

**TOWNSHIP OF HAMPTON**

**ORDINANCE NO. 808**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON, COUNTY OF ALLEGHENY, REQUIRING REGISTRATIONS FOR PERMITS FOR THE PURPOSE OF SOLICITATION AND PEDDLING IN THE TOWNSHIP OF HAMPTON, PROVIDING FOR THE ADMINISTRATIVE ISSUANCE OF LICENSES THEREFOR, PROVIDING FOR EXCEPTIONS, ESTABLISHING STANDARDS FOR SOLICITATION AND PEDDLING IN THE TOWNSHIP, PROVIDING UNLAWFUL ACTS RELATING TO THE SAME, PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE, AND FURTHER REPEALING ORDINANCE NO. 400, WHICH ORDINANCE WAS ADOPTED ON THE 24<sup>TH</sup> DAY OF OCTOBER, 1989.**

WHEREAS, Council desires to restate in its entirety the Peddling and Solicitation Ordinance of the Township to update the procedure.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Hampton, 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 Hampton is modified to include the following Chapter:

**Chapter 221. Peddling and Solicitation**

**221-1. Purpose.**

The purpose of this chapter is to regulate commercial solicitation in the Township of Hampton and to establish use-of-street restrictions and hours of canvassing and soliciting for canvassers and solicitors.

## **221-2. 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, that 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.

### **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.

### **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.

**221-3. License Required for Commercial Solicitation.**

No person, except as otherwise provided herein in 221-4, 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 221-5 through 221-9 of this chapter, issued by the Township Police Department.

**221-4. Exceptions.**

Except for 221-13A (relating to exclusive right to a location) and 221-13B (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.
- F. Persons engaged in political or other First Amendment speech or solicitation.
- G. Minors under the age of 18 years of ages.

**221-5. 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.

**221-6. 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 of Hampton.
- 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.

**221-7. Fees.**

Fees for commercial solicitors' licenses under this chapter shall accompany each commercial solicitor license application and shall be calculated as follows:

- A. For 30 days or any part thereof: \$100.00 or such other amount as the Township shall from time to time set by resolution;
- B. For each person/solicitor applying under the permits set forth in A. above, an additional fee of \$25.00.

**221-8. 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 Council as provided in 221-10 of this chapter.

**221-9. 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.

**221-10. 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 Council, 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 Council shall be made within 10 days of the appeal hearing.

**221-11. 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.

**221-12. 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.

**221-13. Use-of-Street Restrictions.**

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 canvasser or solicitor shall be permitted to solicit or canvass before 9:00 a.m. or after 7:00 p.m., prevailing time.
- 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.

**221-14. 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.

#### **221-15. 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 nontraffic 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 221-16 hereof.

#### **221-16. 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.

**221-17. Violations and Penalties.**

Any person, persons, firm, partnership or corporation that violates 221-3 of this chapter shall, upon conviction by the issuing authority for the magisterial district which includes the Township of Hampton, be fined not more than \$600, plus costs of prosecution, or imprisoned not more than 90 days, or both. Each and every day that a violation occurs shall constitute a separate and distinct summary offense under this chapter and shall be subject to separate and distinct penalties. All other violations of this chapter shall be subject to a maximum fine of \$1,000, plus costs of prosecution, or a maximum term of imprisonment of 90 days.

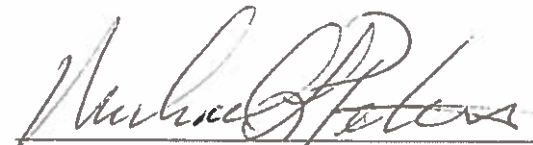
Any ordinance or resolution or parts thereof which are in conflict herewith are repealed to the extent of the conflict.

ORDAINED AND ENACTED into law this 28<sup>th</sup> day of FEB, 2018.

ATTEST:

  
Secretary

THE TOWNSHIP OF HAMPTON

  
Michael L. Peters, President  
Hampton Township Council