

AN ORDINANCE OF THE TOWNSHIP OF NORTH
VERSAILLES REGULATING THE PRACTICE OF
SOLICITATION IN THE TOWNSHIP, AND
PROVIDING LICENSES THEREFORE, AND
PROVIDING FOR FINES AND PENALTIES IN
CASES OF VIOLATION. THIS ORDINANCE IS
A CODIFICATION AND AMPLIFICATION OF ALL
EXISTING ORDINANCES APPLICABLE TO SOLICITING
AND PEDDLING.

The purpose of this Ordinance is to control and correct certain conditions connected with the activities of persons entering upon private residential properties for the purpose of soliciting, as herein defined, the Board of Commissioners having first determined that soliciting can and does lead to crime, fraud and invasion of privacy of Township residents in the quiet enjoyment of their homes before and after normal working hours. The Ordinance also is designed to prevent similar abuses by transient merchants.

The Township of North Versailles Ordains as follows:

SECTION I DEFINITIONS

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

Solicitor - Shall include any person:

- (a) who goes from private house to house, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers;
- (b) who goes from private house to house, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders;
- (c) who goes from private house to private house soliciting donations or money for themselves or for any organization for any purpose, whether or not anything of value is given in return.

Transient Merchant - Shall include any person, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a market stand, or a private residence, for the sale of goods, wares, merchandise or to offer or expose the same for sale or for future delivery and sale. (Temporarily and short time shall be construed as three (3) months or less.)

Charitable Organization - An organization which has been granted an exemption by the United States Internal Revenue Service under Section 501(c) or Section 509(a) of the Internal Revenue Code, or any other organization deemed to be charitable in nature by the Township Board of Commissioners.

SECTION II EXEMPTIONS

The terms of this Ordinance shall not be held to include the acts of merchants or their employees or agents in delivering goods

or services in the regular course of business; nor shall it apply to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

SECTION III LICENSE REQUIRED

It shall be unlawful for any solicitor or transient merchant as defined in Section 1 of this Ordinance to engage in any such business within the Township of North Versailles without first obtaining a license therefore in compliance with the provisions of this Ordinance.

SECTION IV APPLICATION

A. Applicants for a license under this Ordinance must file with the Police Department of the Township an application in writing on a form to be furnished by the Township, which will give the following information:

- (1) Name and physical description of applicant.
- (2) 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 made.
- (3) A brief description of the nature of the business and the goods to be sold or the organization on behalf of which funds are solicited.
- (4) If employed, the name and address of the employer.
- (5) 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.
- (6) Two recent photographs of the applicant, which shall be approximately two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishable manner.
- (7) A statement as to whether or not the applicant has been convicted of any felony or crime involving moral turpitude.
- (8) Applications involving solicitation for a charitable institution shall be accompanied by a copy of the Grant of Exemption issued by the Internal Revenue Service.

B. This application completed as to all matters inquired of shall be turned over to the Police Department of the Township, together with the initial fee to cover the expenses of investigation, payable to the Township of North Versailles; said fee to be established by Resolution of the Board of Commissioners.

SECTION V INVESTIGATION AND ISSUANCE OF LICENSE

A. Upon receipt of each application, it shall be immediately reviewed by the Police Department for accuracy.

B. If as a result of such review, the application is found to be true, the Chief of Police or his designate shall endorse on the application his approval and return the application to the Township Secretary or designate, who shall, upon payment of the prescribed initial license fee deliver to the applicant his or her license within twenty-four (24) hours after payment of the fee, provided that no license shall be issued to any convicted felon or person convicted of a crime involving moral turpitude.

C. Such license shall contain the signature of the issuing officer, and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods or organization involved, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each solicitor or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Township Secretary shall keep a permanent record of all licenses issued and those rejected.

SECTION VI CHARITABLE ORGANIZATION FEE EXEMPTION

Solicitors for charitable organizations shall comply with the provisions of this Ordinance, but no application or license fee shall be charged.

SECTION VII FEES

Every applicant for a license as a solicitor or transient merchant under this Ordinance, shall pay a license fee as established by Resolution of the Board of Commissioners. Said fees are hereby established at \$25.00 per person per day. In the alternative, an applicant may purchase a license for 3-month period for SECTION VIII APPLICATION TO BUSINESS AND PUBLIC PLACES; \$100.

RESTRICTIONS ON TIME AND PLACE

A. No licensee shall solicit at private residences on Sunday, nor before 9:00 A.M. or after 5:00 P.M. prevailing time, on weekdays.

B. No licensee shall solicit at any private residence exhibiting a sign reading "No Solicitors" or words of the same meaning.

C. Residents may erect "No Solicitors" or similar signs not to exceed one hundred twenty (120) square inches in size, which for the purposes of this Ordinance shall be conspicuously displayed near their entrance walk or doorway.

D. Solicitors may solicit at business properties in the Township during all business hours; and may solicit in Township streets and other public places from 9:00 A.M. prevailing time to sunset; provided that such solicitors obtain a license as required by this Ordinance and they shall be subject to all the other provisions of this Ordinance.

SECTION IX EXHIBITION OF LICENSE

Licensees shall exhibit their license at the request of any resident or police officer.

SECTION X REVOCATION OF PERMIT; NOTICE OF HEARING

A. Licenses issued under the provisions of this Ordinance may be revoked by the Chief of Police or his designee with respect to such persons, after notice and opportunity for a hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or transient merchant.
- (3) Any violation of this Ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting solicitation or business in an unlawful manner or in such a manner as to constitute a breach of peace.

(6) Refusing to leave premises when asked to do so by the occupant.

B. Notice of the revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the opportunity for a hearing. Such notice shall be transmitted by certified mail, postage prepaid, to the permittee at his last known address.

SECTION XI APPEALS

Any person aggrieved by the action of the Chief of Police or his designee in the denial of application approval as provided in Section V of this Ordinance, or in the action of the revocation provided in Section X of this Ordinance, shall have the right of appeal to the Board of Commissioners. Such appeal shall be taken by filing with the Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Hearings shall be governed by the Local Agency Law.

SECTION XII EXPIRATION OF PERMIT

All permits expire on the date specified in the permit.

SECTION XIII VIOLATIONS AND PENALTIES

Any person, firm or corporation that shall violate any of the provisions of this Ordinance shall forfeit and pay to the Township for each and every separate offense a sum of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), to be sued for and recovered as other fines and penalties are now by law recoverable, and in default of payment of the fine and costs of prosecution, shall be committed to the county jail for a period not exceeding thirty (30) days.

SECTION XIV SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall stand notwithstanding the invalidity of any part. Each days continuance of a violation shall constitute a separate offense.

SECTION XV CONFLICTING ORDINANCES REPEALED

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of North Versailles at a duly assembled public meeting held this 15th day of November, 1982.

ATTEST:

BY Alvin Shrews
Township Secretary

TOWNSHIP OF NORTH VERSAILLES
BY Robert Dujanich
President, Board of Commissioners