

ORDINANCE NO. 281

**AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS,
BEAVER COUNTY, PENNSYLVANIA, REGULATING
SOLICITATION AND PEDDLING WITHIN THE BOROUGH OF
PATTERSON HEIGHTS.**

WHEREAS, the Borough of Patterson Heights (hereinafter “Borough”), is a borough located in the County of Beaver, Commonwealth of Pennsylvania, incorporated as a body corporate and politic pursuant to the Borough Code, 8 Pa. C.S.A. §101, et. seq., having its office located at 600 Seventh (7th) Avenue, Beaver Falls, Pennsylvania, 15010; and

WHEREAS, pursuant to the Borough Code, 8 Pa. C.S.A. §3301.1(a), Borough Council shall enact ordinances in accordance with the Borough Code and the laws of the Commonwealth of Pennsylvania in which the powers of the Borough shall be exercised as deemed beneficial to the Borough and to provide for the enforcement of the powers of the Borough; and

WHEREAS, pursuant to the Borough Code, 8 Pa. C.S.A. §3301.1(b), every legislative act of Borough Council must be by ordinance; and

WHEREAS, pursuant to the Borough Code, 8 Pa. C.S.A. §3301.1(b)(4)(iv), such legislative act may include the regulation of conduct of a person or entity within the Borough and the imposition of penalties for violations of the regulated conduct; and

WHEREAS, the Borough now desires to exercise its legislative powers to enact an ordinance to regulate the activity of solicitation and peddling within Borough limits for the benefit of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Patterson Heights, Beaver County, Pennsylvania and it is hereby ordained and enacted by the authority of the same that:

SECTION 1. This Section shall apply to solicitation on Borough property for any religious, charitable or non-profit purpose.

SECTION 1(a) – REGISTRATION AND IDENTIFICATION CARDS REQUIRED. – It shall be unlawful for any person to go on residential property within the Borough to solicit funds from Borough residents for any religious, charitable or non-profit purpose by knocking upon residential doors or by ringing doorbells so as to cause, or attempt to cause, residents to open their doors unless the citizen doing the solicitation has first registered at the Borough Municipal Building and received an identification card from the Borough Secretary.

SECTION 1(b) – REQUIRED REGISTRATION AND IDENTIFICATION CARD INFORMATION. – No identification card shall be issued unless the following information is given by the applicant:

1. Full identification, including proof thereof by voter’s registration card, driver’s license or some other accepted method of picture identification, with residence and office address;
2. The name of the organization for which the applicant is soliciting, together with the address of that organization;
3. The dates and lengths of time the solicitation is to be conducted;
4. The address at which the applicant will receive notices under this Section; and
5. A statement as to whether the applicant has been convicted in any jurisdiction of any crime, other than of minor traffic violations, and, if so, of what crime or crimes.

SECTION 1(c) – ISSUANCE OF IDENTIFICATION CARDS. - After receipt of the required information in 1(b) above, the Borough Secretary shall have no longer than ten (10) business days in which to review the information provided pursuant to 1(b) above. Should the Borough Secretary approve the application, he or she shall then issue identifications cards of the person(s) to do the soliciting. Should the Borough Secretary require more time to review an application for an identification card, he or she shall advise the requesting solicitor of the same, in writing, with an expected completion date of his or her review of the application.

SECTION 1(d) – EXHIBITION OF IDENTIFICATION CARDS AND PHOTOGRAPH IDENTIFICATION. – Those applicants that have been issued identification cards pursuant to this Section shall carry their identification cards, which shall be issued by the Borough Secretary without charge, at all times while soliciting funds as aforesaid within the Borough limits and shall exhibit their identification cards to residents in order to identify themselves prior to any attempted or actual solicitation of funds. In addition to exhibiting the identification cards issued by the

Borough Secretary, the applicant shall exhibit photograph identification at all times while soliciting funds as aforesaid within Borough limits.

SECTION 1(e) – LIMITED HOURS OF SOLICITATION. – All solicitations conducted by persons for charitable, religious or non-profit purposes shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

1. From 9:00 a.m. to 5:00 p.m., prevailing local time, Monday through Friday, exclusive of holidays;
2. There shall be no solicitation on Saturdays or Sundays; and
3. If these hours or days are violated by any solicitor, said identification card shall be revoked by the Borough Council or the police.

