

ORDINANCE NO. 18- 7

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING IN ITS ENTIRETY CHAPTER 127, PEDDLING AND SOLICITING, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania as follows:

SECTION 1. The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Hanover Township Codified Ordinance, as amended.

SECTION 2. Chapter 127, PEDDLING AND SOLICITING, of the Code of Ordinances, is hereby amended in its entirety and replaced with the following:

“§ 127.1. License Required.

It shall be unlawful for any person, firm, corporation, or association to sell or offer for sale, any goods, commodity, or services in, upon or along any of the public streets, alleys, or public places of the Township of Hanover, Northampton County, Pennsylvania (“Township”), or by going from house to house for such purposes, without having first procured a license to do so. “Sell” and “Offer for Sale” shall be defined to include any interaction that primarily proposes a commercial transaction.

§ 127.2. Licensing Procedure; Operating Regulations.

- A. It shall be the duty of any person, firm, corporation, or association engaging in any activity set forth in §127.1, within the limits of the Township, to make application on the Colonial Regional Police Department (“CRPD”) for a license to do so. It shall be the duty of the CRPD to investigate the said application, with regard to accuracy of the information of the application and any record of unsafe, criminal or fraudulent conduct of the applicant.

- B. The license referred to in this Section shall issue upon filing of a completed application unless the CRPD informs the person, firm, corporation or association in writing and within ten (10) days of the date of application that the CRPD can show that the person, firm, corporation or association is seeking to engage in unsafe, illegal, fraudulent or criminal activity, or has made a material misrepresentation on the license application.

- C. In order to preserve the right of Township 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, notwithstanding §127.1, it shall be unlawful for any person, firm, corporation, or association to sell or offer for sale any goods, commodity, or services, or to solicit funds or donations of any kind, in, upon, or along any of the public streets, alleys, or public places of the Township, or by going from house to house for such purposes between the hours of 9:00 p.m. or 10:00 a.m. or all day on Sundays or other business holidays recognized as such holidays by the Commonwealth of Pennsylvania.

- D. No activity described in §127.1 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 of Pennsylvania.

- E. The license application referred to in §127.1 shall require only information sufficient to allow the person, firm, corporation, or association engaging in activity described in §127.1, to be contacted by a Township citizen or by the Township. This information shall include the name, address, and phone number of the person, firm, corporation, or association engaging in activity described in §127.1. The application shall also require a brief description of the goods, commodity, or services to be sold or offered for sale. If the applicant is a business enterprise of any kind, the application shall also include the official name of the business, any alternate names under which the enterprise conducts business, its state of incorporation, its tax identification number, and its registered address for accepting service of process. The licensee and any persons soliciting on behalf of licensee shall be required to wear an identification badge provided by the Township at the time of issuance of the license.

§ 127.3. Fees; Exceptions.

The Board of Supervisors of the Township shall establish, by resolution, a schedule of fees for the obtaining of permits required under the provisions of this part. The resolution providing for the various fees shall be periodically

reviewed and amended, when necessary, by resolution of the Board of Supervisors. The issuance of a permit shall be contingent upon the payment of the proper fee as established by the resolution and the fee schedule.

§ 127.4. Appeals.

If any person, firm, corporation, or association is denied a license pursuant to §127-2, that denial shall, at the written request of the person, firm, corporation or association be reviewed by the Township Board of Supervisors at their regularly-scheduled meeting occurring in the month following the date of the denial of the application. The license shall be deemed approved unless Township Board of Supervisors, by majority vote, finds that the person, firm, corporation, or association is seeking to engage in unsafe, illegal, fraudulent, or criminal activity, or has made a material misrepresentation on the license application.

§127.5. Do Not Knock.

The Township CRPD shall maintain an annually updated list of Township residents who do not wish to have any person, firm, corporation, or association sell, offer for sale, any goods, commodity, or services at their place of residence at any time.

§127.6. Do Not Knock Regulations.

The Township Manager, or his designee, shall promulgate regulations for the management of the "Do Not Knock List"; the distribution of the "Do Not Knock List" to licensees; notice and access of the Do Not Knock regulations on the Township website; and enforcement procedures for violations of the Do Not Knock regulations.

§127.5. Violation of the Do Not Knock Regulations.

Licensees who are notified of the Do Not Knock List under the regulations and who violate the list by selling, offering for sale, any goods, commodity, or services 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. Licensees who believe that the license has been improperly revoked under this section may appeal said revocation pursuant to §127.4.

§127.8. Exemptions.

The following persons are exempted from the requirements of this chapter:

- A. Persons soliciting contributions on behalf of organizations or nonprofit corporations in compliance with the Solicitation of Funds for Charitable Reform Act.
- B. Persons soliciting funds or canvassing permitted under the Pennsylvania Election Code.
- C. Children under the age of 18 years who take orders for and delivery of newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- D. Activities of insurance agents or brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania, and activities of real estate brokers or agents licensed under the laws of the Commonwealth of Pennsylvania.
- E. Any person that is merely proselytizing for a religion or distributing political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any funds and without selling any goods.

§127.9. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this part, upon conviction thereof in any action brought before a district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300.00 plus costs or not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.

SECTION 3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not

affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

SECTION 5. This Ordinance shall become effective five days after enactment.

ENACTED AND ORDAINED at a regular meeting of the Board of Supervisors of the Township of Hanover, County of Northampton on this 23rd day of October, 2018.

ATTEST:



By:

Elizabeth D. Ritter
Elizabeth D. Ritter, Secretary

**BOARD OF SUPERVISORS,
HANOVER TOWNSHIP,
NORTHAMPTON COUNTY,
PENNSYLVANIA**

By:

John N. Diacogiannis
JOHN N. DIACOGIANNIS, Chairman