-1979. 11/5/1979. §1]

§13-202       **PURPOSE**

The purpose of this Part is to provide protection of the citizens and residents of the Township from individuals or organizations who temporarily come into the Township or who live in the Township or have a permanent business address in the Township, but set up temporary places of doing business, or who solicit sales or contributions and from unreliable operators. The intent of this Part is to require registration of all such peddlers, solicitors and transient retail merchants so that if any fraud or improper practice occurs, the identity of the person shall be available; and further, to establish certain regulations governing the conduct of solicitors, peddlers and transient retail merchants while engaged in activities in the Township.

§13-203       **DEFINITIONS AND INTERPRETATIONS.**

[Ord. 32-1979, 11/5/1979, § 3; as amended by Ord. 09-00, 10/2/2000]

1. Definitions.

**LICENSE** - a license issued to a business or entity to conduct peddling and/or solicitation activities within Spring Township pursuant to the provisions of this ordinance.

**PEDDLER** - any person who shall engage in peddling as herein defined.

**PEDDLING** - 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 from house to house; or by visitation to private residences; or by entering in or upon private property within the said Township.

**PERMIT** - a permit issued to an individual to conduct peddling and/or solicitation activities within Spring Township on behalf of a licensee.

**SOLICITOR** - any person who shall engage in soliciting as herein defined.

**SOLICITING** – the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contribution, upon any of the streets or sidewalks; from house to house; or by visitation to private residences; or by entering in or upon private property within the Township of Spring 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.

**TRANSIENT RETAIL MERCHANT** - any person, firm, corporation or organization, whether residing or having a permanent address in the township or not, and whether principal or agent, entering into, beginning, repeating or continuing a transient retail business for the sale of any goods, wares, merchandise or services of any nature whatsoever, and who temporarily hires, leases, occupies or uses any room, apartment, store, shop, building, railway car or other place, structure or vehicle for the exhibition and sale of such goods, wares or merchandise or who engages in soliciting, as defined above.

2. Interpretation. The words “peddler,” “peddling,” “solicitation,” “soliciting” or “transient retail merchant” shall not mean or apply to:
  - A. To Farmers seeking or taking orders for the sale of their own products.
  - B. 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 or milk products, or **ice treats from a mobile vehicle on a public street.**
  - C. 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 purposes.
  - D. To the seeking or taking of orders, by insurance agents or brokers, licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
  - E. To persons, corporations, partnerships and associations, their agents or employees who have complied with the provision 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.
  - F. To any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.
  - G. A local post, camp, chapter, or similarly designated element of a county unit of such elements of a bona fide veterans' organization, **fire, ambulance and EMS organizations serving Spring Township, youth activity groups, youth sports leagues and/or teams, fundraisers for students attendings schools located within or serving students residing within Spring Township, Church Fundraising, Community Service and Charitable Organizations located within Centre County including but not limited to, Kiwanis Clubs, Rotary Clubs, and Lions Clubs,** provided all its fund-raising activities are carried on by members of such local post, chapter or element.

§13-204      **LICENSE/PERMIT REQUIRED.**  
[Ord. 32-1979, 11/5/1979, § 4]

No person shall engage in soliciting or peddling in the Township of Spring without first having **been issued** a license **and/or a permit** as herein provided.

§13-205      **APPLICATION FOR LICENSE/PERMIT.**  
[Ord. 32-1979, 11/5/1979, § 5]

Every person desiring to engage in soliciting or peddling in the Township of Spring shall first make an application to the Secretary/Manager for a license/**permit**. The Township of Spring will provide a blank application for each solicitor or peddler. **Each licensee shall obtain a permit for each individual who will engage in activities on behalf of such licensee. Each licensee/permittee will be required to present a Criminal History Background Check and Child Abuse Clearance at their expense, which can be found at PSP PATH and The Pennsylvania Department of Human Services. Any applicant convicted of a misdemeanor, felony, or the following crimes will be denied: Sexual Assault of any nature, registered as a Sex Offender, Theft, Child Abuse, Endangering the Welfare of a Child, Physical Assault, Terroristic Threats, Disorderly Conduct, and violation of any ordinance of Spring Township.**

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer, **address, direct supervisor and contact number.**
- D. A statement that such applicant is self-employed.
- E. The nature of the goods, wares, services, or merchandise offered for sale.
- F. A statement as to whether 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 therefor.
- G. The type of vehicle to be used, if any.
- H. Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
- I. If the applicant is personally known to the Township Secretary or is vouched for as to the identity by a person whose word the Township Secretary will accept, any requirements concerning production of identity documents may be waived by the Township Secretary, provided the Township Secretary notes on the application the basis of the knowledge of the applicant's identity.
- J. In the event the applicant is to hire, engage or be aided and assisted by any other persons, whether as employees or helpers, all applicable personal information specified in this section shall be given for each helper or employee and verified or affirmed by such employee or helper. Individual licenses/**permits** shall be required for each employee or helper.

§13-206      **LICENSE/PERMIT NONTRANSFERABLE.**  
[Ord. 32-1979, 11/5/1979, § 6]

No license/**permit** issued under this Part shall be transferable from one person **or entity** to another.

§13-207        **WAITING PERIOD FOLLOWING APPLICATION FOR  
LICENSE/PERMIT.**

[Ord. 32-1979, 11/5/1979, § 7]

No license or permit shall be issued under this Part until a period of 24 hours has elapsed from the time the application has been filed with the Secretary in order to give the Secretary sufficient time to make proper investigation before issuing the license.