SECTION 1(f) – DENIAL OR REVOCATION OF IDENTIFICATION CARDS; HEARING. – The following shall apply with regard to a denial or revocation of an identification card:

1. If any applicant is found to have been convicted or any penalty or misdemeanor involving moral turpitude, he or she may be denied an identification card, or if an identification card has been issued, it may be revoked or cancelled by the Borough Council after a hearing before Borough Council.
2. If any solicitor provides any false or misleading information concerning his or her identification or the identity of the organization for which the soliciting is being done, the identification card issued to that solicitor may be revoked or cancelled by the Borough Council after a hearing before Borough Council.
3. At any such hearing, the solicitor shall be entitled to be represented by counsel and to examine or cross-examine witnesses who may testify at said hearing, and, further, any such solicitor shall have the right to testify before the Borough Council after having been sworn or affirmed.

SECTION 1(g) – SOLICITATION ON BUSINESS PROPERTIES. – The requirements and restrictions that apply to residential properties shall apply to business properties, with additional requirements of the following:

1. In the event that the owner, manager or other person, firm or corporation in charge of any Borough business property objects to such solicitation, then the solicitor shall immediately cease and desist solicitation at said Borough business property.

2. In the event that said solicitor, after having been requested to cease and desist solicitation, continues to do so, the owner, manager or other person, firm or corporation in charge of any such Borough business property may proceed to charge said solicitor with a violation of this Section as set forth herein.

SECTION 1(h) – REGISTRATION BY RESIDENTS NOT DESIRING TO BE SOLICITED (NO SOLICITATION LIST). – Any resident of the Borough not wanting to be visited or called upon by solicitors for contributions, gifts, pledges of money or any other items or things of value for any religious, charitable or non-profit purpose may register at the office of the Borough Secretary on a list of the registrants of the Borough who do not want to be visited or solicited at their homes for such purposes in the following manner:

1. Said Borough resident shall either personally appear, or, on forms provided by the Borough Secretary, register with the Borough Secretary advising the he or she does not want such solicitors to visit or call at his or her residence;
2. The Borough Secretary shall keep on file at all times a registration book showing the names and addresses of the residents of the Borough who have registered as not wanting such solicitors to call or visit their residences; and
3. Said Borough residents, in addition to registering, shall be provided a sticker by the Borough Secretary which may be affixed to the front door of said Borough's resident personal residence, further advising the no solicitation shall be made.

Every applicant for an identification card shall personally read the list of the Borough residents who are so registered and sign an affidavit that the list has been reviewed by the applicant and the Borough Secretary shall furnish to the applicant a copy of the list at no charge.

SECTION 1(i) – EXEMPT PARTIES FROM IDENTIFICATION CARDS. – The following persons and entity shall be exempt from the provisions of this Section:

1. Minors soliciting for religious, charitable or non-profit purposes. A minor shall be defined as an individual eighteen (18) years of age or younger.
2. The Borough of Patterson Heights Volunteer Fire Department and those soliciting on its behalf.

SECTION 1(j) – VIOLATIONS AND PENALTIES. – Any person, firm or corporation who violates this Section as set forth in its entirety by soliciting funds from Borough residents for any religious, charitable or non-profit purpose, other than during the hours permitted or without first obtaining an identification card, or who violates any other provision of this Section as set forth in its entirety, shall be subject to prosecution before a Magisterial District Judge and, upon

conviction, shall be fined not more than six hundred (\$600) dollars, plus court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings, and in default of payment of such fines, costs and fees, imprisoned in the Beaver County Jail for a period not exceeding thirty (30) days.

1. The Borough and its Council expressly reserve all the rights afforded it in the Borough Code, 8 Pa. C.S.A. §3321 through and including 8 Pa. C.S.A. §3324.

SECTION 2. This Section shall apply to any person, firm, entity or organization that goes on to Borough property to engage residents in retail businesses for profit.

SECTION 2(a) – LICENSE REQUIRED. It shall be unlawful for any person to go on to residential property within the Borough who is not the holder of a valid and unexpired license issued pursuant to this Section herein to engage in transient retail business for the sale of goods, services, merchandise or any other product with the Borough by visitation to private residences or the public streets or alleyways of the Borough.

