

**ORDINANCE NO. 2024-3  
WEISENBERG TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WEISENBERG  
TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, REGULATING SALES AND  
SOLICITATIONS ON THE STREETS AND ROADS OF THE TOWNSHIP AND  
THROUGH DOOR-TO-DOOR VISITATION TO PRIVATE HOMES AND  
RESIDENCES IN THE TOWNSHIP; DEFINING RELEVANT WORDS AND PHRASES;  
ESTABLISHING A LICENSING PROGRAM AND FEES FOR LICENSES;  
PROVIDING FOR EXEMPTIONS; AND PROVIDING FOR PENALTIES FOR  
VIOLATIONS**

**LEGISLATIVE FINDINGS**

**WHEREAS**, Weisenberg Township (hereinafter, "Township") is a township of the second class organized and existing pursuant to the Second Class Township Code, *as amended*, 53 P.S. § 65101 *et seq.* (hereinafter, "Code") and various other laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, Section 1506 of the Code, 53 P.S. § 66506, grants to the Township's Board of Supervisors (hereinafter, "Supervisors") the power to adopt ordinances for, *inter alia*, the maintenance of peace, trade, and commerce; and

**WHEREAS**, Section 1527 of the Code, 53 P.S. § 66257, authorizes the Supervisors to adopt ordinances to secure the safety of persons or property; and

**WHEREAS**, Subsection 1532(a) of the Code, 53 P.S. § 66532(a), authorizes the Supervisors to license and regulate certain business activities within the Township, including certain transient merchants; and

**WHEREAS**, Subsection 1532(b) of the Code, 53 P.S. § 66532(b), authorizes the establishment of a licensing program and the imposition of fees in connection with regulated business activities; and

**WHEREAS**, the Supervisors find that certain transient business and other activities involving the use of streets and roads for solicitation and sales, as well as door-to-door solicitation and sales, create hazards for motorists and pedestrians as well as unwanted intrusions and invasions of the privacy of residents, as well as the possibility of fostering an environment apt for crimes against residents and their real and personal property; and

**WHEREAS**, the Supervisors find that door-to-door sales and solicitations may encourage or give rise to practices involving fraud, misrepresentation, deception, and the like, both as to the nature of the product or service promoted and the identity and reputation of the provider; and

**WHEREAS**, the Supervisors find that a reasonable licensing program should be established to require that persons engaged in sales and solicitations in the Township act safely,

honestly, and fairly in the promotion of goods and services and respect the privacy and security of residents; and

**WHEREAS**, the substance of this Ordinance shall be codified in the Code of the Township of Weisenberg at Part II (General Legislation), Chapter 413 (Streets and Sidewalks), in a new Article III titled "Solicitation and Peddling."

**NOW, THEREFORE**, the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, do hereby enact and ordain the following:

**SECTION 1: DEFINITIONS.**

**A.** The following words and phrases are defined as follows:

1. **Licensee.** A Person who submits and application for a license under the provisions of this Chapter 413, Article III and receives approval therefor.
2. **Person.** As used herein, Person shall mean an individual.
3. **Regulated Business Activity.** Except as otherwise exempted by this Chapter 413, Article III, any activity involving in whole or in part selling or offering for sale, soliciting, the taking of orders, either by sample or otherwise, for any goods, wares, services or merchandise, including but not limited to: subscriptions for magazines and other printed material, the obtaining of contracts for home or building services, repairs, or improvements upon any of the streets, sidewalks, or rights-of-way of the Township or by house to house or visitation to private residences in the Township.
4. **Township.** The Township of Weisenberg, Lehigh County, Pennsylvania.

**B.** Construction and interpretation.

1. As used in this Chapter 413, Article III, and unless the context clearly indicates to the contrary, words in the singular include the plural (and vice-versa) and words in one gender include all genders and the neuter.
2. Any headings appearing in connection with sections, subsections, or any parts of this Chapter 413, Article III, are for convenience only, and are not intended to be full or precise descriptions of the text to which they refer and are not considered to be part of this Chapter 413, Article III.

**SECTION 2: LICENSE REQUIRED.** Any Person desiring to undertake a Regulated Business Activity shall first apply for and obtain from the Township a license in accordance with the requirements of this Chapter 413, Article III.



