

Chapter 96

PEDDLING

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 7-6-93 by Ord. No. 1587. Previous Ordinance Numbers 1148 and 1587 repealed 2-3-03 and Chapter revised in its entirety 2-3-03 by Ord. No. 1882 and amended 11-5-07 by Ord. No. 1982]

GENERAL REFERENCES

**Definitions and rules of interpretation - See Ch. 3.
 Distribution of handbills - See Ch. 83.**

§ 96.1. **Title.** This Chapter shall be known and may be cited as the "PEDDLING Chapter of the Township of Upper St. Clair."

§ 96.2. **Statement of Purpose.** It is the purpose of this Chapter to regulate Persons who peddle in the Township, whether on behalf of a commercial or non-commercial enterprise

§ 96.3. **Permit Required.** Unless otherwise exempted by this Chapter, it shall be unlawful for any person to peddle within the Township without first obtaining a PEDDLING permit therefor as provided in this Chapter (the "Permit").

§ 96.4. **Definitions.** As used in this chapter, the following terms shall have the meanings as indicated:

APPLICANT. The person who applies for a Permit pursuant to this Chapter. If the Applicant is not a natural person, then an individual, duly authorized as the Applicant's representative must execute an application for a Permit hereunder pursuant to Section 5.0 and comply with Section 6.2 herein.

CHARITABLE SOLICITATION ACT. The Solicitation of Funds for Charitable Purposes Act enacted by the Commonwealth of Pennsylvania, 10 P.S. §162.1 et seq., as such act may be amended from time to time.

PEDDLER. A person who is Peddling.

PEDDLING. To go from door to door in the Township selling or attempting to sell subscriptions, products or services.

PEDDLING ORGANIZATION. The person or organization on whose behalf PEDDLER(S) are acting.

STATE PERMIT. A permit issued by the Bureau of Charitable Organizations of the Department of State, pursuant to the terms of the Charitable Solicitation Act.

TOWNSHIP MANAGER. The Manager of the Township of Upper St. Clair or his designated representative.

§ 96.5. **Application for Township Permit.** APPLICANTS for a Permit must file with the TOWNSHIP MANAGER a sworn application in writing on a form to be furnished by the Township, which shall give the following information:

96.5.1. The name of the PEDDLING ORGANIZATION and any other name or names under which PEDDLERS, acting on behalf thereof, will peddle.

96.5.2. The principal address and telephone number of the PEDDLING ORGANIZATION and the addresses and telephone numbers of any offices of the PEDDLING ORGANIZATION in the Commonwealth of Pennsylvania.

96.5.3. The names and birth dates of each individual who will be PEDDLING in the Township on behalf of any PEDDLING ORGANIZATION.

96.5.4. The purposes of such PEDDLING in the Township.

96.5.5. The period and times during which PEDDLING is to be conducted, and the methods that will be used.

96.5.6. In the case of goods or subscriptions to be offered for sale, a brief description of the nature of the business of the PEDDLING ORGANIZATION, and the goods or subscriptions to be offered for sale.

96.5.7. The application for a Permit shall be accompanied by an original or copy, certified by the APPLICANT to be true and correct, of the PEDDLING ORGANIZATION'S STATE PERMIT, or a sworn, written statement of the APPLICANT indicating that such APPLICANT is (i) exempt from the registration requirements of the CHARITABLE SOLICITATION ACT, or (ii) not subject to the CHARITABLE SOLICITATION ACT.

96.5.8. The application for a Permit shall provide the name, title, address and telephone number of a person to be contacted on behalf of any PEDDLING ORGANIZATION who may be contacted in the event of complaints, inquiries or for the receipt of communications, notices or service of process intended for any PEDDLING ORGANIZATION.

96.5.9. The application for a Permit shall include a certification by any PEDDLING ORGANIZATION that it has verified the identity of each individual who will be PEDDLING in the Township or on its behalf and has verified any background information given to it by any such individual. A PEDDLING ORGANIZATION shall also provide, in the application, an enumeration of the type of background information it requires of such persons, but shall be under no obligation to divulge the specifics of such information in the application, except to the extent specified elsewhere in this Chapter.

§ 96.6. Issuance of Permit.

96.6.1. Upon receipt of a duly completed application for a Permit, an original or certified copy of a PEDDLING ORGANIZATION'S current and valid STATE PERMIT (as set forth in Section 96.5.7., if applicable), the TOWNSHIP MANAGER shall issue Permit(s) to the PEDDLING ORGANIZATION, and each individual person peddling on behalf thereof. Each Permit issued to an individual shall contain the name and birth date

of such individual, along with the name and address of the PEDDLING ORGANIZATION

The application for a Permit shall be kept on file by the TOWNSHIP MANAGER and shall be available for public inspection. The Permit(s) issued pursuant to this Section shall be valid for no more than six months from the date of issuance.

96.6.2. The TOWNSHIP MANAGER shall deny the application for a Permit if the application is incomplete, is not accompanied by all required STATE PERMITS, or if the PEDDLING ORGANIZATION has been convicted of or has plead guilty or nolo contendere to violating any of the provisions of this Chapter within a period of three years prior to the date of the application. The TOWNSHIP MANAGER shall deny the issuance of a Permit to a particular PEDDLER should that particular person have been convicted of or has pled guilty or nolo contendere to violating any of the provisions of this Chapter within a period of three years prior to the date of application.