SECTION 2(b) – REQUIRED LICENSE APPLICATION; ISSUANCE. No license shall be issued unless the following information is given by the applicant:

1. Full identification, including proof thereof by voter's registration card, driver's license or some other accepted method of picture identification, with residence and office address;
2. The identification of the goods, services, merchandise or any other product which the applicant intends to sell;
3. The address at which the applicant will receive notices under this Section;
4. The name and address of the employer or principal, if any, and the nature of the business activity thereof;
5. The nature of the business or activity in which the applicant wishes to engage within the Borough;
6. The dates and lengths of time in which the sale of the goods, services, merchandise of any other product is to be conducted;
7. A statement as to whether the applicant has been convicted in any jurisdiction of any crime, other than of minor traffic violations, and, if so, of what crime or crimes; and

8. A current photograph of the applicant, together with a fee of \$50.00 to defray the costs of administering this Section as set forth herein.

Upon submission of the application, the Borough Secretary shall have no longer than ten (10) business days in which to review the information provided with the supporting evidence and the payment of the fee as set forth in 2(b)(8), above, and the Borough Secretary shall issue to the applicant a license in the form of a card which shall, unless revoked, entitle the licensee to engage in activities applied for, for a period of one (1) week from the date of issuance of said license; provided, nevertheless, that license may be renewed upon payment of the fee in 2(b)(8), above, and an amendment of the original application to reflect any changes necessary in the information therein contained. Should the Borough Secretary require more time to review an application for a license, he or she shall advise the requesting licensee of the same, in writing, with an expected completion date of his or her review of the application.

SECTION 2(c) – REQUIREMENTS OF LICENSEE’S CONDUCT. – Licensees regulated by this Section shall carry their licenses at all times while engaging in the sale of goods, services, merchandise and any other product within the Borough and shall show their licenses to residents in order to identify themselves prior to any attempted or actual sale of goods, services, merchandise or any other product, and, in addition thereto, shall comply with the following:

1. The licensee shall show the license card at all times and exhibit it upon request to any peace or police officer or to any person upon whom the licensee shall call or with whom the licensee shall talk in carrying on the licensed activities;
2. The licensee, in addition to showing the license card at all times and exhibiting it upon request, shall exhibit photograph identification at all times while carrying on the licensed activities;
3. The licensee shall not permit any other person to have possession of his license card and shall immediately report its loss to the Borough Secretary. The licensee shall not cause or permit said license card to be altered or defaced.
4. The licensee shall not enter or attempt to enter any residence without invitation or permission of the occupant and shall immediately leave any premises upon request;
5. The licensee shall not represent the license card to be an endorsement of the licensee or of the licensee’s goods, services, merchandise or any other product of the licensee’s employer or principal; and
5. The licensee shall immediately surrender the license card upon revocation or expiration of the license as set forth in this Section herein.

SECTION 2(d) – REGISTRATION BY RESIDENTS NOT DESIRING TO BE VISITED BY TRANSIENT RETAIL BUSINESSES OR MERCHANTS (NO SOLICITATION LIST). –

Any resident of the Borough not wanting to be approached or contacted by those selling goods, services, merchandise or any other product may register at the office of the Borough Secretary on a list of the registrants of the Borough who do not want to be approached or contacted at their homes for such purposes in the following manner:

1. Said Borough resident shall either personally appear, or, on forms provided by the Borough Secretary, register with the Borough Secretary advising the he or she does not want to be approached or contacted at his or her residence;
2. The Borough Secretary shall keep on file at all times a registration book showing the names and addresses of the residents of the Borough who have registered as not wanting to be approached or contacted at their residences; and
3. Said Borough residents, in addition to registering, shall be provided a sticker by the Borough Secretary which may be affixed to the front door of said Borough's resident personal residence, further advising that no contact shall be made.

Every applicant for a license shall personally read the list of the Borough residents who are so registered and sign an affidavit that the list has been reviewed by the applicant and the Borough Secretary shall furnish to the applicant a copy of the list.

SECTION 2(e) – LIMITED HOURS OF SELLING. – The limitations for the sale of goods, services, merchandise or any other product shall be as follows:

1. From 9:30 a.m. to 4:30 p.m., prevailing local time, Monday through Friday, exclusive of holidays;
2. There shall be no sales of any goods, services, merchandise or any other product on Saturdays or Sundays; and
3. If these hours or days are violated by any licensee, said license shall be revoked by the Borough Council or the police.

