TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2040

AN ORDINANCE REGULATING DOOR-TO-DOOR SOLICITATION AND CANVASSING BY REQUIRING PERMITS FOR DOOR-TO-DOOR SOLICITATION AND SETTING THE FEE FOR PERMITS AT $200 FOR EACH MONTH OR FRACTIONAL PART THEREOF DURING WHICH DOOR-TO-DOOR SOLICITING ACTIVITY IS TO TAKE PLACE; PROVIDING FOR A REGISTRY OF THOSE PROPERTY OWNERS WHO DO NOT WISH TO RECEIVE DOOR-TO-DOOR SOLICITORS; PROVIDING THAT ENGAGING IN DOOR-TO-DOOR SOLICITATION ON POSTED PROPERTIES AND/OR PROPERTIES ON THE REGISTRY CONSTITUTES AN OFFENSE UNDER THE ORDINANCE; LIMITING THE TIME FOR DOOR-TO-DOOR SOLICITATION AND CANVASSING; PROVIDING FOR A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN THREE HUNDRED DOLLARS FOR EACH OFFENSE; AND SPECIFICALLY REPEALING ORDINANCE 1990

WHEREAS, Section 2901 of the Pennsylvania First Class Township Code specifically authorizes the regulation and licensing of transient retail merchants, subject to certain limitations; and

WHEREAS, the Board of Commissioners finds that it is in the public interest to provide for the licensing of door-to-door solicitors as herein defined, and to regulate to the extent possible consistent with current constitutional jurisprudence the activities of door-to-door solicitation and canvassing, as herein defined.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Definitions.

A. As used in this Ordinance, the following terms shall have these meanings:

CANVASSER

(1) One who engages in the practice of canvassing – 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 for any person or organization or cause;

(d) to advance religious or political causes and proselytizing with regard thereto; or

(e) to conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including distribution of circulars, but not for commercial activity of any kind.

DOOR-TO-DOOR SOLICITATION

The activity of going onto the premises of other persons, without prior arrangement with the owner or occupant of such premises, for the principal purpose of the sale or taking of orders for future sales of any type of tangible goods, including, but not limited to, books, magazines, or other periodicals, or to enter into any agreement for the provision of services, or any combination of the sale of goods or provision of services, or the distribution of advertising circulars relating to the sale of goods or provision of services.

DOOR-TO-DOOR SOLICITOR

A person engaging in the activity of door-to-door solicitation.

STREET SALES

The activity of a person selling any goods from any type of portable stand or table or in a vehicle located on any street, roadway or public right-of-way, except a sidewalk abutting a property of which such person is the owner or a lawful occupant thereof.

B. For the purposes of section 5 only, a "canvasser shall be considered a "solicitor."

Section 2. Permit required for door-to-door solicitations.

A. Any person or organization intending to engage or to cause persons to engage in the activity of door-to-door solicitation, as defined in this Ordinance, prior to commencing such activity shall obtain a permit from the Abington Township Police Department. In the case of an organization, each person engaging in door-to-door solicitation shall be required to obtain an individual permit; the organization may not simply obtain one permit applicable to all persons engaging in door-to-door solicitation on its behalf. Such permit or permits shall be issued only after the person or persons seeking to obtain such permit shall have provided on the application form appropriate information as to the identities and current addresses of all persons that shall be engaged as door-to-door solicitors, which information shall be provided under the penalty of law as provided in 18 Pa.C.S.A. § 4904, and shall have completed such registration. In addition, the applicant shall execute an acknowledgement of receipt of the terms of Section 6 of this Ordinance with respect to private "No Solicitors" or "No Solicitation" or similar signs, and shall provide notice to the Abington Township Police Department of the approximate neighborhoods and locations in which the activity is to take place.

B. Every person to whom a permit shall have been issued under this Ordinance shall carry the permit on his or her person at all times and exhibit it, upon request, to any police officer or to any person on whom he or she shall call or with whom he or she shall talk.

