

TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING AND
RESTATING THE CANVASSING AND SOLICITING ORDINANCE

WHEREAS, the Township has previously enacted Ordinance 965 relating to Canvassing and Soliciting; and

WHEREAS, the Township has decided that certain amendments to such Ordinances are desirable or necessary.

NOW, THEREFORE, the Township of O'Hara hereby ordains as follows:

Section One. Short Title and Purposes. This Ordinance shall be known as the "O'Hara Canvassing and Soliciting Ordinance." It is enacted for the following purposes: to prevent fraud, burglary (including preparation for burglary by learning which residents are home and at what hours) and other crime; to prevent unethical and dishonest business practices; to protect the privacy interests of the residents of the Township, including the right to not be unduly annoyed in their homes and to be able to exclude trespassers from private property; and to otherwise promote the health, safety and welfare of the residents of the Township.

Section Two. Definitions. The following words shall be construed to have the meanings set forth below; and, throughout this Ordinance, the singular shall include the plural, and the masculine gender shall include the feminine and neuter:

CANVASS - 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 or donations for any person or organization or cause, (d) to advance personal, 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.

MERCHANDISE or SERVICES - any goods or services including, but not limited to, magazines, periodicals, books, orders or contracts for services, home improvements or alterations.

REGISTRANT - any canvasser or solicitor required to apply for a registration certificate under this Ordinance. Such term shall include all agents and employees of the canvasser or solicitor which is required to register.

SOLICIT - the practice of going from dwelling unit to dwelling unit selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise or services. Canvass or Solicit does not include a series of licensed entries on private property (e.g., milkman making normal deliveries).

Section Three. Registration. No person desiring to canvass or solicit in the Township whose purposes include commercial solicitation or seeking contribution of funds, excluding charitable non-profit solicitation, shall do so without first having obtained a registration certificate from the Township Police Department.

Section Four. Procedure. Any person required to obtain a registration certificate shall submit a written application to the Township Superintendent of Police on a form furnished by the Township. The applicant shall state for himself and each of his agents or employees who will canvass or solicit: his name, age, sex, home address, business address, name and address of employer, if any; what he desires to canvass or solicit for; the days, dates and route of the registrants' canvassing or soliciting; the make and type of vehicle, if any, he will use, and its registration number. The Township Superintendent of Police, or his delegate, will issue to the applicant a registration certificate within twenty-four (24) hours from the date of filing of the application, provided that the application is complete and accurate. A registration certificate will be valid for the balance of the calendar year in which it is issued. Such certificate may not be transferred from one (1) person to another.

Section Five. Fees. No fees will be charged for the issuance of a registration certificate.

Section Six. Display. Each registrant shall carry the registration certificate at all times when in the Township. In addition, the registrant will exhibit the certificate to any Township citizen or resident or Township official upon request.

Section Seven. Appeal. In the event an application for a registration certificate is disapproved by the Township Superintendent of Police or his delegate, the appellant may, within five (5) days of the denial, appeal the decision to the Township Council which shall set a time and place for a hearing. This hearing shall be held within thirty (30) days after the appeal is taken by the appellant, at which hearing the appellant will be given an opportunity to present reasons why the registration certificate should be issued. The decision of the Township Council shall be made within ten (10) days of the appeal hearing.

Section Eight. Prohibitions.

A. Hours. No person shall canvass or solicit in the Township between the hours of 9:00 p.m. and 7:00 a.m. the next day. This restriction shall apply to all persons, including those to whom a registration certificate has been issued.

B. List. No person who is required to obtain a registration certificate shall canvass or solicit in the Township without first obtaining from the Township Superintendent of Police or his delegate a list of all residences and dwelling units in the Township where the owner/occupant of the residence or dwelling unit has notified the Township in writing that they do not wish to be visited on their premises at any time by any person performing any canvassing and/or soliciting activity. No registrant or person required to register, may canvass or solicit at any dwelling unit designated on such list. Any registrant who is canvassing or soliciting in the Borough must carry such list while canvassing or soliciting. Any such written notice from an owner/occupant may be revoked in writing at any time by such owner/occupant. Alternatively, the Township may produce a list where the owner/occupant has not notified the Township in writing of their desire to not be visited. In such a case, the canvasser or solicitor may only canvass or solicit at the addresses on the list.

C. Signs. No person, whether or not a registrant, shall conduct any canvassing or soliciting activity at any private property which has posted a “No Solicitation” or “No Solicitors” or “No Trespassing” sign or any other similar warning sign. Such sign shall be reasonably visible to persons entering the property at the driveway or sidewalk, if any.

Section Nine. Revocation. The Township Superintendent of Police, or his delegate, may revoke the registration certificate of any registrant found to be in violation of any provision of this Ordinance.

Section Ten. Exemptions. This Ordinance shall not apply to any Township resident under age sixteen (16).

Section Eleven. Penalties. Any person violating this Township, whether as an individual, principal, agent, employer or employee of another, shall upon conviction by the District Magistrate be subject to a fine not to exceed five hundred dollars (\$500.00) plus costs of prosecution, in the discretion of the District Magistrate. Each entry upon private property which does not comply with the provisions of this Ordinance shall constitute a separate offense.

Section Twelve. Invalidation. Should any section or sections hereof be held for any reason to be invalid, the remaining sections shall remain in full force and effect.

Section Thirteen. Repealer. This Ordinance repeals in its entirety and supersedes Township Ordinance No. 965.

Section Fourteen. Effective Date. This Ordinance shall be effective upon approval.

