

April 25, 2024

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-02

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON,
NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING SECTION
125-6(A) OF CHAPTER 125, ENTITLED PEDDLING AND SOLICITING.**

WHEREAS, Lower Saucon Township is a township of the Second Class; and

WHEREAS, § 66532 of the Second-Class Township Code empowers the Council to license and regulate, by ordinance, transient merchants conducting business in the Township; and

WHEREAS, Chapter 125 of the Township's Code addresses peddling and soliciting in the Township; and

WHEREAS, §125-6(A) is entitled "Hours; registration of "do not peddle" properties; and

WHEREAS, 52 Pa. Code §111.9 regulates door-to-door sales in the retail residential energy market and specifically provides at subsection (a) that "[a] supplier and its agents shall comply with local ordinances regarding door-to-door marketing and sales activities. A supplier shall limit door-to-door marketing or sales activities to the hours between 9 a.m. and 7 p.m. during the 6 months beginning October 1 and ending March 31, and to the hours between 9 a.m. and 8 p.m. during the months beginning April 1 and ending September 30" and further provides that local ordinance may provide stricter limitations; and

WHEREAS, §125-6(A) of Chapter 25 currently imposes stricter limitations than 52 Pa. Code §111.9(a); and

WHEREAS, the Township recognizes that door-to-door solicitation has been recognized as a form of speech protected under the First Amendment; and

WHEREAS, in recognition of the same, the Township wishes to amend §125-6(A) of Chapter 25 to be consistent with 52 Pa. Code §111.9(a) as follows;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended as follows:

Section 1. Amendment.

Section 125-6(A) of Chapter 125, which presently reads as follows:

No person obtaining a permit under the provisions of this chapter shall engage in peddling before 9:00 a.m. or after 6:00 p.m. In addition, no peddling is permitted on Sundays;

is hereby **AMENDED** to read as follows:

No person obtaining a permit under the provisions of this chapter shall engage in peddling before 9:00 a.m. or after 7:00 p.m. during the 6 months beginning October 1 and ending March 31, and to the hours before 9:00 a.m. or after 8:00 p.m. during the months beginning April 1 and ending September 30.

Section 2. Full Force and Effect.

All other provisions of Chapter 125 shall remain in full force and effect.

Section 3. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the remaining provisions of this ordinance. The Council of Lower Saucon Township hereby declares that it would have passed the ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared unconstitutional, illegal, or otherwise invalid.

Section 4. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 5. Effective Date. The provisions of this Ordinance shall become effective ten (10) days after adoption.

ENACTED and **ORDAINED** this _____ day of _____, 2024, by the Lower Saucon Council in lawful session duly assembled.

ATTEST:

LOWER SAUCON TOWNSHIP

Cathy Gorman, Acting Township Manager

By _____
Priscilla DeLeon, President