

**TOWNSHIP OF MOUNT PLEASANT
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 158

AN ORDINANCE REPEALING CH. 146 OF ITS CODE OF ORDINANCES, “PEDDLING AND SOLICITATION” IN ITS ENTIRETY, AND ENACTING A NEW “PEDDLING AND SOLICITATION” ORDINANCE, INCLUDING UPDATED DEFINITIONS, RULES, LICENSE FEES, APPLICATION PROCEDURES, HOURS OF OPERATION, EXEMPTIONS, ENFORCEMENT, AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Township is empowered to and does regulate peddling and solicitation activities, and other transient retail business activities, through its Peddling and Solicitation Ordinance, as currently codified at Chapter 146 of the Mount Pleasant Township Code of Ordinances; and

WHEREAS, the Township Board of Supervisors, upon the advice and recommendation of its Solicitor, Manager, and Chief of Police, wish to repeal in its entirety the current Peddling and Solicitation Ordinance, as codified at Chapter 146 of the Township’s Code of Ordinances, and to replace it with a new, updated Peddling and Solicitation Ordinance, including updated definitions, rules, and procedures for the issuance of peddling and solicitation licenses by the Township Police Department, establishing license fees, providing for certain exemptions as required under law, establishing permissible hours of operation, providing for enforcement, and imposing penalties for violations thereof.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Board of Supervisors, and it is hereby ordained and enacted by and with the authority of the same, as follows:

The Code of Ordinances of the Township of Mount Pleasant is modified to include the following Chapter:

Chapter 146. Peddling and Solicitation

146-1. Purpose. The purpose of this chapter is to regulate commercial peddling and solicitation, and other transient retail business activities conducted in the Township of Mount Pleasant; and to establish use-of-street restrictions and hours of canvassing and soliciting for canvassers and solicitors.

146-2. Definitions. For the purposes of this chapter, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the text:

CANVASS - The act of going upon the property or approaching people on property to discuss or explain issues, which shall include religious proselytizing, exercising an individual's right to freedom of speech, or campaigning for political votes, and which does not include the sale of goods or products.

CANVASSER - A person who engages in canvassing.

COMMERCIAL SOLICITATION - The practice of going in and upon private residences and appurtenant lots in the Township by salesmen, solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of services, goods, wares or merchandise or of disposing of or peddling or hawking the same, or otherwise engaging in Transient Retail Business activities within the Township.

MERCHANDISE OR SERVICES - Any goods or services, including but not limited to magazines, periodicals, books and orders or contracts for services, home improvements or alterations.

PEDDLE - The act of going on the property or approaching people on property to sell goods, merchandise, products or services, or otherwise engaging in Transient Retail Business activities within the Township.

PEDDLER - A person who engages in peddling.

PEDDLING - To peddle.

PERSON - Any natural person, corporation, association or organization, partnership, trust, foundation or other entity, however styled, including but not limited to business organizations, commercial co-venturers and commercial solicitors.

SOLICIT - The act of going upon property or approaching people on property to ask for, request or seek monetary contributions, donations or support.

SOLICITING - To solicit.

TOWNSHIP – The Township of Mount Pleasant, Washington County, Pennsylvania.

TRANSIENT RETAIL BUSINESS - Engaging in peddling, soliciting, or taking orders, either by sample or otherwise for any goods, wares or merchandise upon any street, alley, sidewalk, road, highway or public ground, or door-to-door, within the Township; or selling, soliciting, or taking orders for any goods, wares or merchandise from a fixed location within the Township of North Fayette on a temporary basis which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.

146-3. License Required for Commercial Solicitation. From and after the passage of this chapter, it shall not be lawful for any person or persons, partnership or corporation to be engaged or concerned in the business or employment of selling produce, wares, goods, and other merchandise and solicitations of subscriptions or money, or any of them, from house to house, upon the public streets, alleys, or highways at wholesale or retail, or otherwise engaging in Transient Retail Business activities within the Township, without first having taken out a license as hereinafter provided. No person, except as otherwise provided herein at §146-4, shall peddle or engage in the practice of going in and upon private residences and appurtenant lots in the Township by salesmen, solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of services, goods, wares or merchandise or of disposing of or peddling or hawking the same, unless such person has obtained a commercial solicitor's license as required by §146-5 through §146-9 of this chapter, issued by the Township Police Department.

