



**TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY. PENNSYLVANIA**

ORDINANCE NO. 05 OF 2018

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A SOUTH FAYETTE TOWNSHIP TRUTH IN ADVERTISING ORDINANCE; TO ESTABLISH THE TYPES OF GROUPS AND ORGANIZATIONS REQUIRED TO COMPLY WITH THE ORDINANCE; REQUIRING FOR IDENTIFICATION OF SOUTH FAYETTE IN CERTAIN CIRCUMSTANCES; PROVIDING SPECIFICATIONS FOR SAID IDENTIFICATION; AND PROVIDING PENALTIES FOR THE VIOLATION

WHEREAS, the Township of South Fayette, Allegheny 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 South Fayette, 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 South Fayette, thereby exacerbating the confusion of patrons and other visitors; and

WHEREAS, South Fayette 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, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners of the TOWNSHIP OF SOUTH FAYETTE, and it is **HEREBY ORDAINED and ENACTED** as follows:

1. **TITLE:** This Ordinance may be cited as the South Fayette Township Truth-in-Advertising Ordinance.

2. **DEFINITION:** As used in 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 or 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 Township of South Fayette.

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 physically located within the Township of South Fayette, that places advertisement 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 identify the location of the establishment as being located in the Township of South Fayette.

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 and other governmental agency, or any other organizations which uses or references the name of another municipality in any signage affixed to

real property must also identify the property as being located in the Township of South Fayette by affixing the words "South Fayette Township" on each visible sign face. The words "South Fayette 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 "South Fayette Township" lettering shall be six (6) inches in height.

5. OBSTRUCTIONS: No trees, shrubs, plants and natural and man-made obstructions of any kind shall be planted or placed in such a manner in front of the sign so that the words "South Fayette 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 Code Enforcement Officer for the Township shall be responsible for enforcement of this Ordinance and may institute proceedings before the district magisterial office within this Township for any violation of this Ordinance. The Township Solicitor 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 immediately upon adoption.


ORDAINED AND ENACTED INTO LAW this 12th day of September, 2018.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE:



~~LaVerne Diggs~~ MILES TRUITT
Acting Township Secretary



Ray Pitetti, President
Board of Commissioners