

**ADAMS TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 159

AN ORDINANCE AMENDING AND REPEALING ORDINANCE NUMBER 90 BY REGULATING THE BUSINESS OF TRANSIENT MERCHANTS WITHIN THE TOWNSHIP OF ADAMS, BUTLER COUNTY, PENNSYLVANIA, REQUIRING TRANSIENT MERCHANTS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Adams, Butler County, Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** as follows:

SECTION 1 – Ordinance number 90 adopted April 24, 2000 is hereby amended to state as follows (additions are **BOLDED** and deletions are stricken through “—”).

SECTION 101 – DEFINITIONS

a. The word “soliciting” as used in this Ordinance shall mean the seeking or taking of contracts or orders for any goods, wares, services, or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the municipality and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations, and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for houses, or other building improvements or repairs, upon or from the places aforesaid within the said municipality.

b. The word “peddling” as used in this Ordinance shall mean the selling or offering for sale of any goods, wares, services, or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the said municipality.

c. The word “canvassing” as used in this Ordinance shall mean the practice of going from dwelling unit to dwelling unit to (a) conduct surveys for research purposes (other than those conducted by an agency of the State or Federal government), (b) to make analyses, to take opinion polls, to compile rating data, (c) to obtain or seek contributions or donations for any person or organization or cause, (d) to advance personal, religious or political causes and proselytizing with regard thereto, or (e) to conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including distribution of circulars.

PROVIDED: The words "soliciting" and "peddling" shall not apply:

(1) To farmers seeking or taking orders for the sale of their own products.

(2) To the sale of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be applied to any IRS designated 501(c)(3).

~~(3) To the seeking or taking of orders for insurance, by insurance agents or brokers, licensed under the insurance laws of the Commonwealth of Pennsylvania.~~

(4) To children attending local schools, including preschool, kindergarten, grade, junior, intermediate, middle or high schools, selling products for school projects or activities.

(5) To persons, corporations, partnerships and associations, their agents or employees, who have complied with the Act of Assembly of the Commonwealth of Pennsylvania of 1935 P.L. 64, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes **Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et. seq., as from time to time amended, upon proof of same provided to the Adams Township Police prior to canvassing.**

~~e.~~ **d.** Any person who is engaged in the business of "soliciting" and/or "peddling" shall be termed a "transient merchant".

~~d.~~ **e.** The word "person" as used in this Ordinance, shall mean any natural person, association, partnership, firm, organization, or corporation.

~~e.~~ **f.** In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

~~f.~~ **g.** The word "municipality" means Township of Adams.

SECTION II 102 – REQUIREMENT FOR LICENSE

No person shall engage in soliciting or peddling or in the business of transient merchant in the municipality without first having secured a license as herein provided.

SECTION III 103 – APPLICATION FOR LICENSE

Every person desiring to engage in the business of transient merchant in the municipality shall first make application to the Chief of Police of the municipality for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license. The application shall be upon a form prescribed by the governing body and shall contain at least the following information:

- a. Full name of the applicant and local address, if any;
- b. Permanent address;
- c. Name of employer or a statement that such applicant is self-employed;
- d. The nature of the goods, wares, services or merchandise offered for sale;
- e. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed there;
- f. The type of vehicle to be used, if any;
- g. Positive identification, such as a valid driver's license, PROVIDED:

(1) where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by the applicant, and an individual license shall be required for each helper. No license under this chapter shall be transferable from one person to another.

SECTION IV 104 – LICENSE FEES

No license to engage in the business of transient merchant shall be issued under this chapter until the required license fee shall be paid to the municipality. Such fees shall be in accordance with the Schedule of Fees then in effect in the municipality and established by resolution of the governing body. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

SECTION V 105 – FEES AND DURATION OF LICENSE

The Fee Schedule adopted by the governing body may provide for different fees for different periods of times. No license shall be issued for a period of time in excess of one month. Should the transient merchant desire to continue his activities for a period longer than one month, a new application must be filed and the appropriate fee paid. All fees shall be nonrefundable.

SECTION VI 106 – PURPOSE OF LICENSE AND STANDARDS OF CONDUCT

Such license when issued shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every transient merchant shall at all times, when engaged in soliciting or peddling in the municipality, carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens.