146-4. Exceptions. Except for §146-13A (relating to exclusive right to a location) and §146-13B (relating to prohibited hours of canvassing and soliciting), nothing in this chapter shall

be held to apply to:

- A. Any sales conducted pursuant to statute or by order of any court.
- B. Home delivery of daily or weekly newspapers.
- C. Persons having an established place of business within the Township or their employees, for soliciting orders from customers and delivering the same.
- D. Farmers who themselves or through their employees vend, sell or dispose products of their own farms or gardens.
- E. Soliciting by charitable or religious canvassers when the person is acting in his or her capacity as a member of a charitable, religious or nonprofit organization or corporation which has received tax-exempt status under 26 U.S.C. §501(c)(3) or other similar civic, charitable or nonprofit organizations, or who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act 10 P.S. §162.1 et seq.
- F. Persons engaged in political or other First Amendment speech or solicitation.
- G. Minors under the age of 18 years of age who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent youth organizations such as the Boy Scouts, Girl Scouts, or church or other religious groups, public and private schools, or similar organizations.

However, except for such specified activities as described in this section, Subsections F and G afore-described, for which registration and a license is not required, all persons exempted hereby from the payment of the license fee shall be required to register with the Township Chief of Police and obtain a license without fee; provided, any person dealing in one or more of the above mentioned, exempted categories and dealing with other goods, ware or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Chief of Police may similarly exempt from payment of the license fees, but not from registering with him/her, persons working without compensation and selling goods, wares or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business, every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for all applicants. Nothing contained in this Part shall be held to prohibit any sale required by statute or by any order of court or to prevent a bona fide auction sale pursuant to law.

146-5. Verified Application Required to Obtain Commercial Solicitor License. Any person desiring to procure a commercial solicitor license as herein provided shall file with the Township Police a verified application.

146-6. Commercial Solicitor License Application Contents. Each applicant for a commercial solicitor license shall, at the time of applying, file with the Township Police an application in writing, which shall give the following information:

- A. Age and physical description of applicant and each such agent and employee.
- B. Complete permanent home and local address of applicant and his agents or employees.
- C. Name and address of the organization or person for whom the commercial solicitation is being made.
- D. Description of the nature of the commercial solicitation or a description of the purpose or causes for which the commercial solicitation is being made.
- E. The days, dates and route of the applicant's commercial solicitation in the Township.
- F. A statement as to whether or not the applicant or any of such agents or employees have been convicted of or pleaded guilty to a felony or misdemeanor, where and when so convicted, the nature of the offense and the punishment or penalty, if any.
- G. A current background investigation for each applicant or an authorization allowing the release of the applicant's Pennsylvania criminal history record information to the Township.
- H. The make, model, year, color and license plate number of automobiles used by the applicant and such agents and employees during the period of solicitation within the Township, and the numbers of their drivers' licenses and the states of issuance.

146-7. License Fees.

- A. Each persons or persons; partnership or corporation who may desire to engage in such business without the use of vehicle, or vehicles, shall take out a personal license and shall pay for such license the sum as set forth herein at §146-7.B, or as may be adjusted from time to time by resolution of the Board of Supervisors for one year, or fraction thereof, beginning January 1 of each calendar year.
- B. Fees for commercial solicitors' licenses under this chapter shall accompany each commercial solicitor license application and shall be calculated as follows:
 - 1. For 30 days or any part thereof: \$100.00, or such other amount as the Township shall from time to time set by resolution;
 - 2. For each person/solicitor applying under the permits set forth in A. above, an additional fee of \$25.00, or such other amount as the Township shall from time to time set by resolution.

146-8. Approval or Disapproval of Commercial Solicitor License Applications. The Township Police shall approve or disapprove a commercial solicitor license application within five business days of submission. Approval shall not be unreasonably withheld. If the

commercial solicitor license application is denied for any reason, the applicant may appeal the decision to the Township Board of Supervisors as provided in §146-10 of this chapter.

146-9. Display of Commercial Solicitor Licenses; Return. Each licensee shall carry the commercial solicitor license at all times when in the Township and shall exhibit it to any citizen or Township official upon request. At the conclusion of the period for which the commercial solicitor license was issued, said solicitor's license shall be surrendered to the Township Police for cancellation.

146-10. Appeal from Denial of Application or Confiscation of Solicitor's License. In the event that an application for a commercial solicitor license is disapproved by the Township Police, or the Township Police upholds the suspension or confiscation of a solicitor's license for a violation of this chapter, the applicant may, within five days of the denial, appeal the decision to the Township Board of Supervisors, which shall set a time and place for hearing. This hearing shall be held within 45 days after the appeal is taken by the applicant, at which hearing the applicant will be given opportunity to present reasons why the commercial solicitor license should be issued. The decision of the Board of Supervisors shall be made within 10 days of the appeal hearing.

