

NORTH HUNTINGDON TOWNSHIP



North Huntingdon Township • 11279 Center Highway • North Huntingdon, PA 15642
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April 18, 2012

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Township Manager

Dear Sir/Madam:

I am sending this letter to bring to your attention an important issue concerning the operation of your business or organization in North Huntingdon Township.

On March 21, 2012, the Board of Commissioners enacted the Truth In Advertising Ordinance, a copy of which is enclosed for your reference. Simply, this ordinance requires businesses and organizations that advertise to not identify the location of the establishment as being located in a municipality other than North Huntingdon Township. While the above-stated regulation is the primary focus of the Ordinance, there are some additional regulations in the Ordinance so I recommend that you read the entire Ordinance so you are familiar with the regulations. Please note that the Ordinance does not take effect until May 21, 2012 (60 days from the enactment date).

The Board of Commissioners believes that the Truth In Advertising Ordinance is very important for emergency service response and for the safety of patrons of businesses and organizations within the Township. While not a specified reason for the enactment of the Ordinance, I believe that this Ordinance will have the indirect effect of enhancing community awareness, spirit and pride. I think that we all agree that North Huntingdon Township is a great place for business. Please help support the local business community by identifying with pride the location of your business.

Thank you in advance for your cooperation in this matter. If you have any questions concerning the Truth In Advertising Ordinance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "John M. Shepherd". The signature is written in a cursive style and includes a checkmark at the end.

John M. Shepherd
Township Manager

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 2 of 2012

ORDINANCE NO. 2172

ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON ESTABLISHING A NORTH HUNTINGDON TOWNSHIP TRUTH IN ADVERTISING ORDINANCE, TO ESTABLISH THE TYPES OF GROUPS AND ORGANIZATIONS REQUIRED TO COMPLY WITH THE ORDINANCE, REQUIRING FOR IDENTIFICATION OF NORTH HUNTINGDON IN CERTAIN CIRCUMSTANCES AND PROVIDING SPECIFICATIONS FOR SAID IDENTIFICATION.

WHEREAS, the Township of North Huntingdon, Westmoreland County, Pennsylvania, continues to desire to promote the health, safety and welfare of those coming into the confines of the Township and of its residents who patronize merchants throughout the Township, attend events held by non-profit organizations, clubs and fraternal organizations, and visit friends and family residing in group residences and healthcare facilities; and

WHEREAS, the summoning of aid in the form of police assistance, fire service, and emergency medical services is directly related to achieving the goal of enhancing the health, safety and welfare of the aforementioned persons; and

WHEREAS, both Township residents and others who come into the Township are often unfamiliar with the location of the township boundaries and the exact location of many specific businesses and organizations and whether they are situate within the Township or outside the Township; and

WHEREAS, such persons that summon emergency assistance occasionally act to summon such assistance from another municipality other than the Township of North Huntingdon, resulting in delays at times when the prompt response is essential to preserve property and life; and

WHEREAS, a number of businesses, non-profit organization, non-profit corporations, schools, churches, public clubs, social and fraternal organizations, private clubs, social and fraternal organizations, recreational facilities, amusement facilities, healthcare facilities, group living facilities and other groups have been found to communicate and publish through print, audio, digital and other media that the establishment is situate in other municipalities rather than the Township of North Huntingdon, thereby exacerbating the confusion of patrons and other visitors; and

WHEREAS, North Huntingdon Board of Commissioners makes a finding of fact that such an incorrect designation of the township situs of any establishment may contribute to the confusion of patrons and other visitors resulting in delays associated with misdirected requests for emergency assistance, which the Township seeks to remedy with the enactment of this Ordinance.

NOW THEREFORE, BE IT ORDAINED and enacted by the North Huntingdon Board of Commissioners, as follows:

1. **TITLE:** This Ordinance may be cited as the North Huntingdon Township Truth-in-Advertising Ordinance.
2. **DEFINITION:** As used on this Ordinance, the following terms shall have the meanings indicated:

ADVERTISEMENT – Any offer, intended for general distribution to the public or to a specific group of persons, to provide information or to place goods or services into the stream of commerce, by or on behalf of a person or entity who deals in goods or services or otherwise by his occupation holds himself or herself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds himself or herself out as having such skill.