§13-208        **LICENSE/PERMIT FEE.**

[Ord. 32-1979, 11/5/1979, § 8; as amended by Ord. 09-00, 10/2/2000]

Licenses/**Permits** shall be issued under this Part upon payment to the Township Treasurer of an amount as established, from time to time, by resolution of the Board of Supervisors for each license/**permit** issued under this Part. Such license/**permit** fees shall be payable separately for each license/**permit** to be issued, including license for employees, agents, or servants of a licensed **vendor**.

§13-209        **ISSUANCE OF LICENSE/PERMIT**

[Ord. 32-1979, 11/5/1979, § 9]

The Township Secretary is hereby authorized to receive applications and to issue licenses or **permits** pursuant to the provisions of this Part; provided, however, that when any transient retail merchant is required to be licensed by the County of Centre, the Commonwealth of Pennsylvania or the United States of America, for the purpose of engaging in activities set forth in any application, if any person be required to engage in such activities or to transport such goods, wares or merchandise, or if any goods, wares or merchandise require inspection approval prior to sale of any governmental body or agency, no license shall be issued until such other license, permit or proof of inspection approval shall first be furnished by the applicant.

§13-210        **LICENSE/PERMIT TERMS.**

[Ord. 32-1979, 11/5/1979, § 10]

**The license granted to an individual or business pursuant to this Part shall be restricted to one license, per person or business annually. The license/permit will be valid for 3 calendar months from the date of issuance. No more than 8 individuals may be issued permits to solicit or peddle on behalf of a licensed business entity. Each such individual must qualify and pay a fee as required herein.**

§13-211        **LICENSES/PERMITS TO BE CARRIED AND EXHIBITED.**

[Ord. 32-1979, 11/5/1979, § 11]

Every solicitor, peddler and transient retail merchant shall, at all times when engaged in such activities in the Township, carry such a license/permit upon his person and exhibit it upon request to all citizens with whom the licensee/**permittee** deals, all policy officers and all Township officials.

§13-212        **LIMITATIONS ON ACTIVITIES.**

[Ord. 32-1979, 11/5/1979, § 12]

1. No licensee/permittee or transient retail merchant shall engage in the selling, peddling or solicitation for sale of any product or service not set forth in the application and included in such license. In addition, the following regulations shall apply to all persons:
  - A. There shall be no crying or hawking of goods, wares, or services withing the Township of Spring.
  - B. No person shall park any vehicle upon the streets and ways of the Township for the purpose of sorting, rearranging, or cleaning any goods, wares, or merchandise, nor shall any such person park upon such streets or ways for the purpose of keeping or maintaining a street or curbside marketplace.
  - C. **Licensee/permittee will adhere to the “No Knock Program.” The No Knock Program allows residents to contact Spring Township and be placed on an address list that do not wish to be solicited. Each solicitor or peddler will be provided with the most current list available.**

§13-213        **HOURS FOR SOLICITATION OR PEDDLING.**

[Ord. 32-1979, 11/5/1979, § 13]

No person licensed/**permitted** as a solicitor or peddler under this Part shall engage in soliciting or peddling on any day of the week before 9:00 a.m. or after **5:00** p.m. During the time of 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.

§13-214        **RECORD OF LICENSE/**PERMITS** ISSUED: SUPERVISION OVER ACTIVITIES.**

[Ord. 32-1979, 11/5/1979, § 14]

The Secretary shall keep a record of all licenses and **permits** issued under this Part and the Township police shall apply daily for a list of licenses/**permits** issued hereunder since the



previous day. The Township police shall supervise the activities of all holders of such licenses and **permits**.

§13-215        **SUSPENSION OR REVOCATION OF LICENSES OR PERMITS.**

[Ord. 32-1979, 11/5/1979, § 15]

Any license/permit issued under this Part may be suspended or revoked at any time by the Secretary/Manager of Spring Township: (A) upon proof being furnished to him that the application for license contained false information; (B) that the licensee or permittee was convicted of crime involving, Sexual Assault of any nature, is or becomes a Registered Sex Offender, Theft, Assault, Child Abuse, Endangering the Welfare of a Child, Disorderly Conduct, Terroristic Threats, violation of any ordinances of Spring Township, and all Misdemeanor/Felonies after issuance of such license; or (C) that the licensee/permittee failed to comply with this Part in any manner.

§13-216        **HAWKING, USE OF CERTAIN AUDIBLE DEVICES PROHIBITED.**

[Ord. 32-1979, 11/5/1979, § 16]

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

§13-217        **SUSPENSION AND REVOCATION OF LICENSE OR PERMIT**

[Ord. 32-1979, 11/5/1979, § 17]

The Township Secretary may, upon proof furnished to him (A) that the licensee/**permittee** supplied false information on license application; (B) was convicted of a crime involving moral turpitude after issuance of license; (C) that the licensee/**permittee** was convicted of Disorderly Conduct while engaged in licensed activities after the license/**permit** had been issued; or, (D) that the licensee/**permittee** failed to comply with this Part in any manner, suspend or revoke any license/permit issued hereunder.

§13-218        **PENALTIES.**

[Ord. 32-1979, 11/5/1979, § 18; as amended by Ord. 58-1989, 3/6/1989, § 2(G); and by Ord. 09-00, 10/2/2000]

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or

each section of this Part which shall be found to have been violated shall constitute a separate offense.