146-11. List of Registered Owners. No person who has obtained a commercial solicitor license or any salesperson, solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services (not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences for the purpose of soliciting orders for the sale of services, goods, wares or merchandise or of disposing of or peddling or hawking the same) shall solicit in the Township without first obtaining from the Township Police a list of all persons and their addresses who have specifically requested that canvassers and solicitors not solicit such persons at any time. The Township shall maintain and make the list of registered owners available to canvassers in the Township electronically without charge.

146-12. No Solicitation of Registered Property Owners. No person shall canvass, solicit, distribute circulars or other matter or call from house to house or place to place in the Township of any person who has specifically requested that canvassers and solicitors not solicit such persons at any time.

146-13. Use-of-Street Restrictions; Hours of Operation. Solicitation and canvassing in the Township are subject to the following additional requirements:

- A. No canvasser or solicitor shall have an exclusive right to any location in the streets or

other public passages of the Township, be permitted a stationary location thereon, or be permitted to obstruct such streets and public passages thereby rendering such street or public passage impassable without unnecessary inconvenience or hazard.

- B. No commercial peddling, solicitation, or other transient business activity shall be permitted on Sunday; on any Legal Holiday (i.e, any Holiday on which the Washington County Courts are closed); or on any day before 9:00 a.m. or after 9:00 p.m., EST.
- C. Any licensee or person, whether as an individual, representative, principal, agent, employer or employee, obtaining a solicitor's license shall:
 - (1) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any tainted or damaged provisions or merchandise;
 - (2) Not engage in peddling or soliciting upon any premises or residence located thereon if such premises or residence is posted against solicitation by means of a notice, upon which is printed a "no solicitors" or a "no trespassing" sign;
 - (3) Not engage in peddling or soliciting after being asked to leave the premises or residence by the owner or occupant;
 - (4) Not peddle or solicit home improvement services without being compliant with the Pennsylvania Home Improvement Consumer Protection Act.
- D. No registrant shall be permitted to solicit or canvass on any holiday on which the Allegheny County Courts are closed.

146-14. Transfer of Commercial Solicitor License Prohibited. No commercial solicitor license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

146-15. Suspension and Confiscation of Solicitor Licenses. A police officer observing a violation of this chapter may take one or more of the following actions:

- A. The officer may issue a verbal or written warning to the violator to cease and desist the activity that is in violation of this chapter.
- B. If the person is in possession of a solicitor's license, the officer may confiscate the license and return it to the Township Police Department within 24 hours with a written explanation of the violation. In the event a solicitor's license is returned to the Township Police after confiscation, the commercial solicitor whose solicitor's license

has been confiscated shall have three working days in which to request an administrative review of the suspension by the Township Police. If the request for administrative review is not made within three working days, the solicitor's license is revoked.

- C. The officer may issue the violator a non-traffic citation for a violation of this chapter pursuant to the Pennsylvania Rules of Criminal Procedure during which proceedings the Magisterial District Judge may revoke the commercial solicitor license pursuant to §146-16 hereof.

146-16. Revocation of Commercial Solicitor Licenses.

- A. A commercial solicitor license may be revoked by any Magisterial District Judge having jurisdiction, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in, or material fact omitted from, the application for license;
- (2) Fraud, misrepresentation or false statement or material omission made in the course of soliciting;
- (3) Failure to obey a "no trespassing" sign posted by a resident or failure to obey the no-solicitation list;
- (4) Any violation of this chapter;
- (5) Conviction of any crime or misdemeanor involving moral turpitude by the licensee or any representative of an organization holding a license; or
- (6) Conducting any activities in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- B. Notice of the hearing for revocation of the commercial solicitor license shall be given in writing at such address as specified on the licensee's application, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be transmitted by certified mail, postage prepaid, to the licensee or organization holding a commercial solicitor license at least seven days prior to the date set for hearing.

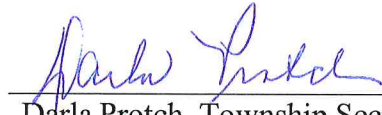
146-17. Violations and Penalties. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90

days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

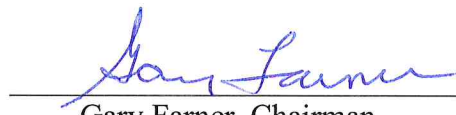
ORDAINED AND ENACTED into law this 25th day of May, 2022.

ATTEST:

THE TOWNSHIP OF MOUNT PLEASANT



Darla Protch, Township Secretary-Mgr.



Gary Farner, Chairman

Approved as to form by:



Thomas P. McDermott, Solicitor