

POINT TOWNSHIP

SOLICITATION ORDINANCE - #119

§ 1. License required; exempted persons to register.

A. From and after the effective date of this chapter, it shall be unlawful for any person not exempted by § 6 hereof, who is not the holder of a valid and unexpired license issued pursuant to this chapter, to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description, or to solicit contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences or on the public streets or highways of the Township of Point.

B. Those persons or organizations who desire to engage in such activities but are not required to obtain a license by virtue of exemption pursuant to § 6 hereof must register in accordance with § 7 hereof.

§ 2. Licenses; application; fee; refusal; renewal.

A. Any person desiring to obtain a license to engage in the activities described in § 1 hereof shall make application therefor, in person, to the Chief of Police. The applicant shall supply, over his signature, the following information:

- (1) His name.
- (2) His place and date of birth.
- (3) His temporary address.
- (4) His residence address.
- (5) The address at which he will receive notices under this chapter.
- (6) The name and address of his employer or principal, if any, and the nature of the business or activity thereof.
- (7) The nature of the business or activity in which the applicant wishes to engage within the township.
- (8) 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.

B. The Chief of Police shall be informed in writing of any change in the information supplied during the period for which a license has been issued, pursuant to the said application, within five (5) days of the said change.

C. Upon submission of said application and the payment of a fee in the sum of Seven and One-half Dollars (\$7.50) per day, Thirty-five Dollars (\$35.00) per month, Seventy-five Dollars (\$75.00) for six months, and One Hundred Dollars (\$100.00) for one year, there shall be issued to the applicant, on or before the second business day of the Township thereafter a license in the form of a card which shall, unless revoked, entitle the licensee to engage in the activities specified for the period set forth on said license, provided that the Chief of Police shall refuse to issue a license if the applicant has had a license revoked by Chief of Police within the preceding five (5) years or has been convicted of violating § 1 of this chapter within the preceding five (5) years or has made any false statement in his application for a license pursuant to the provisions of this chapter. Any applicant who has been refused a license may appeal to Board of Supervisors in the same manner as from a suspension of license under § 4 hereof.

D. Licenses may be renewed upon payment of the fee hereinabove provided for, unless exempt from such requirement pursuant to § 6 below, and amendment of the original application shall reflect any changes in the information therein contained.

§ 3. Rules of conduct for licensees.

Every person to whom a license has been issued under this chapter shall, in the carrying on of his business or activities in the Township, comply with the following rules of conduct:

A. He shall carry his license card at all times and exhibit it upon request to any peace officer or any person upon whom he shall call or with whom he shall talk in carrying on his licensed activities.

B. He shall not permit any other person to have possession of his license card and shall immediately report its loss to the Chief of Police. He shall not cause or permit his license card to be altered or defaced.

C. He shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

D. He shall not represent his license card to be an endorsement of himself or of his goods or the services of his principal or employer.

E. He shall immediately surrender his license card upon suspension and/or revocation of his license as hereinafter provided.

F. He shall comply with all the provisions of this chapter.

§ 4. Suspension of license.

Any license hereafter issued may be suspended by Chief of Police upon the failure of the licensee to comply with the standards of conduct established by § 3 hereof or upon ascertainment that the licensee has made any false statement in his application for license hereunder. Notice of suspension shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

§ 5. Appeals from license suspension.

Any person whose license has been suspended shall be entitled to appear before Board of Supervisors at the next regular or special meeting and be heard in behalf of a request for reinstatement of his license. The Board of Supervisors shall hear the licensee at that time if the licensee has given said Board at least five (5) days notice of his desire for a hearing. Otherwise, said Board may hear the licensee at that time or may decline to hear the licensee at that time, in which case it shall schedule a hearing within five (5) days. Following the hearing, said Board may reinstate or revoke the license or may continue the suspension of the license for a period not to exceed five (5) years. No person shall be denied a license or have his license suspended or revoked except by procedures consistent with due process of law.

§ 6. Persons exempt from license and fee requirements.

A. The following persons, although subject to all other provisions of this chapter, are exempted from the license fee requirements only of this chapter:

- (1) Farmers engaged in selling only the produce of their own farms.
- (2) Persons engaged in the sale of goods, wares and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- (3) Manufacturers or producers engaged in the sale of bread and bakery products, meat and meat products or milk and milk products (which does not include ice cream or other frozen desserts).

B. The following persons, although subject to all other provisions of this chapter and required to register under § 7 below, are exempted from the licensing and fee requirements only of this chapter:

- (1) Persons soliciting contributions in behalf of organizations or nonprofit corporations exempted from the provisions of, or duly registered pursuant to, the act of 1963, Aug. 9, P.L. 628, as amended, who while soliciting possess a card or other written evidence of their appointment or authority to solicit for said organization or corporation.

(2) Persons who have been licensed by the Commonwealth of Pennsylvania so engage in an activity described in § 1 hereof, when so engaged, including real estate, insurance or securities brokers or salesmen.

C. These exemptions shall apply to the aforesaid persons only while they are engaged in the activity as aforesaid. At all other times, all the provisions of this chapter shall apply.

§ 7. Registration of exempted persons required; exception.

All persons, organizations and corporations exempted from the licensing requirements hereof shall nevertheless register with the Chief of Police, supply him with proper identification of the person and the organization represented and sign the registration book. The Chief of Police will issue a registration card good for one (1) year from date of issuance. Chairmen of door-to-door fund drives for charitable organizations may register in behalf of the volunteer solicitors, provided the chairman agrees to provide some identifying tag, button or similar identification for all the door-to-door solicitors.

§ 8. Fixed locations on streets prohibited; time restrictions.

A. No person licensed under this chapter shall occupy any fixed location upon any of the streets, alleys or sidewalks of the township for the purpose of engaging in the business aforesaid, with or without any stand or counter.

B. No person licensed under this chapter shall, at any time on a Sunday or on any other day of the week before 9:00 a.m. or after sunset, engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description.

§ 9. Violations and penalties.

The penalty for violation of this chapter shall be a fine of twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation and one hundred dollars (\$100.00) for each violation after the second. There may be imposed for failure to pay the fine, a sentence of up to thirty (30) days imprisonment.

Passed this 10th day of September, 1976.

BOARD OF SUPERVISORS OF POINT TOWNSHIP

COPY

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