An application for a Permit shall be approved or rejected within a period not to exceed two complete business days following the date it is submitted. If an application for a Permit is rejected, the TOWNSHIP MANAGER shall set forth the reasons therefor in writing. If the application is approved, the APPLICANT is to be so notified by the TOWNSHIP MANAGER that the Permit(s) is(are) available. The TOWNSHIP MANAGER shall tender the Permit(s) contemporaneous with the receipt of the photographic identification of the APPLICANT or the APPLICANT'S duly authorized representative, as the case may be, and the PEDDLER(S) who is (are) the subject of the Permit.

96.6.3. The TOWNSHIP MANAGER shall keep a permanent record of all Permits issued, all applications rejected, and a record of the reports of violations therein.

§ 96.7. Conduct. In the course of PEDDLING, each PEDDLER, shall comply with the following:

96.7.1. No PEDDLER shall peddle without a current, valid permit, and if required to register under the CHARITABLE SOLICITATION ACT, without a current, valid STATE PERMIT.

96.7.2. No PEDDLER shall peddle to any residence which has a sign posted on the residence as set forth in Section 96.11. No PEDDLER shall peddle after 5:00 p.m. at any residence which has a "No Evening Solicitation" sign posted on the residence.

96.7.3. A PEDDLER shall,

96.7.3.1. if requested by a resident of the Township, provide to the resident, the name and address or telephone number of a representative of the PEDDLING

ORGANIZATION of whom inquiries can be addressed pursuant to Section 96.5.8 hereof;

96.7.3.2. provide to each resident a full and fair description of the purpose for which PEDDLING is being made; and

96.7.3.3. provide, if requested by a resident of the Township, the source from which a financial statement concerning the relevant PEDDLING ORGANIZATION may be obtained.

96.7.4. Each PEDDLER shall comply with all applicable laws, statutes, regulations, rules or ordinances of the United States of America, the Commonwealth of Pennsylvania and the Township, as the case may be.

96.7.5. No PEDDLER shall knowingly make any untrue statement or misrepresentation in the course of PEDDLING, or knowingly omit to state any material fact necessary to prevent any statement made from being misleading. No PEDDLER shall utilize any unfair or deceptive acts or practices in the course of PEDDLING. In determining whether or not a practice is unfair or deceptive under this Section 96.7.5, definitions, standards or interpretations relating thereto under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, as amended from time to time, shall apply.

96.7.6. If no signs pursuant to Section 96.7.2. are posted at a residence, no PEDDLER shall engage in PEDDLING before 10:00 a.m. or after 9:00 p.m.

96.7.7. Every person PEDDLING in the Township shall have his or her Permit in such person's possession at all times in the course of PEDDLING and shall conspicuously display the Permit on his or her person. Any PEDDLER requested to do so: (i) by a person who is or who reasonably believes he or she is the object of PEDDLING or (ii) by the police, shall display to such person or the police his or her Permit.

§ 96.8. Transfer of Permit. No Permit shall be used at any time by any person other than the person to whom it is issued.

§ 96.9. Violations. Any person who violates any provisions of this Chapter shall be subject to the penalties provided in Chapter 5, Enforcement of Ordinances; Penalties of the Township Code. Each day that a violation occurs or is committed shall constitute a separate offence. Violations may also result in the revocation of the violator's Permit, as specified in Section 96.10 below.

§ 96.10. Revocation of Permit.

96.10.1. Any permit issued hereunder may be revoked by the TOWNSHIP MANAGER, after notice and hearing, for any of the following causes.

96.10.1.1. Fraud, misrepresentation, or false statements contained in, or material fact omitted from, the application for a PEDDLING Permit or STATE PERMIT;

96.10.1.2. Fraud, misrepresentation, false statement or material omission made in the course of PEDDLING;

96.10.1.3. Failure to observe a sign posted pursuant to Section 96.11.1 hereof.

96.10.1.4. PEDDLING in the Township without a current and valid STATE PERMIT, if applicable;

96.10.1.5. The failure to pay any outstanding fine imposed pursuant to the Chapter.

96.10.1.6. Any other violation of the Chapter.

§ 96.11. Posting of Signs.

96.11.1. Any legal occupant of real property or the owner thereof may post the property occupied or owned by him/her with a sign posted at a location so that the sign is plainly visible and legible and which states “No Trespassing”, “No PEDDLERS Invited” or “No PEDDLING or Canvassing” or any equivalent language which would inform a PEDDLER that PEDDLING is not desired. Where nonresidential buildings or multifamily buildings are involved, signs are to be placed so as to properly identify which units do not desire PEDDLING.

96.11.2. All signs so posted shall conform to the requirements of Chapter 130, Zoning, of the Township Code.

§ 96.12. Exemptions. The following persons are exempt from the provisions of Section 96.3.:

96.12.1. Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered the same or who were entitled to receive the same by reason of a prior agreement;

96.12.2. Persons conducting a bona fide auction sale pursuant to law or a sale required by statute or by order of court;

96.12.3. PEDDLERS who are invitees of the person(s) who is(are) the object of their PEDDLING.

96.12.4. Persons who go upon the property or premises of another to engage in any lawful communications (including seeking contributions or pledges for contributions) other than selling or attempting to sell subscriptions, products or services may do so provided that such persons shall abide by any signs posted pursuant to Section 96.11 and the time limitations set forth in Sections 96.7.2 and 96.7.6 hereof and all applicable laws and ordinances.

§ 96.13. Appeals. Appeals from a decision by the TOWNSHIP MANAGER to refuse to issue a Permit or to revoke an existing Permit shall be appealed pursuant to laws of the Commonwealth of Pennsylvania. An appeal from the revocation of a Permit shall not operate to stay said revocation unless specifically provided for by the court.

§ 96.14. Rules and Regulations. The TOWNSHIP MANAGER shall be authorized to promulgate rules and regulations for the implementation of this Chapter.