C. Any person engaging in door-to-door solicitation or any organization employing any door-to-door solicitors that shall engage in such activity without obtaining the required permit shall be in violation of this Ordinance and shall be liable for the penalty provided for in section 8.

D. The application process shall be performed by the Abington Township Police Department. As part of the application process the Abington Township Police Department shall obtain the applicant's criminal history/record Pennsylvania State Police. The applicant shall pay a ten dollar ($10.00) fee to the Abington Township Police Department for obtaining the applicant's criminal history/record. Alternatively, the applicant may obtain his or her criminal history/record directly from the Pennsylvania State Police and present it to the Abington Police Department as part of the application process.

E. The permit fee for each person engaging in door-to-door solicitation shall be TWO HUNDRED DOLLARS ($200.00) per month for each month or fractional part thereof during which the door-to-door solicitation is continued.

F. The terms of this section shall not apply to:

(1) Boys or girls under the age of 18 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.

(2) Persons defined as "canvassers" herein.

(3) Bona fide candidates for elective office.

Section 3. Time Limitations.

No person shall engage in any door-to-door solicitation and no canvasser shall enter upon the premises of another person prior to 9:00 a.m. or after 9:00 p.m. prevailing time.

Section 4. Street sales prohibited.

No person shall engage in any "street sales" as defined in this Ordinance.

Section 5. Enforcement of "no solicitors" or "no solicitation" signs.

The owner or lawful occupant of any premises within the Township not desiring to have persons enter onto their premises may post on such premises a legible sign stating "No Solicitors," "No Solicitation," or words of similar meaning. Any door-to-door solicitor or canvasser who shall

enter upon the premises in defiance of such sign shall be in violation of this section and shall be liable for the penalty provided for in Section 8.

Section 6. No Solicitors or No Solicitation Registry.

The owner or lawful occupant of any premises within the Township not desiring to have persons enter onto their premises may, in addition to posting their premises according to Section 5, register with the Abington Township Police Department to have their address placed on a registry to be distributed to those door-to-door solicitors required to obtain a permit under section 2. Door-to-door solicitors who enter onto premises appearing on the registry shall be subject to the penalty provided for in Section 8.

Section 7. Grounds for denial of permit; revocation of permit.

A. A door-to-door solicitation permit shall not be issued to any person who:

(1) Has previously been found guilty of violating any provision of this Ordinance.

(2) Has been convicted, within the seven years preceding the date of the application for a permit, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.

(2) Who has been convicted of any felony.

B. A door-to-door solicitation permit shall be revoked for any of the following reasons:

(1) Conduct by any permit-holder that constitutes a violation of this Ordinance.

(2) A permit-holder going upon premises either posted "no solicitors" or "no solicitation", or appearing on the No Solicitors or No Solicitation Registry provided for in Section 6 of this Ordinance, or both.

(3) Conduct by any permit-holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.

C. If a company or other entity has more than one person engaging in door-to-door solicitation in Abington Township, and the permit issued to any one such person is revoked under paragraph B, above, the permits for all door-to-door solicitors working for that company shall be revoked.

D. In the event that a door-to-door solicitation permit is revoked under this section, no administrative or other fees shall be refunded to the permit holder.

Section 8. Penalty.

Any person violating any provision of this Ordinance shall be guilty of a summary offense and shall, upon conviction, be required to pay a fine of not less than one hundred dollars ($100.00) nor more than three hundred dollars ($300.00) and/or be sentenced to a term of imprisonment of not more than 90 days. Each and every violation of this Ordinance shall be punishable as a separate offense.

Section 9. Severability.

In the event that any section, sentence, clause or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 10. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Ordinance 1990 is specifically repealed hereby.

Section 11. Effective date.

This Ordinance shall be effective upon enactment.

ENACTED and **ORDAINED** this 10th day of January 10, 2013.

TOWNSHIP OF ABINGTON

Attest:

Michael LeFevre, Secretary

By: Peggy Myers

Peggy Myers, President
Board of Commissioners