

OFFICIAL
OHIO TOWNSHIP
ORDINANCE NO 233

AN ORDINANCE OF THE TOWNSHIP OF OHIO AMENDING CHAPTER 96 OF THE CODE OF THE TOWNSHIP OF OHIO RELATING TO PEDDLING AND SOLICITING.

The Township of Ohio hereby amends Chapter 96 of the Code of the Township of Ohio by deleting Sections 96-1, 96-2, 96-3, 96-4, 96-5, 96-6, and 96-7, and adopts the following as an official Township of Ohio Ordinance relating to transient retail merchants, peddling and soliciting within the boundaries of the Township of Ohio.

I. DEFINITIONS.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY—New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

PERSON—Any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS—

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Township.
- B. Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
- C. Canvass by means of the practice of going from dwelling unit to dwelling unit to conduct surveys for research purposes (other than those conducted by an agency of the State or Federal government), to make analyses, to take opinion polls, to compile rating data and to conduct any

similar work which, by its nature, involves door-to-door or place-to-place activity, including the obtaining of contributions or donations for any person or organization and the advancement of religious, social or political causes and proselytizing with regard thereto.

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

II. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

No person shall engage in any transient retail business within the Township without first having obtained from the Chief of Police a license, for which a fee, which shall be for the use of the Township, shall be charged, established pursuant to a resolution of the Township; except that no license shall be required of children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations; organizations and/or persons conducting street fairs, parades or similar gatherings pursuant to permits issued by the Township for the use of the Township streets, shall be exempt from the requirements of this Part. Persons described by subsection (C) of the definition of "transient retail business" shall be exempt from the licensing requirements of this Part and shall be subject only to the requirements of IV D, E, and F.

III. EXCEPTIONS.

1. No license fee shall be charged:
 - A. To farmers selling their own produce.
 - B. To any person who has complied with the provisions of the Solicitation Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. §160-1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by General Assembly of Pennsylvania.
 - C. Persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation.
2. But all persons exempted from the payment of the license fee shall be required to register with the Police Chief and obtain a license without fee; provided, any person dealing in one (1) or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories.

3. Provided further, on every license issued under the provision of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that representative of a charitable organization may obtain licenses for the applicants.

IV. LICENSE APPLICATION.

Every person desiring a license under this Part shall first make application to the Police Chief for such license. He shall, when making such application, exhibit a valid license from any State or County officer if such a license is also required. The applicant shall state:

- A. His name, age, sex, home address and telephone number.
- B. His criminal record, if any.
- C. Name and address of the person by whom he is employed.
- D. Business address, either his or her employer and telephone number.
- E. Type of goods, wares and merchandise he wished to deal with in such transient retail business.
- F. Length of time for which license is to be issued.
- G. Make, type and license number of the vehicle to be issued.
- H. Two (2) recent photographs of the applicant showing the applicant's face and shoulders in a clear and recognizable manner.

V. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.

Upon receipt of such application and the prescribed fee, the Chief of Police, if he shall find such application in order, shall issue the license required under this Part. Such license shall be issued for the number of days requested, if approved by the Chief of Police. The license shall indicate the name of the applicant and the dates for which the license is approved. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, and shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon

request, to all police officers, municipal officials and citizens or residents of the Township.

VI. PROHIBITED ACTS.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity except as part of an organized fair or festival.
- D. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or any time before 9:00 a.m. or after 6:00 p.m. on any day of the week other than a Sunday or legal holiday unless as part of an organized fair or festival; provided, however, that persons canvassing or soliciting as described in subsection (C) of the definition of "transient retail business" may conduct such activities until 9:00 p.m. on permitted days.
- E. Carry on transient retail business activities at a private residence or business premises exhibiting a sign reading "no solicitor" or words of similar meaning. A sign reading "no solicitors" or similar sign, not to exceed one hundred (100) square inches in size, may be placed on residential or business premises and for the purpose of this Part shall be conspicuously displayed near the entrance or doorway.
- F. Carry on transient retail business activities at a private residence or business premises connoted on the "list of residences requesting no solicitation" ("no soliciting list") as supplied by the Township to any license holder.

VII. SUPERVISION; RECORD AND REPORTS.

1. The Chief of Police shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder.

2. The Chief of Police shall maintain a list of the addresses of residents who have stated in writing or by telephone call to the Police Department that they do not wish to be solicited at any time. A copy of such list shall be supplied along with and as part of any transient retail license issued hereunder.

VIII. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.

1. The Chief of Police is hereby authorized to deny, suspend or revoke any license applied for or issued under this Part when he finds that such denial, suspension or revocation is supported by any of the following grounds:
 - A. It is necessary to protect residents from annoyance or intrusions during hours of rest or to deter or prevent crime or potential crime by a particular license applicant or holder.
 - B. Fraud, misrepresentation or false statement contained in the license application.
 - C. Fraud, misrepresentation or false statements made in the course of carrying the activities of a transient retail business.
 - D. Any violation of this Part.
 - E. Conducting transient retail business activities in an unlawful manner or so to constitute a breach of the peace.
 - F. Refusing to leave premises when asked to do so by the occupant of the premises.
 - G. Conducting transient retail business activities at residential premises posted with a "no solicitors" or similar sign or at residential premises identified on the Borough's "no soliciting" list accompanying the issuance of a license hereunder.

License denials, suspensions or revocations shall be in writing, state the grounds therefor and advise of the opportunity to file an appeal therefrom with the Township Board of Supervisors within ten (10) days from the date of the denial, suspension or revocation. Appeals from any denial, suspension or revocation of a license may be made to the Township Board of Supervisors at any time within ten (10) days after such denial, suspension or revocation and a hearing shall be held within thirty (30) days of the filing of such appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

IX. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and in default of payment of said fines and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

ORDAINED AND ENACTED this 12th day of July,
1999.

ATTEST:

TOWNSHIP OF OHIO



Township Secretary

By: 

Chairman, Board of
Supervisors