

**TOWNSHIP OF KENNEDY
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE No. 404

**AN ORDINANCE OF THE TOWNSHIP OF KENNEDY, ALLEGHENY
COUNTY, PENNSYLVANIA, REPEALING ORDINANCES 27 AND 323
ESTABLISHING REGULATIONS FOR PEDDLING, SOLICITING, AND
CANVASSING ACTIVITIES AND TO PROVIDE FOR A NO-
SOLICITING/PEDDLING LIST.**

WHEREAS, Section 2901 of the First Class Township Code, authorizes the Board of Commissioners of the Township of Kennedy (the Township) to license and regulate by ordinance transient merchants conducting business within the Township; and

WHEREAS, The Board of Commissioners desire to repeal and rescind Ordinance's 27 and 323, Peddling and Soliciting, to establish regulations for peddling, soliciting and canvassing and to provide for a No-Soliciting/Peddling List in order to maintain, and preserve the protection of privacy, peaceful enjoyment of home, insulation from annoyance and interruption during times traditionally reserved for family, proliferation of fraudulent schemes against the elderly, home invasions and anxiety of home alone children with the Township.

NOW AND THEREFORE, The Board of Commissioners ordains and enacts, by the Authority of the same as follows;

Section 1. Definitions:

For the purposes of the Ordinance, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

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

CANVASSER - A person who engages in canvassing

CANVASSING – To canvass

PEDDLE – The act of going upon property or approaching people to sell goods, services or products

PEDDLER – A person who engages in peddling

PEDDLING – To peddle

PERSON – Any natural person, corporation, association or organization

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

SOLICITOR – A person who engages in soliciting

SOLICITING – To Solicit

The singular shall include the plural and the masculine shall include the feminine and neuter.

Section 2 Registration Required:

- A. It shall be unlawful for any person to enter upon residential property within the Township of Kennedy without being invited to do so by the owners or occupants of the subject property, to peddle and/or solicit Township residents by knocking upon residential doors, or by ringing doorbells, or to otherwise so as to cause or attempt to cause residents to open their doors unless the person doing the peddling and/or soliciting activity has first registered at the Municipal Building and received an identification card from the Office of the Chief of Police of the Township of Kennedy. This Ordinance is not intended to prevent the lawful distribution of anything other than commercial solicitation and business advertising.
- B. Individuals who are **not** engaged in for-profit commercial enterprises shall be exempt from the registration requirements set forth in section A above, and the identification card requirements in section 3 below.
- (1) Children under 18 years of age soliciting or peddling on behalf of a non-profit school or government organization
 - (2) Persons soliciting on behalf of a non-profit or neighborhood organization for either donations to, or membership in such organization.
 - (3) Persons peddling donated merchandise on behalf of a non-profit organization where the proceeds of the sale are used for charitable purposes
 - (4) Persons peddling on behalf of a religious organization where the proceeds of the sale are used to support such organization or for a charitable purpose
 - (5) Persons engaged in canvassing for political purposes.

C. No identification card shall be issued to a peddler or solicitor unless the following information is given by the applicant:

- (1) Full identification, including proof thereof by vehicle operator's license or some other accepted method of identification containing the applicant's photograph, residence and office address.
- (2) The name of the organization for which the applicant is peddling and/or soliciting, together with the address of the organization.
- (3) The length of time the peddling and/or soliciting is to be carried out.
- (4) Any criminal record which the applicant may have.

D. The registration requirement is not intended to apply, and shall not be construed to apply, to any individual other than individuals engaged in the sale, promotion, merchandising, vending, advertising, offering for sale any services or any products or property real, personal or mixed, or any plan or opportunity for investment or contract for inspection, repair replacement or improvement of real or personal property.

Section 3 Identification Card:

Peddlers and/or Solicitors regulated by this ordinance shall carry their identification card which shall be issued by the Chief of Police, at all times while peddling and/or soliciting within the Township and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities.

Section 4 Fees:

No license shall be issued under this Ordinance until the proper fee, as follows, which shall be paid to Chief of Police:

- A. Foot Peddler/Solicitor: Five (\$5.00) dollars per day; Forty dollars (\$40.00) per month; Two Hundred dollars (\$200.00) per year.
- B. Peddler/Solicitor operating from a motor vehicle: Six dollars (\$6.00) per day; Fifty dollars (\$50.00) per month; Two Hundred dollars (\$200.00) per year
- C. Each and every additional peddler/solicitor employee by or with a Foot Peddler/Solicitor or operating from a vehicle; Five dollars (\$5.00) per day; Twenty dollars (\$20.00) per month; One Hundred dollars (\$100.00) per year.

Section 5 Hours:

All peddling/soliciting and or canvassing activities shall, in the case of residential door-to-door or house-to-house calling shall be restricted to the following hours:

A. From October 1st through March 31st between the hours of 9:00 AM and 6:00PM, prevailing time, including Saturday's and Sunday's.

B. From April 1st through September 31st between the hours of 9:00 AM and 9:00 PM, prevailing time, including Saturday's and Sunday's.

Section 6 Denial of Card; Revocation:

In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she may be denied an identification card or the identification card may be revoked or canceled by the Board of Commissioners after a hearing before the Board of Commissioners. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or her identification or the identity of the organization for which the peddling and/or solicitation is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Board of Commissioners after a hearing before the Board of Commissioners.

Section 7 Solicitation at Businesses:

Soliciting shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours as long as the solicitors receive written permission from the owner of the subject business or property and comply with the registration identification card and hour restrictions referenced in this Ordinance.

Section 8 No-Soliciting/Peddling/Canvassing List:

- A. A Township resident may post or display "No Soliciting, Peddling, Canvassing or similar signs, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of the Ordinance for any peddler, solicitor, and/or canvasser to go upon any property that the owner or resident has posted a "No Soliciting, Peddling, Canvassing sign.

- B. The Chief of Police shall maintain a list of the addresses of Township residents who have notified the Chief of Police in writing that they do not wish peddlers, solicitors and/or canvassers to enter upon their property. A copy of this list shall be provided along with and as a part of any identification card issued under this Ordinance. It shall be a violation of the Ordinance for a peddler, solicitor and/or canvasser to go upon any property listed on the "No Soliciting, Peddling and/or Canvassing List.

- C. Violations of this section are subject to the penalties set forth in Section 9 hereof, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa. C.S.A. § 3503, as amend.

Section 9 Violations and Penalties:

Any individual, firm corporation or entity who violates, causes or permits the violation of any provision of this Ordinance shall be subject to a criminal fine of not less than \$100.00 nor more than \$1000.00 per violation, plus court costs, including reasonable attorney's fees incurred by the Township, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which the violation is found to exist or for each section of the Ordinance found to have been violated. Enforcement of this Ordinance shall be by action brought before the District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In addition to any other remedy available at law, the Township may enforce this Ordinance by an action at equity. All fines and penalties collected for violation of the Ordinance shall be paid to the Township Treasurer. The initial determination of Ordinance violation and the service of notice of the violation are hereby delegated to the Township Manager, the Chief of Police, the Building Inspector, or their designees or to any other officer or agent that the Township Manager or the Board of Commissioners shall deem appropriate.

Section 10 Repealer:

All prior Ordinances are hereby repealed and rescinded in whole or in part to the extent inconsistent herewith

ORDAINED AND ENACTED this 11th of August 2003 by the Board of Commissioners of the Township of Kennedy

ATTEST:



Paul H. Bingham

Paul H. Bingham
Township Manager

By: *Joseph M. Kulik*

Joseph M. Kulik, President
Board of Commissioners