

**BOROUGH OF AVALON  
ORDINANCE NO. 1384**

**AN ORDINANCE OF AVALON BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA ESTABLISHING A PEDDLING AND SOLICITATION LICENSING PROGRAM, ADOPTING OPERATING STANDARDS AND REGULATIONS FOR LICENSEES, PEDDLERS AND SOLICITORS AND THE PROVISIONS FINES FOR VIOLATIONS THEREOF.**

**WHEREAS**, the Borough may legally regulate certain types of speech, including commercial speech, where rationally related to legitimate government interests; and

**WHEREAS**, such restrictions must be reasonably limited relative to time, place and manner without regard to the content of such speech; and

**WHEREAS**, the Borough recognizes a strong public interest related to the welfare, health and safety of its residents best served by licensing certain persons wishing to sell or peddle goods in the Borough and minimally restrict access to residences during certain hours and according to citizens registered preferences;

**NOW, THEREFORE, BE IT ORDAINED and ENACTED** by the Borough Council of the Borough of Avalon, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows and hereby repealing and replacing :

§284-1 Definitions.

Person – Any individual, unincorporated organization, firm, association or corporation.

Soliciting—The act of going upon property or approaching members of the public to ask for, request or seek monetary contributions, donations or support.

Peddling—The act of going upon property or approaching members of the public to sell goods, services or products.

Canvassing—The act of going upon property or approaching members of the public to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

§ 284-2 License Required.

- a. It shall be unlawful for any Person to solicit or peddle, upon or along any of the public streets, alleys, or public places of the Borough of Avalon, or by going from

house to house for such purposes, without having first procured a License to do so as provided herein.

- b. Exceptions. The following Persons are exempt from obtaining a License:
1. Children under 18 years of age soliciting or peddling on behalf of a non-profit, school or governmental organization.
  2. Persons soliciting on behalf of a non-profit or neighborhood organization for either donations to, or membership in, such organization.
  3. Persons peddling donated merchandise on behalf of a non-profit organization where the proceeds of the sale are used for a charitable purpose.
  4. Persons peddling on behalf of a religious organization where the proceeds of the sale are used to support such organization or for a charitable purpose.

§ 284-3 Licensing Procedure.

- a. All Persons seeking Licenses must register their name or names and the name or names of its solicitor, or solicitors, with the Chief of Police of the Borough of Avalon, at the Borough Police Department, Avalon, Pennsylvania, in order to receive a License.
- b. It shall be the duty of the Chief of Police or his/her designee to investigate said application(s), with regard to accuracy of the information on the application and any record of unsafe, criminal or fraudulent conduct of the Applicant.
1. Application review may take up to ten (10) business days.
  2. In the event that an application is approved, the License will be made available.
  3. In the event that an application is rejected, the applicant will be advised in writing and have a right to appeal in the manner provided herein. Applications may be rejected where the Chief of Police believes that the Applicant is seeking to engage in unsafe, illegal, fraudulent or criminal activity, or has made a material misrepresentation on the license application.
  4. Applications not acted upon within ten (10) business days shall be deemed approved.

§ 284-4 Fees.

- a. A fee of \$30 per registered solicitor per day shall be due upon registering in order to cover administrative costs associated with registration, issuance and enforcement of a license. This fee may be modified by Resolution of Council from time to time.
- b. The issuance of a permit shall be contingent upon the payment of the proper fee as established by Borough Council.
- c. Exceptions. No license fees shall be charged under this Part to:
  1. Farmers selling their own produce.
  2. The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
  3. Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.
  4. Any insurance company or its agents, or insurance broker, authorized to transact business under the laws of the Commonwealth of Pennsylvania.

§ 284-5 Rights of Licensee.

Any Person complying with the provisions of this chapter shall be entitled to do the acts specified in such license for the term therein stated; provided, however, that the license shall be personal, individual and not transferable and shall not be construed to permit employment of unlicensed agents.

§ 284-6 Duration and Transfer of License.

The duration of each license shall be the period of solicitation as defined on the approved license. Transfer of licenses is prohibited.

§ 284-7 Hours.

In order to preserve the right of Borough residents to enjoy the peace and tranquility of their homes without unreasonable interruption or annoyance during times when door-to-door solicitations are most unwelcome, it shall be unlawful for any Person to solicit, peddle and/or

canvass in, upon, or along any of the public streets, alleys, or public places of the Borough of Avalon, or by going from house to house for such purposes between hours of 8:00 p.m. and 9 a.m. or all day on Sundays or other business holidays recognized as such holidays by the Commonwealth of Pennsylvania.

#### § 284-8 Display of License.

Licensees are required to openly display and produce their license at the request of any citizen or police officer.

#### § 284-9 Do Not Knock List

All Borough residents shall be able to register their home address on a "Do Not Knock" list. This list will be provided to all Persons and their solicitors and peddlers who are licensed by the Borough for peddling and/or solicitation. The Do Not Knock list applies to known canvassers who have actual notice of the Do Not Knock List. Borough residents must register their home on the "Do Not Knock" list every three (3) years.

#### § 284-10 Solicitation, Canvassing and Peddling Prohibited Where Indicated

No solicitation, peddling or canvassing activity shall be done on any private property posted with "no-solicitation" signs or listed on the Do Not Knock List, and any such violation will be considered trespass subject to the criminal laws of the Commonwealth.

#### § 284-11 Do Not Knock List Violation Remedies

Licensees and others who are notified of the Do No Knock List under the regulations and who violate the list by soliciting, peddling and/or canvassing at an address on the Do Not Knock List shall, in addition to the violations and penalties set for this Part, have his/her/its license immediately revoked and/or other enforcement action taken. Licensees who believe that the license has been improperly revoked under this section may appeal said revocation pursuant to § 284-12.

#### § 284-12 Appeals

If any Person is denied a license pursuant to § 284-3 or has his/her/its license revoked pursuant to § 284-11, at the written request of the Person, a hearing shall be held before Borough Council or before a designated hearing officer who shall make a recommendation to Council for their official action, within thirty (30) days. The matter shall be reviewed consistent with this Ordinance held in accordance with the Local Agency Law and subject to any appeal fees as may be adopted by Council, and amended from time to time, by Resolution.

§ 284-13 Violations and Penalties.

Any Person who violates or permits a violation of this article shall, upon being found liable therefore, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Allegheny County.

§ 284-14 Repealer.

All ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

§ 284-15 Effective Date.

This Ordinance shall take effect immediately upon its adoption.

§ 285-16 Severability.

The provisions of this ordinance are severable, and if any clause, sentence, subsection, section, or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional.

**ORDAINED AND ENACTED** into law this 13<sup>th</sup> day of December, 2018.

**ATTEST:**

**BOROUGH OF AVALON**

  
Borough Secretary/Manger

By:   
President

Examined and approved this 13<sup>th</sup> day of December, 2018.

  
Mayor