### SECTION 3: APPLICATION FOR LICENSE.

- A. Unless exempt pursuant to Section 7, below, any Person desiring to engage in a Regulated Business Activity shall complete and file with the Township for review and approval by the Township Manager (or his or her designee) an application for a license on a form to be provided by the Township prior to engaging in Regulated Business Activities.
- B. The application shall contain at least the following minimum information:
1. The applicant's full name and their business, home, and temporary addresses (exclusive of post office boxes) and all telephone numbers and e-mail addresses to be used in the course of conducting Regulated Business Activities in the Township;
  2. The applicant's address(es) for service and receipt of notices or process (exclusive of post office boxes) in connection with the license application and the performance of Regulated Business Activities in connection therewith;
  3. If the applicant is an agent, employee, or servant of a business entity, or an independent contractor engaged by a business entity; the full name and principal office address of such business entity;
  4. A detailed description of the nature of the applicant's business, the Regulated Business Activities proposed to be conducted within the Township and the specific products and services to be offered or other solicitations to be conducted;
  5. Proof of compliance with all licensing or certification requirements applicable to the applicant's business;
  6. A warning that the applicant's responses, statements, and submissions are subject to 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.
- C. The application required to be submitted to the Township pursuant to this Chapter 413, Part III, shall be accompanied by a Pennsylvania State Police Criminal History Background Check (PATCH) and, in the case of an applicant who has been a resident of the Commonwealth of Pennsylvania for less than twelve (12) months preceding the application's submission, a criminal history record from any State or country in which such applicant has resided in the five (5) years preceding the application submission date.
- D. The applicant shall submit in person to the Township an application and at such time shall provide for inspection and photocopying by the Township a lawful driver's license or other official form of identification, containing the applicant's photograph. In addition, the applicant shall pay the application fee as set forth in Section 8, below.
- E. Upon submission of the application and the payment of the fee prescribed in Section 8, below, the Township shall accept the application for review and processing, which may

include an investigation into the history of the applicant, the applicant's employer, or the applicant's principal. Any application deemed incomplete shall be rejected.

- F. Within ten (10) business days of the date of the submission of the application, the Township shall either approve the application and issue the license or deny the application and state the reasons therefor. The grounds for denial of the issuance of a license are specified in Sections 4 and 5, below.
- G. The approval of the application and the issuance of the license shall cover only those Regulated Business Activities expressly described in the application. The license shall be effective for a period of one (1) year, commencing on the date of its issuance.
- H. All licenses issued hereunder shall be personal to the Licensee. No license issued hereunder shall be transferable or assignable.
- I. At all times while conducting or engaging in Regulated Business Activities, a Licensee shall maintain in his or her possession the original license issued by the Township or a true and correct copy thereof and shall upon request by a property owner, law enforcement officer, Township employee, or Township official produce the same for inspection together with photographic identification.

#### **SECTION 4: PROHIBITED ACTS.**

- A. The commission of the following prohibited acts listed in Subsection B, below, shall be grounds for the denial of a license application and the suspension or revocation of a license issued pursuant to this Chapter 413, Part III.
- B. It shall be a violation of this Chapter 413, Part III for any Licensee to:
  - 1. Engage in Regulated Business Activities on legal holidays or on Sundays;
  - 2. Engage in Regulated Business Activities between the hours of 9:00 p.m. eastern time (ET) and 9:00 a.m. eastern time (ET) on Monday through Saturday;
  - 3. Disregard any sign prohibiting soliciting, sales, peddling, or the like posted on any private property;
  - 4. Conduct or engage in any activities beyond the express scope of the application of the license;
  - 5. Fail to have on his or her person at all times while engaged in Regulated Business Activities the original, or a true and correct copy of, the license and official form of photographic identification;

6. Fail or refuse to produce upon request for inspection by a property owner, law enforcement officer, Township employee, or Township official the original, or true and correct copy of, the license and an official form of photographic identification;
7. Be or present a hazard to, or obstruct, pedestrian or vehicular traffic on the public streets, roads, sidewalks, or other rights-of-way within the Township;
8. Erect or use any structure, whether temporary or permanent, in connection with any Regulated Business Activity;
9. Fail or refuse to leave or exit the premises of another upon request;
10. Return to the premises of another for the purpose of conducting a Regulated Business Activity after request from another to refrain from returning to such premises;
11. Engage in any acts or practices prohibited by the laws of the Commonwealth of Pennsylvania relating to unfair trade practices and consumer protection;
12. Conduct Regulated Business Activities at any property identified on the "Do Not Solicit List," as the same is described in Section 6, below; and
13. Violate any provisions of this Chapter 413, Part III, or violate any other Township ordinances while conducting a Regulated Business Activity.

