

LOWER MILFORD TOWNSHIP
LEHIGH COUTY, PENNSYLVANIA

ORDINANCE NO. 135

SOLICITATION ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MILFORD TOWNSHIP TO
REPEAL AND REPLACE ORDINANCE NO. 113, AN ORDINANCE REGULATING
CANVASSING, PEDDLING AND/OR SOLICITING.**

BE IT ENACTED AND ORDAINED by Lower Milford Township, Lehigh County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as granted by the Pennsylvania Second Class Township Code, as follows that no person shall engage in canvassing, peddling and/or soliciting in the Township for commercial purposes without first having registered and obtained a permit from the Lower Milford Township Zoning and Planning Department, hereinafter referred to as “Zoning Department”.

SECTION 1 - DEFINITIONS

As used in this Ordinance, the following terms shall have the definitions indicated:

CANVASSING, PEDDLING AND/OR SOLICITING – the taking or orders for goods, wares or merchandise or for any commercial purpose, including subscriptions for magazines or other printed matter and the obtaining of information and/or contracts for home and building devices, repairs and improvements, if such solicitation is in person at the business or residence of the person being solicited. In no manner shall this section apply to religious, charitable, or political activities or causes.

SECTION 2 - PERMIT REQUIRED

No person shall engage in canvassing, peddling and/or soliciting in the Township for commercial purpose without first having registered and obtained a permit from the Zoning Department.

SECTION 3 - APPLICATION, ISSUANCE OF PERMIT

a. Any person desiring to engage in canvassing, peddling and/or soliciting shall submit a written application to the Zoning Department, during regular Township business hours, on a form to be furnished by the Township and shall pay an application fee as required and set in the Township Fee Schedule.

b. The application shall state the applicant’s or applicants’ name(s), address(es) and contact information, the person responsible for supervising the soliciting, including the name, address and his or her contact information, the year, make, model, color and license plate number of all vehicles, if any, he/she/they will use in the performance of canvassing, peddling, and/or soliciting in the Township, the nature and types of goods, wares, services or merchandise being canvassed, solicited or peddled, the names, addresses, dates of birth and driver’s license numbers

of all individual engaging in soliciting, and a record of the criminal history of the individual's engaging in canvassing, peddling and/or solicitation in the Township.

c. Each application shall require an on time non-refundable fee to be established by Resolution of the Board of Supervisors of Lower Milford Township.

d. Hours of solicitation shall not be before 9:00 a.m. and after 7:00 p.m. Monday through Saturday. No Sunday solicitation is permitted.

e. The Applicant shall submit a background check, completed within the past thirty (30) days prior to the issuance of a permit.

f. Upon approval of any application by the Zoning Department, a permit will be issued to the applicant. Along with the permit, an identification tag(s) with the Lower Milford Township seal will be provided to the applicant and must be worn, and must be visible on the front of, the outermost garment at all times while soliciting within the Township.

g. A permit will be valid for a specific period of times as determined at the time of permit application. Such permit may not be transferred from one person to another.

h. The Township will notify the Pennsylvania State Police of the solicitation permit and duration of its validity.

SECTION 4 - CONDITION OF PERMIT

The applicant shall conduct his/her/their canvassing, peddling, and/or soliciting in accordance with the laws of the Commonwealth of Pennsylvania and the Ordinances of Lower Milford Township and only during the hours of 9:00 a.m. to 7:00 p.m., excluding Sundays.

SECTION 5 - EXCEPTIONS

This section shall not apply to boys or girls under the age of eighteen (18) years old who take orders for and deliver newspapers, greeting cards, candy, cookies and other fund raising items, or who represent the Boy Scouts, Girl Scouts, schools, churches, or similar organizations.

SECTION 6 - ENFORCEMENT

The Lower Milford Township Zoning Department shall be charged with the responsibility of enforcing provisions of the Ordinance.

SECTION 7 - VIOLATIONS AND PENALTIES

a. This Ordinance shall be enforced as a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Ordinance shall, upon conviction before a District Judge, be sentenced to pay a fine or not less than fifty (\$50.00) dollars, nor more than six-hundred (\$600.00) dollars per violation, plus costs of prosecution and in default of payments of such costs and prosecution, imprisonment for a term not exceeding ninety (90) days; provided,

however, that if the District Judge determines that the Defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such Defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Judge deems to be just.

b. No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive, and other remedies.

SECTION 8 – SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 9 - REPEALER

Lower Milford Township Ordinance 113 is hereby repealed and replaced with the Ordinance set forth herein which shall be known as the “Solicitation Ordinance”.

SECTION 10

This Ordinance shall be effective five (5) days after adoption by the Board of Supervisors of Lower Milford Township.

ORDAINED AND ENACTED as an Ordinance of Lower Milford Township, Lehigh County, Pennsylvania, this _____ day of _____, 2020.

ATTEST:

**LOWER MILFORD TOWNSHIP
BOARD OF SUPERVISORS**

Stacy Smith, Township Secretary

Donna L. Wright, Chair

Ellen L. Koplin, Vice-Chair

John C. Quigley, Supervisor