

Solicitation Permit Information

Adams Township

Permit cost: \$100.00 for a 30 day period

The applicant must provide a driver's license and a criminal record check.

Solicitation is only permitted from 9:30 am – 6:00 pm. No Sundays or holidays.

The permit holder must provide the permit when requested by a homeowner.

If they do not have one or will not produce it, homeowners are to contact the police via 911.

Section I, item b gives the exemptions to the permit application process.

ORDINANCE NO. 90.

AN ORDINANCE REGULATING THE BUSINESS OF TRANSIENT MERCHANTS WITHIN THE TOWNSHIP OF ADAMS, BUTLER COUNTY, PENNSYLVANIA, REQUIRING TRANSIENT MERCHANTS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Adams, Butler County, Pennsylvania, and it is hereby ORDAINED and ENACTED as follows:

SECTION I - DEFINITIONS

a. The word "soliciting" as used in this Ordinance shall mean the seeking or taking of contracts or orders for any goods, wares, services, or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the municipality and shall further mean the seeking or taking of contract or orders for home or other building repairs, improvements and alterations, and also orders or contracts for any mechanical, electrical, plumbing, or heating device or equipment for house, or other building improvements or repairs, upon or from the places aforesaid within the said municipality.

b. The word "peddling" as used in this Ordinance shall mean the selling or offering for sale of any goods, wares, services, or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks, or from house to house, or by visitation to private residences, or by entering in or upon private property, within the said municipality.

PROVIDED: The words "soliciting" and "peddling" shall not apply:

(1) To farmers seeking or taking orders for the sale of their own products.

(2) To the sale of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.

(3) To the seeking or taking of orders for insurance, by insurance agents or brokers, licensed under, the insurance laws of the Commonwealth of Pennsylvania.

(4) To children attending local schools including Pre-School, Kindergarten, Grade, Junior, Intermediate, Middle or High Schools selling products for school projects or activities.

(5) To persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 64, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes.

c. Any person who is engaged in the business of "soliciting" and/or "peddling" shall be termed a "transient merchant".

d. The word "person" as used in this Ordinance, shall mean any natural person, association, partnership, firm, organization, or corporation.

e. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

f. The word "municipality" means Township of Adams.

SECTION II - REQUIREMENT FOR LICENSE

No person shall engage in soliciting or peddling or in the business of Transient Merchant in the municipality without first having secured a license as herein provided.

SECTION III - APPLICATION FOR LICENSE

Every person desiring to engage in the business of Transient Merchant in the municipality shall first make application to the Chief of Police of municipality for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application exhibit a valid county license. The application shall be upon a form prescribed by the governing body and shall contain at least the following information:

a. Full name of the applicant and local address, if any.

b. Permanent address.

c. Name of employer or a statement that such applicant is self-employed.

d. The nature of the goods, wares, services or merchandise offered for sale.

e. A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed there.

f. The type of vehicle to be used, if any.

g. Positive identification, such as a valid drivers license, PROVIDED:

(1) Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by the applicant and an individual license shall be required for each helper. No license under this Ordinance shall be transferable from one person to another.

SECTION IV - LICENSE FEES

No license to engage in the business of Transient Merchant shall be issued under the Ordinance until the required license fee shall be paid to the municipality. Such fees shall be in accordance with the Schedule of Fees then in effect in the municipality and established by resolution of the governing body. A separate application shall be filed and a separate license fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

SECTION V - FEES AND DURATION OF LICENSE

The Fee Schedule adopted by the governing body may provide for different fees for different periods of times. No license shall be issued for a period of time in excess of one (1) month. Should the Transient Merchant desire to continue his activities for a period longer than one month, a new application must be filed and the appropriate fee paid. All fees shall be non-refundable.

SECTION VI - PURPOSE OF LICENSE AND STANDARDS OF CONDUCT

Such license when issued shall state, inter alia; the products to be sold or services to be rendered by the licensee. Every Transient Merchant shall at all times, when engaged in soliciting or peddling in the municipality, carry such license upon his person and shall exhibit it upon request, to all police officers, township officials and citizens.

The Transient Merchant shall conform to the following standards of conduct:

a. No Transient Merchant shall engage in selling any product or service not specified on his license.

b. No Transient Merchant shall enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

c. No peddling or soliciting of business shall occur on Sundays or official holidays.

d. No peddling or soliciting of business shall occur prior to 9:30 a.m., prevailing time, and shall cease at sunset or 6:00 p.m., prevailing time, whichever shall occur first.

e. No person licensed as a Transient Merchant under this Ordinance shall occupy any fixed location upon any of the

sidewalks, streets, highways or alleys of the Township for the purpose of soliciting or peddling with or without any stand or counter.

SECTION VII - RECORDS OF LICENSES

The Chief of Police of municipality shall keep a record of all licenses issued under the Ordinance. The municipality Police Department shall supervise the activity of all holders of such licenses.

SECTION VIII - SUSPENSION OR REVOCATION OF LICENSE

a. Any license which has been issued under the terms of this Ordinance may be suspended by the Chief of Police upon the filing of complaints by two (2) or more residents of the municipality regarding the misconduct or adverse behavior of any licensed Transient Merchant. The license shall be revoked or reinstated within seven (7) days following an investigation into the merits of the complaints by the Chief of Police.

b. Any license which has been issued under the terms of this Ordinance may be revoked by the Chief of Police upon failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made a false statement in his application for a license hereunder, or that the licensee was convicted of a crime after the issuance of such license or was convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of the municipality. Notice of revocation shall be given by written notice personally served or sent by certified mail to the address designated for this purpose in the application for license.

SECTION IX - APPEAL OF SUSPENSION OR REVOCATION OF LICENSE

Any person whose license has been revoked shall be entitled to appear, with counsel, if he so desires, before the governing body at any regular or special meeting and be heard in behalf of a request for reinstatement for his license.

SECTION X - PROHIBITED ACTIVITIES OF LICENSEE

No person licensed as a Transient Merchant under this Ordinance shall hawk or cry his wares or services upon any of the streets or sidewalks of the municipality nor shall he use any loud speaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

SECTION XI - FINES AND PENALTIES FOR VIOLATION OF ORDINANCE

Any person who shall violate any of the provisions of this Ordinance, or who permits the violations of this Ordinance by any of his helpers, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a fine of \$300.00 plus all court costs, including reasonable attorney fees, incurred by the municipality. No judgment shall be imposed until

the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

SECTION XII - SEVERABILITY

The provisions of this Ordinance shall be severable and if any of the provisions or sections shall be declared unconstitutional or illegal by the Court of competent jurisdiction, the decision of such Court shall not affect the validity of the remaining sections or provisions, of this Ordinance, being declared by the governing body that it would have been their legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION XIII - REPEALER OF PRIOR INCONSISTENT ORDINANCES

Ordinance No. 15 of the municipality is specifically repealed, as well as any prior resolutions or prior ordinances or parts thereof which are inconsistent herewith.

Enacted into an Ordinance this 24th day of April, 2000.

BOARD OF SUPERVISORS OF
TOWNSHIP OF ADAMS