

**TOWNSHIP OF NORTH FAYETTE
ORDINANCE NO. 479**

AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, ESTABLISHING A TRUTH IN ADVERTISING ORDINANCE REQUIRING GROUPS AND ORGANIZATIONS FOR IDENTIFICATION OF NORTH FAYETTE IN CERTAIN CIRCUMSTANCES AND PROVIDING SPECIFICATIONS FOR SAID IDENTIFICATION TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS AND VISITORS.

WHEREAS, the Township of North Fayette, Allegheny County, Pennsylvania, continues to desire the health, safety, and welfare of its residents and visitors; and

WHEREAS, the ability to summon police and first responder services is directly related to the health, safety, and welfare of all individuals present in the Township; and

WHEREAS, Township residents and visitors are often unfamiliar with the Township boundaries and the exact location of many businesses and organizations and whether they are located within the Township's boundaries, or, in another municipality; and

WHEREAS, a number of businesses and organizations located within the Township of North Fayette have been found to communicate and publish through print, audio, digital and other media that the establishment is located in other municipalities rather than the Township of North Fayette, thereby creating confusion among residents and visitors; and

WHEREAS, the Township Board of Supervisors, in conjunction with its Police Officers and public safety personnel, has found that first responders have been mistakenly informed of emergencies in the Township via 911 calls from residents and visitors who believe that the emergency is actually taking place in a neighboring municipality as a result of misleading advertisements from organizations; and

WHEREAS, the Township Board of Supervisors finds that the incorrect designation of the location of establishments does cause confusion among residents and visitors resulting in delays from misdirect request for police and emergency services, which the Township seeks to correct and to promote public safety through this Ordinance.

NOW THEREFORE, BE IT ORDAINED and enacted by the Township of North Fayette, as follows:

SECTION I. **Definitions.** As used in this article, 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 or more persons for a salary, wage, commission or other compensation.

GROUP LIVING FACILITY

Any facility where two 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

This Truth in Advertising Ordinance shall extend to all public and private residences in developments constructed in the Township of North Fayette.

SECTION II **Truth in advertising.** Every commercial establishment, nonprofit organization, nonprofit corporation, school, church, public club, social or fraternal organization, private club, recreational facility, amusement facility, healthcare facility, group living facility, municipal and other governmental agency, or any other organizations physically located within the Township of North Fayette 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 identify the location of the establishment as being located in the Township of North Fayette.

SECTION III **Identification required.** Every commercial establishment, nonprofit organization, nonprofit corporation, school, church, public club, social or fraternal organization, private club, 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 North Fayette by affixing the words "Township of North Fayette" on each visible sign face. The words "Township of North Fayette" must be a minimum of 1/3 the size of the name of the establishment, organization, facility or development. The minimum size of the "Township of North Fayette" lettering shall be six inches in height.

SECTION IV **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 "Township of North Fayette" are obscured from view at any time.

SECTION V **Exceptions.** This Article shall not apply to hotels, to the extent that they identify themselves with the Pittsburgh Airport and/or the Pittsburgh International Airport in their respective advertising practices. To the extent that said hotels use the name of another municipality, this Ordinance shall apply.

SECTION VI **Penalties.** The penalty for violating this Truth in Advertising Ordinance shall be \$500 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(s) for the Township shall be responsible for enforcement of this article and may institute proceedings before the district magisterial office within this Township for any violation of this article. The Township Solicitor shall be authorized to petition the Court of Common Pleas for injunctive relief for any violation of this article.

SECTION VII **Severability.** If any sentence, clause, section, or part of this article 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 article. It is hereby declared as the intent of the Board of Supervisors that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


SECTION VIII **Conflicting ordinances.** All ordinances or parts of ordinances conflicting with the provisions of this article are hereby repealed insofar as they are inconsistent with this article, 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 article taking effect.

SECTION VIII. **EFFECTIVE DATE.** This Ordinance shall be effective 90 days from the date of enactment.

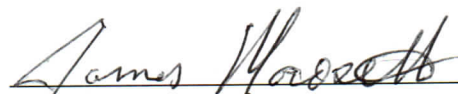
ORDAINED AND ENACTED INTO LAW this 27th day of April 2021.

ATTEST:

THE TOWNSHIP OF NORTH FAYETTE



Michael Baker
Township Manager

By: 

James Morosetti
Chairman, Board of Supervisors