The transient merchant shall conform to the following standards of conduct:

a. No transient merchant shall engage in selling any product or service not specified on his license.

b. No transient merchant shall enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

c. No peddling or soliciting of business shall occur on Sundays or official holidays.

d. No peddling or soliciting of business shall occur prior to 9:30 a.m., prevailing time, and shall cease at ~~sunset or 6:00 p.m.~~ **9:00 p.m.**, prevailing time, ~~whichever shall occur first.~~

e. No person licensed as a transient merchant under this chapter shall occupy any fixed location upon any of the sidewalks, streets, highways or alleys of the Township for the purpose of soliciting or peddling with or without any stand or counter.

f. No transient merchant or canvasser shall solicit or peddle or canvass any premises which has a notice posted at any primary entrance to the residence which reads:

**ABSOLUTELY
NO SOLICITATION**

or

NO TRESSPASSING

or

similarly worded sign

If such notice is posted, the transient merchant or canvasser shall forthwith peacefully depart the premises.

g. No transient merchant or canvasser shall solicit or peddle or canvass at any premise in which the owner or occupant has advised Adams Township in writing that they do not wish to be solicited, peddled to or canvassed, which said list shall be provided to the peddler, solicitor or canvasser at the time of licensing, or providing proof of compliance with the Solicitation of Funds for Charitable Purposes, whichever the case may be, and carried and utilized by the transient merchant or canvasser while soliciting, peddling or canvassing.

SECTION 108 – NOTICES

Any person owning or occupying any building or portion thereof within Adams Township, Butler County, Pennsylvania, who desires to secure the protection under the Notice Regulations contained in this Ordinance shall comply with the following requirements:

a. Such individual shall post at a primary entrance to such premises a notice which states “ABSOLUTELY NO SOLICITING” or “NO TRESSPASSING”.

b. Such notices shall be in block letters at least one (1) inch in height and will be provided by Adams Township to persons requesting them at the website www._____, or such other website as may be determined from time to time by Resolution of the Board of Supervisors.

c. Such notice so exhibited shall constitute sufficient notice to any canvasser, peddler or solicitor, whether registered under this Ordinance or not, of the determination by the occupant or owner of such premises of the information contained on such notice.

SECTION VII 109 – RECORDS AND LICENSES

The Chief of Police of ~~the municipality~~ **Adams Township** shall keep a record of all licenses issued under this chapter. The ~~municipal~~ **Adams Township** Police Department shall supervise the activity of all holders of such licenses.

SECTION VIII 110 – SUSPENSION OR REVOCATION OF LICENSE

a. Any license which has been issued under the terms of this chapter may be suspended by the Chief of Police upon the filing of complaints by two (2) or more residents of the municipality regarding the misconduct or adverse behavior of any licensed transient merchant. The license shall be revoked or reinstated within seven (7) days following an investigation into the merits of the complaints by the Chief of Police.

b. Any license which has been issued under the terms of this chapter may be revoked by the Chief of Police upon failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made a false statement in his application for a license hereunder, or that the licensee was convicted of a crime after the issuance of such license or was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the municipality. Notice of revocation shall be given by written notice personally served or sent by certified mail to the address designated for this purpose in the application for license.

SECTION IX 111 – APPEAL OF SUSPENSION OR REVOCATION OF LICENSE

Any person whose license has been revoked shall be entitled to appear, with counsel, if he so desires, before the governing body at any regular or special meeting and be heard in behalf of a request for reinstatement for his license.

SECTION X 112 – PROHIBITED ACTIVITIES OF LICENSEE

No person licensed as a transient merchant under this chapter shall hawk or cry his wares or services upon any of the streets or sidewalks of the municipality, nor shall he use any loudspeaker, bell, whistle, **electronic or flashing sign** or other device for announcing his presence by which the public is annoyed.

SECTION XI 113 – FINES AND PENALTIES FOR VIOLATION OF ORDINANCE

Any person who shall violate any of the provisions of this chapter, or who permits the violations of this chapter by any of his helpers, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a fine of ~~\$300.00~~ **\$600.00** plus all court costs, including reasonable attorney fees, incurred by the municipality. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

SECTION XII 114 – SEVERABILITY

The provisions of this Ordinance shall be severable and if any of the provisions or sections shall be declared unconstitutional or illegal by the Court of competent jurisdiction, the decision of such Court shall not affect the validity of the remaining sections or provisions, of this Ordinance, being declared by the governing body that it would have been their legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION XIII 115 – REPEALER OF PRIOR INCONSISTENT ORDINANCES

Ordinance No. 90 of Adams Township is specifically repealed, as well as any prior resolutions or prior ordinances or parts thereof which are inconsistent herewith.

Enacted into an Ordinance this 27th day of February,
2017.

ATTEST:

ADAMS TOWNSHIP
BOARD OF SUPERVISORS:

Janet L. Lukwert
Secretary

(SEAL)

Chairman

Thomas P. Franceschina
Vice-Chairman

John J. Jew
Supervisor

[Signature]
Supervisor

Supervisor