**SECTION 5: LICENSE DENIAL, SUSPENSION, OR REVOCATION.** The following shall constitute grounds for denial, revocation, or suspension of a license issued hereunder:

- A. The making of any false statement by an applicant in connection with the procurement of a license;
- B. The commission of a prohibited act by the Licensee;
- C. The conviction of the Licensee of any offense involving a violent crime, a crime of *crimen falsi*, or a crime which is punishable by a term of incarceration of one (1) year or more, regardless where committed, within the five (5) years preceding the application for or issuance of a license;
- D. A judicial determination the Licensee has violated any law or regulation relating to unfair trade practices, consumer protection, or the solicitation of charitable contributions, regardless where committed; and
- E. With respect to the Licensee's employer or principal, any of the acts or omissions described in Subsections A. through D., above.



**SECTION 6: "DO NOT SOLICIT LIST."** The Township Manager (or his or her designee) is hereby authorized to establish, publicize, and maintain a list of properties which, at the request of the owner or occupant of such property, have indicated a desire to prohibit Regulated Business Activities on such property. The Township shall provide a copy of the list to every licensee receiving a license under this Chapter 413, Part III. The list shall identify only the properties and shall otherwise contain no personal information regarding the property's owner(s) or occupant(s).

**SECTION 7: EXEMPT PERSONS.** In accordance with Subsection 1532(a)(1) of Pennsylvania's Second Class Township Code, *as amended*, 53 P.S. § 66532(a)(1), the following Persons shall be exempt from the licensing requirements of this Chapter 310:

- A. Farmers selling their own produce;
- B. Persons selling goods, wares, and merchandise donated by the owners thereof, the proceeds whereof are being applied to any charitable or philanthropic purpose;
- C. Insurance agents or brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania;
- D. Persons engaged in Regulated Business Activities on private property with the consent of the owner of such property; and
- E. Persons engaged in protected noncommercial speech under the First Amendment to the Constitution of the United States of America and Article 1, Section 7 of the Constitution of the Commonwealth of Pennsylvania.

**SECTION 8: SETTING OF FEES.** The application fee for obtaining a license under this Chapter 413, Part III, shall be as set forth in the Township's duly adopted fee schedule as the same may be amended from time to time by resolution of the Township's Board of Supervisors. The application fee is non-refundable and will not be refunded in the event an application is rejected as incomplete or denied.

**SECTION 9: APPEALS.** Any Person who upon submission of an application is denied a license or any Licensee who has their license suspended or revoked may appeal such action to the Township's Board of Supervisors within thirty (30) days of the date of such denial or revocation by the Township. Upon receipt of an appeal hereunder, the parties shall proceed in accordance with the Local Agency Law, *as amended*, 2 Pa.C.S. §§ 551-555, 751-754.

**SECTION 10: PENALTIES FOR VIOLATION.** Any Person who shall violate any provision of this Chapter 413, Part III shall, upon conviction thereof before a District Justice, be subject to a penalty or fine in an amount not less than \$100.00 and not more than \$1000.00, together with the costs of prosecution and attorney fees; and in default of payment of such penalty, fine, or costs, to imprisonment for a term not to exceed thirty (30) days for each such violation. Each day or portion thereof that such violation continues shall constitute a separate offense. The provisions of this Chapter 413, Part III, shall be enforced in the same manner as provided for the enforcement of

summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township may claim attorney fees as restitution.

**SECTION 11: INVALIDITY.** To the extent that any word, portion, or provision of the text of this Chapter 413, Part III, is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion, or provision shall, if possible, be deemed to be repealed and those valid portions of the text of this Chapter 413, Part III, shall remain in full force and effect if the same can be accomplished without the structure of this Chapter 413, Part III, having been destroyed by the elimination of that word, phrase, portion, or provision found to be invalid or void. It is the express intent of the Township's Board of Supervisors that this Chapter 413, Part III, would have been adopted had such invalid or void word, phrase, portion, or provision had not been included in the first instance.

**SECTION 13: EFFECTIVE DATE; RETROACTIVE EFFECT.** This Chapter 413, Part III, shall become effective five (5) days after enactment of Ordinance No. 2024-3 by the Township's Board of Supervisors, that date being August 17, 2024. Unless otherwise exempt pursuant to Section 7, above, all Persons conducting Regulated Business Activities must comply with the provisions of this Chapter 413, Part III, including the requirement to obtain a license prior to engaging in Regulated Business Activities, regardless of whether such Person commenced such Regulated Business Activities prior to the effective date of this Chapter 413, Part III.

**DULY ENACTED AND ORDAINED**, this 12th day of August, 2024, by the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, in lawful session duly assembled.


**WEISENBERG TOWNSHIP  
BOARD OF SUPERVISORS**

  
Linda Gorgas, Chairperson

  
Anthony C. Werley, Vice Chairperson

ATTEST:

  
Township Manager

  
Richard A. Bleiler, Supervisor