COMMERCIAL ESTABLISHMENT – An enterprise, activity, profession or any other undertaking of an incorporated or unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, corporation, association or any other entity. This term shall include a person, partnership, corporation, association, institution or other entity employing one (1) or more persons for a salary, wage, commission or other compensation.

GROUP LIVING FACILITY – Any facility where two (2) or more individuals reside in separate quarters under a common roof structure who may or may not receive assistance with everyday activities.

ORGANIZATION – Any group of persons associated together for religious, benevolent, cultural, scientific, political, patriotic or other purposes.

PUBLIC OR PRIVATE RESIDENCE – Truth-in-Advertising Ordinance shall extend to all public and private residence in developments constructed in the North Huntingdon Township.

3. **TRUTH-IN-ADVERTISING** - Every commercial establishment, non-profit organization, non-profit corporation, school, church, public club, social or fraternal organization, private club, social or fraternal organizations, recreational facility, amusement facility, healthcare facility, group living facility, municipal and other governmental agency, or any other organizations that places advertisements in newspapers, circulars, television, radio, internet and in any form of media whatsoever developed, or in any other way or form communicates its location to the general public, other than specifying the general street address or mailing address, shall not identify the location of the establishment as being located in a municipality other than the Township of North Huntingdon unless the advertisement or communication conspicuously identifies the location of the Establishment as within the Township of North Huntingdon.
4. **IDENTIFICATION REQUIRED** - Every commercial establishment, non-profit organization, non-profit corporation, school, church, public club, social or fraternal organization, private club, social or fraternal organizations, recreational facility, amusement facility, healthcare facility, group living facility, municipal or other governmental agency, or any other organizations which use or reference the name of another municipality in any signage affixed to real property must also identify the property as being located in the Township of North Huntingdon by affixing the words "North Huntingdon Township" on each visible sign face. The words "North Huntingdon Township" must be a minimum of 1/3 the size of the name of the establishment, organization, facility or development. The minimum size of the "North Huntingdon Township" lettering shall be six (6) inches in height.
5. **OBSTRUCTIONS** - No trees, shrubs, plants and natural or man-made obstructions of any kind shall be planted or placed in such a manner in front of the sign so that the words "North Huntingdon Township" are obscured from view at any time.
6. **PENALTIES** - The penalty for violating this Truth-in-Advertising Ordinance shall be Five Hundred Dollars and 00/100 (\$500.00) per occurrence plus the court costs of prosecuting the violation. Each such publication of an advertisement in violation shall be deemed a separate violation. For advertisements in violation that are broadcast electronically, each such broadcast shall be deemed a separate violation. The Township Solicitor, upon express direction of the Township Board of Commissioners or a designee thereof, shall be authorized to petition the Court of Common Pleas for injunctive relief for any violation of this Ordinance.

7. **CONSTITUTIONALITY** – If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Commissioner that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
8. **CONFLICTING ORDINANCES** – All Ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this ordinance, except that the repeal shall not affect or prevent the prosecution or punishment of any person or any act done or committed in violation of any ordinance hereby repealed, prior to this ordinance taking effect.

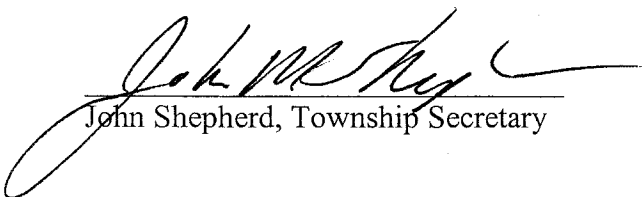
EFFECTIVE DATE – This Ordinance shall become effective sixty (60) days after Board of Commissioner’s approval.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 21st day of March, 2012.

TOWNSHIP OF NORTH HUNTINGDON
BOARD OF COMMISSIONERS

By: 
Lee D. Moffatt, President

ATTEST:


John Shepherd, Township Secretary

SEAL

SOLICITOR: Bruce E. Dice, Esquire