

ORDINANCE 2021-03

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, CHAPTER 155 PEDDLING AND SOLICITING, BY AMENDING SECTIONS DEALING WITH FINGERPRINTING OF APPLICANTS AND TIME FRAMES FOR AND PEDDLING OR SOLICITING.

BE IT ENACTED AND ORDAINED by the Board of Commissioners (“Board”) of Lower Allen Township (“Township”), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 155 “Peddling and Soliciting of the Code of Lower Allen Township, shall be amended as follows:

1. Section 155-3 Applicant Information shall be amended to add a Megan’s Law background check by adding a new Subsection A(4):
 - A.(4) Any background check in this Chapter will include a Megan’s Law inquiry
2. Section 155-3 Applicant Information shall be amended to further clarify the fingerprinting process by deleting the current Subsection C and replacing it with the following new Subsection C:
 - C. Upon the request of the Lower Allen Township Police Department, the applicant shall also submit to fingerprinting. Fingerprinting will only be used if the identity of the applicant cannot be ascertained to a reasonable degree of certainty for purposes of conducting a background check.
3. Section 155-4 Permit issuance, fees and exhibition shall be amended to delete misdemeanor as a disqualifying crime category, to require the plain view exhibition of the permit by permittee and to add an appeal process by deleting the current Subsections B and C in their entirety and adding new sections B, C and D as follows:
 - B. No permit shall be issued to any person who has been convicted of a felony or any crime of any kind involving moral turpitude as defined by 22 Pa. Code Section 237.9(a) and such person shall not be permitted to engage in peddling within the Township.
 - C. Such permit, when issued must be worn by the permittee in conspicuous fashion and shall state the goods or services to be sold or rendered by permittee.
 - D. Any person aggrieved by a denial of a permit application may appeal the determination to the Board of Commissioner within ten (10) days of such denial.

3. Section 155-6 Prohibited practices of shall be amended at Subsection A to change the times of day when peddling will be permitted. The current Subsection A shall be deleted and replaced with the following new Subsection A:

A. Engage in peddling on any day of the week, except between 9:00 a.m. and sunset, prevailing time. There shall be no peddling on legal holidays.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION IV

This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 28th day of June 2021.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President