

**Independence Township,
Washington County**

ORDINANCE NO. 17-02

**AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE,
WASHINGTON COUNTY, PENNSYLVANIA, ESTABLISHING PERMIT
REQUIREMENTS AND REGULATIONS FOR PERSONS WHO SOLICIT
WITHIN INDEPENDENCE TOWNSHIP, WASHINGTON COUNTY,
PENNSYLVANIA.**

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the "MPC"), authorizes the Township of Independence (the "Township") to regulate various conduct in the Township; and

WHEREAS, from time to time, the Board has enacted Ordinances to regulate various activities that could be deemed to be nuisances in the Township; and

WHEREAS, the Board also desires to establish a permit requirement and regulations for persons who solicit within the Township.

NOW THEREFORE, the Board hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. TITLE.

This Ordinance shall be known as the Independence Township Solicitation Ordinance.

SECTION 2. PURPOSE.

The Township continues to enact rules and regulations concerning the maintenance of properties in the Township. The purpose of this Ordinance is to promote the health, safety and general welfare of the Township by regulating Persons who Solicit in the Municipality, whether on behalf of a charitable organization, a commercial enterprise, or otherwise.

SECTION 3. DEFINITIONS.

When used in this Section, the following terms shall have the following meanings:

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.

Commercial Coventurer: Has the meaning set forth in the Charitable Solicitation Act.

Exempt Local Group: A group affiliated with Avella School District, local religious organization, Boy Scouts/Girl Scouts and/other civic, veteran or other nonprofit, charitable or community service organization.

Person: Any individual, organization, corporation, association, partnership, trust, foundation or other entity, however styled, including but not limited to charitable organizations, business organizations, Commercial Coventurers, Professional Fundraising Counsel, Professional Solicitors, and volunteer fundraisers and solicitors.

Professional Fundraising Counsel: Has the meaning set forth in the Charitable Solicitation Act.

Professional Solicitor: Has the meaning set forth in the Charitable Solicitation Act.

Solicit: To go from door to door in the Municipality (i) soliciting contributions or pledges for contributions, or (ii) selling or attempting to sell subscriptions, products or services, or taking orders or attempting to take orders for subscriptions, products or services from or to an occupant of a residence.

Solicitation: Acts of individual Solicitors on behalf of a particular Person.

Solicitor: A Person who Solicits. (This shall not include the Township's Attorney, also referred to as Solicitor)

Soliciting Organization: The Person on whose behalf Solicitors 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.

SECTION 4. PERMITS.

Applicants for a permit under this chapter must file in person with the designated Township Officer, a sworn application in writing on a form to be furnished by the Township. A processing fee as set from time to time by Resolution of the Township shall be paid by the applicant and shall accompany the return of the application which shall provide the following information:

- A. Name and physical description of the applicant;
- B. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be mailed;
- C. A brief description of the nature of the business and the goods to be sold;
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;
- E. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof; and the proposed method of delivery;

F. A statement as to whether or not the applicant or any canvassers have been convicted of a crime other than a summary traffic offense, and, if so, the nature of the offense and the punishment assessed therefor;

G. Transient merchants in a fixed location must also obtain a special permit or occupancy permit as may be required in the Township Zoning Ordinance;

H. Present a valid photo drivers license or state photo identification card; no other form of identification will be acceptable;

I. If the applicant is not a resident of Pennsylvania, the applicant will provide a current (no older than one year) criminal background check from the state in which the applicant resides.

SECTION 5. EXEMPTIONS

The permit provisions of Section 4 shall not apply to the following:

A. An act of solicitation occurring under the Charitable Solicitation Act.

B. An Exempt local group that does not employ a professional solicitor to solicit funds shall be exempt from the provisions of section.

C. 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.

SECTION 6. VIOLATIONS.

Any Person who solicits within the Township without the proper permit shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars (\$600). Each day that a violation occurs or is committed shall constitute a separate offense. Violations may also result in the revocation of the violator's Municipal Permit, as specified in Section 10.

SECTION 7. REVOCATION OF PERMITS.

7.1 The Township reserves the right to revoke a Municipal Permit for any of the following causes:

A. Fraud, misrepresentation, or false statement contained in, or material fact omitted from, the application for a Municipal Permit or State Permit;

B. Fraud, misrepresentation, false statement or material omission made in the course of Soliciting;

C. Failure to observe a "No Solicitation" or "No Evening Solicitation" sign posted by a resident;

D. Soliciting in the Municipality without a current and valid State Permit;

E. Any other violation of this Ordinance and/or the Township Code.

7.2 Notice of the revocation of a Municipal Permit shall be given in writing, setting forth specifically the grounds for revocation.

7.3 Any Person aggrieved by the action of the Township or its designated agent in the denial or revocation of a Municipal Permit, shall have the right to appeal the decision to the local Magistrate's Office. The filing of an Appeal shall not stay the revocation of a Municipal Permit.

SECTION 8. POSTING OF PROPERTY.

A property owner or his authorized agent may post a sign on his residence reading "No Solicitation" or "No Evening Solicitation." Such signs shall be displayed as close as possible to the front door of the residence. For purposes herein, "No Evening Solicitation" shall mean no Solicitation before 9:00 A.M. or after 6:00 P.M.

SECTION 9. REPEALER.

Any Township Ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 10. SEVERABILITY.

If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

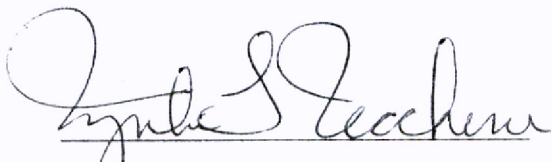
SECTION 11. EFFECTIVE DATE.

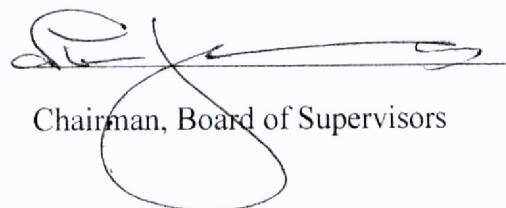
This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED this 19 day of July, 2017.

ATTEST:

BOARD OF SUPERVISORS
INDEPENDENCE TOWNSHIP


Secretary


Chairman, Board of Supervisors