

Chapter 99

CANVASSING AND SOLICITING

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[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer 7-21-1977 by Ord. No. 118; last amended in its entirety 1-17-2001 by Ord. No. 302. Subsequent amendments noted where applicable.]

§ 99-1. Definitions.

The following words shall be construed to have the meanings set forth below; and, throughout this chapter, the singular shall include the plural, and the masculine gender shall include the feminine and neuter:

CANVASS — 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 religious or political causes and proselytizing with regard thereto; and
- E. To conduct any similar work which, by its nature, involves door-to-door to place-to-place activity, including distribution of circulars.

MERCHANDISE or SERVICES — Any goods or services, including, but not limited to, magazines, periodicals, books, orders or contracts for services, home improvements or alterations.

REGISTRANT — Any canvasser or solicitor required to apply for a registration certificate under this chapter and shall include all agents and employees of the canvasser or solicitor.

SOLICIT — The practice of going from dwelling unit to dwelling unit selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise or services. "Canvass or solicit" does not include a series of licensed entries on private property (e.g., milkman making normal deliveries).

TOWNSHIP — The municipal government or the land within the geographical boundaries of West Deer Township, Allegheny County, Pennsylvania, depending upon the context.

§ 99-2. Registration for permit required.

No person shall canvass or solicit in the township without first having obtained a permit from the Chief of Police, Township Manager, or his or her delegate.

§ 99-3. Permit application.

Each person desiring to engage in canvassing or soliciting shall first make application to the Township Police Department. Such application shall be upon a blank provided by the Department and shall contain the following information verified by oath or affirmation for each applicant: what he/she desires to canvass or solicit for; the days, dates of the registrants' canvassing or soliciting; his/her name, home address, a statement as to whether he/she has been convicted of a criminal offense, and if so, the date of conviction and disposition; the make, model, year, color, and registration of the vehicle, if any, he/she will use; a copy of a current drivers license. Signature denotes authorization to conduct criminal history inquiry. The township will conduct a background check based on information received and following that, if all information is in order, will issue to the applicant a permit within one business day from the date of filing the application. Such permit may not be transferred from one person to another.

§ 99-4. Fees.

The following fees will be charged for the issuance of a permit, and will accompany the registrant's Solicitor's Identification Badge and a copy of this chapter:

- A. Application fee: \$25.
- B. Solicitor's fee: \$50 per month or any part thereof; \$10 per person.

§ 99-5. Display.

The principal registrant shall carry the permit at all times when in the township and shall exhibit it to any township citizen or resident or township official upon request. All approved solicitors must prominently display on his/her outermost garment an identification badge, which signifies authorization to solicit within the township for a specified period.

§ 99-6. Appeals.

In the event an application for a permit is disapproved by the Chief of Police, Township Manager, or delegate, the applicant may, within five days of the denial, appeal the decision to the Township Board of Supervisors which shall set a time and place for a hearing. This hearing shall be held within 30 days after appeal is taken by applicant, at which hearing the applicant will be given the opportunity to present reasons why the permit should be issued. The decision of the Township Board of Supervisors shall be made within 10 days of the appeal hearing, and shall be final.

§ 99-7. Prohibitions.

- A. Hours. No person shall canvass or solicit in the township on Sundays. No person shall canvass or solicit before 9:00 a.m. or after 7:00 p.m., Monday through Saturday. This restriction shall apply to all persons to whom a permit has been issued.
- B. List. No person shall canvass or solicit in the township without first obtaining from the Chief of Police, Township Manager or his or her delegate a list of all residences and dwelling units in the township where the owner/occupant of the residence or dwelling unit has notified the township in writing that they do not wish to be visited on their premises at any time by any person performing any canvassing and/or soliciting activity. No

person, including a registrant, may canvass or solicit at any dwelling unit designated on such list. Any such written notice from an owner/occupant to the township may be revoked in writing at any time by such owner/occupant.

§ 99-8. Revocation of permit.

The Chief of Police or Township Manager may revoke the permit for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license;
- B. Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor, peddler, canvasser or transient merchant or itinerant vendor;
- C. Any violation of this chapter;
- D. Conviction of any crime involving moral turpitude; or
- E. Conducting his/her business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the general public.

§ 99-9. Exemptions.

The terms of this chapter shall not apply to:

- A. Persons selling personal property at wholesale to dealers in such articles, and the provisions of this chapter shall not apply to the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this chapter be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of or offer to sell, vend or dispose of the products of the farms or garden occupied and cultivated by him; nor shall it apply to any manufacturer or producer in the sale of bread, bakery or dairy products, meat and meat

products or milk or milk products; nor shall it apply to any person seeking election to any federal, state, county, or local office if such person has filed appropriate petitions and registered as a candidate for such office. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

- B. In addition, this chapter shall not apply to boys or girls under the age of 16 years who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scouts and Girl Scouts or similar organizations and take orders for and deliver cookies and the like.
- C. Any person who works for an organization which has been registered with the Pennsylvania Department of State, as required by Act No. 337, approved August 9, 1963, known as the "Solicitation of Charitable Funds Act", 10 P.S. § 160-1 et seq.,¹ shall not have to register with the Township of West Deer, but such organization shall cause notice to be given to the Police Department that such person will be canvassing and soliciting in the Township of West Deer; any such person shall carry an appropriate identification card issued by the organization for which he or she works.

§ 99-10. Charitable, religious or nonprofit causes.

Solicitation of funds for charitable, religious or nonprofit causes shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours (with the consent of business owner), but those solicitors shall also register at the Township Building and carry identification cards.

¹ Editor's Note: See now the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq.

§ 99-11. Violations and penalties.²

Any person violating this chapter, whether as an individual, principal, agent, employer or employee of another, shall upon conviction by the District Magistrate be subject to a fine not to exceed \$600 plus costs of prosecution, in the discretion of the District Magistrate. Each entry upon private property which does not comply with the provisions of this chapter shall constitute a separate offense.

² Editor's Note: See also Ch. 1, General Provisions, Art. III, Violations and Penalties.