SECTION 2(f) – DENIAL OR REVOCATION OF LICENSE; HEARING. – The following shall apply with regard to a denial or revocation of a license:

1. If any applicant is found to have been convicted or any penalty or misdemeanor involving moral turpitude, he or she may be denied a license, or if a license has been issued, it may be revoked or cancelled by the Borough Council after a hearing before Borough Council.

2. If any applicant provides any false or misleading information concerning his or her identification or the identity of the organization for which the retail business or activity is being done, the license issued to that applicant may be revoked or cancelled by the Borough Council after a hearing before Borough Council.
3. If any licensee fails to comply with the requirements of Section 2(c), above, such license issued to said licensee may be revoked by the Borough Council after a hearing before Borough Council.
4. Notice of revocation, in any case, 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 by the licensee.
5. At any hearing of denial or revocation of a license, the applicant or licensee shall be entitled to be represented by counsel and to examine or cross-examine witnesses who may testify at said hearing, and, further, any such applicant or licensee shall have the right to testify before the Borough Council after having been sworn or affirmed.

SECTION 2(g) – SALES ON BUSINESS PROPERTIES. – The sale of goods, services, merchandise or any other product shall be permitted at any Borough business establishment and upon any business property, during normal business hours, with the consent of the owner, manager or other person, firm or corporation in charge of any such business establishment or business property; provided, nevertheless, that any applicant who intends to sell goods, services, merchandise or any other product shall, at the time of application as herein provided in this Section, exhibit to the Borough Secretary written consent of the Borough business owner, manager or other person, firm or corporation in charge of any such Borough business establishment or property.

SECTION 2(h) – EXEMPT PARTIES FROM A LICENSE. – The following persons and entity shall be exempt from the provisions of this Section:

1. Minors engaged in the sale of goods, services, merchandise or any other product. A minor shall be defined as an individual eighteen (18) years of age or younger.
2. The Borough of Patterson Heights Volunteer Fire Department and those acting on its behalf.

SECTION 2(i) – VIOLATIONS AND PENALTIES. – Any person, firm or corporation who violates Section 2 as set forth in its entirety by selling retail goods, services, merchandise or any other product to Borough residents for any profitable purpose, other than during the hours permitted or without first obtaining a license, or who violates any other provision of Section 2 as set forth in its entirety, shall be subject to prosecution before a Magisterial District Judge and, upon conviction, shall be fined not more than six hundred (\$600) dollars, plus court costs and

reasonable attorney's fees incurred by the Borough in the enforcement proceedings, and in default of payment of such fines, costs and fees, imprisoned in the Beaver County Jail for a period not exceeding thirty (30) days.

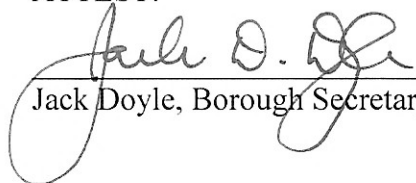
1. The Borough and its Council expressly reserve all the rights afforded it in the Borough Code, 8 Pa. C.S.A. §3321 through and including 8 Pa. C.S.A. §3324.

SECTION 3. Any Ordinance or part thereof conflicting with this Ordinance is hereby repealed insofar as the same is inconsistent herewith.

SECTION 4. This Ordinance shall become effective immediately.

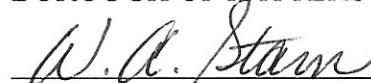
ORDAINED AND ENACTED this 19th day of September, 2018.

ATTEST:




Jack Doyle, Borough Secretary

BOROUGH OF PATTERSON HEIGHTS



William A. Starn, Borough Council President

READ AND APPROVED by me, this 19th day of September, 2018.



Ronald Tyger, Borough Mayor

CERTIFICATION OF THE BOROUGH

I hereby certify that the foregoing Ordinance was advertised in the *Beaver County Times* on Tuesday, August 21, 2018, a newspaper of general circulation in the municipality, and was duly enacted and approved as set forth a regular meeting of the Borough of Patterson Heights on Wednesday, September 19, 2018.



Jack Doyle, Borough Secretary

(SEAL)