

**BOROUGH OF CHURCHILL
ORDINANCE NO. 743**

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 232 OF THE CODE OF THE BOROUGH OF CHURCHILL ("PEDDLING AND SOLICITING") TO ESTABLISH REGULATIONS FOR COMMERCIAL AND NON-COMMERICAL SOLICITATION IN THE BOROUGH

WHEREAS, the Council of the Borough of Churchill enacted an ordinance regulating peddlers, solicitors and canvassers in the Borough of Churchill, which was adopted on September 11, 1984 by Ordinance No. 597; and

WHEREAS, Ordinance No. 597 was subsequently codified at Chapter 232 of the Code of the Borough of Churchill ("Peddling and Soliciting"); and

WHEREAS, the Council of the Borough of Churchill finds that protection of residents from undue annoyance, fraud and crime are important interests that the Town may seek to safeguard through regulation of solicitation; and

WHEREAS, the Council of the Borough of Churchill has concluded that in order to further the health, safety and welfare of its residents, Chapter 232 of the Code of the Borough of Churchill should be updated by establishing requirements related to registration, permitting, time restrictions, enforcement and other regulations pertaining to solicitation in the Borough, and to ensure compliance with applicable laws and regulations.

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Borough Council of the Borough of Churchill, Allegheny County, Pennsylvania, as follows:

Section 1.

Chapter 232 of the Code of the Borough of Churchill ("Peddling and Soliciting") is hereby repealed in its entirety and replaced with the following:

Chapter 232: Peddling and Soliciting

§ 232-1 Definitions.

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

A. **Commercial Solicitation:** The practice of going in and upon private residences in the Borough of Churchill soliciting or attempting to take orders from individuals for the 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 or she is collecting advance payment on such orders; attempting to gather data, conduct surveys or take polls on behalf of a for-profit or commercial entity or for the purpose of generating a profit; or distributing handbills, flyers, pamphlets or information advertising a commercial event or service.

B. **Non-Commercial Solicitation:** The practice of going in and upon private residences in the Borough of Churchill soliciting funds or contributions for a political, religious, civic or charitable purpose; distributing handbills, flyers, pamphlets or information of a political, religious, civic or charitable nature; or conducting or attempting to gather data, conduct surveys or take polls for research purposes on behalf of an agency of the state or federal government, or for a political, religious, civic or charitable purpose.

§ 232-2 Registration and Background Check of Commercial Solicitors

A. Before engaging in commercial solicitation under this Chapter, each individual solicitor shall hold a valid registration issued by the Police Department of the Borough of Churchill identifying himself or herself and his or her organization. Anyone seeking to register as a commercial solicitor under this Chapter shall complete a registration form and shall submit the following information:

1. Name and photo ID of applicant;
2. Permanent home address and full local address of applicant;
3. Brief description of the nature of the business and, if applicable, the nature of the goods to be sold;
4. If employed, the name and address of the employer and proof of employment;
5. Length of time for which the registration is requested, not to exceed forty-five (45) days;
6. Place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery, if applicable;
7. Identification of vehicle or vehicles to be used including year, make, model, color, license plate number and name of registered owner;
8. The number of assistants to be used by the applicant and a complete application filled out for each assistant;
9. A statement as to whether or not the applicant has been convicted of any crime, any misdemeanor or any violation of this chapter, the nature of the offense and the punishment or penalty assessed therefore; and
10. A criminal history record background check as described in subsection E of this section.

The Chief of Police or his designee shall issue each commercial solicitor an identification card upon completion of the registration requirements. Such card shall be displayed at all times while commercial solicitation is conducted within the Borough of Churchill.

B. Any applicant intending to engage in commercial solicitation shall pay, at the time of the initial application, an application fee of \$50.00 to cover the Borough of Churchill's expenses to investigate and process the application.

C. Registrations shall be valid for not more than forty-five (45) days from the date of issuance. The expiration date shall be set forth on all registrations. Renewal of an expired registration shall require submittal of all information required for initial registration, along with a \$25.00 fee to cover the Borough of Churchill's expenses to investigate and process the application.

D. An application for registration may be denied, or a previously-issued registration may be revoked by the Chief of Police for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in the application for registration;
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as a commercial solicitor;
3. Any violation of this Chapter;
4. Conviction of any crime involving moral turpitude; or
5. Conducting his business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the general public.

E. Every applicant for registration as a commercial solicitor or assistant shall obtain a criminal history record background check from the Pennsylvania State Police, dated no earlier than one year prior to the date of application, and submit this background check with his or her application. The applicant shall be

responsible for any cost related to obtaining background checks. The Chief of Police shall deny the application for registration if the applicant has:

1. Committed any act consisting of fraud or misrepresentation;
2. Committed any act which, if committed by a commercial solicitor, would be grounds for revocation of a registration;
3. Within the previous ten (10) years, been convicted of a felony directly relating to his or her fitness to engage in the conduct of a commercial solicitor, and including, but not limited to, those felonies involving moral turpitude, fraud or misrepresentation;
4. Been charged with a felony of the type defined in subsection (E)(3) of this section, and disposition of that charge is pending;
5. Been refused registration under the provisions of this Chapter; provided, however, that any applicant denied a registration under the provisions of this Chapter may reapply if and when the reasons for denial no longer exist; or
6. Made any false or misleading statements in the application.

§ 232-3 General Conditions of Solicitation.

Any individual engaged in either commercial solicitation or non-commercial solicitation within the Borough of Churchill shall be subject to the following terms and conditions, of which any failure to comply shall be a violation of this Chapter:

- A. No commercial solicitation or non-commercial solicitation shall be conducted in the Borough of Churchill except during the hours of 8:00 a.m. to 8:00 p.m., prevailing time.
- B. The Borough Police Department shall be responsible for compiling and maintaining a list of property owners and residents who notify the Police Department that they do not wish to be solicited. This no-soliciting list shall also be posted on the Borough website. No commercial or non-commercial solicitor may go in or upon any address listed on the no-soliciting list. At the time of registration with the Borough of Churchill Police Department, commercial solicitors shall be given a copy of the no-soliciting list.

§ 232-4 Posting of Signs Prohibiting Soliciting.

No person shall be permitted to solicit upon property posted with a plainly visible and legible sign stating "No Solicitors," "No Peddlers," "No Canvassers," or "No Soliciting, Peddling or Canvassing," or any equivalent language which would inform a solicitor, canvasser or transient merchant that solicitation is not desired. This Section shall apply to all persons, including but not limited to commercial solicitors and non-commercial solicitors.

§ 232-5 Persons Exempted.

The provisions of this Chapter shall not be applicable to children under 18 years of age who solicit donations or who sell, take orders for or deliver coupons, periodicals, greeting cards, candy, bakery products or similar items on behalf of youth groups or organizations benefitting youth. Such organizations shall include, but are not limited to, scout groups, sports teams, extracurricular activities, extracurricular clubs, and booster clubs.

§ 232-6 Violations and penalties.

Any person violating the provisions of this chapter shall be fined not more than \$600 for each offense (each call at a separate residence being interpreted as an offense), plus costs and attorneys' fees, the same to be collected as other fines are collected by law.

§ 232-7 Appeals.

Any person aggrieved by the denial or revocation of a registration provided hereunder shall have the right to appeal to Borough Council by filing a Notice of Appeal within fourteen (14) days of the action complained of. Borough Council shall set a time for such hearing and shall provide written notice to the appellant at least seven (7) days prior to the hearing.

Section 2 - Effective Date/Repealer

This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

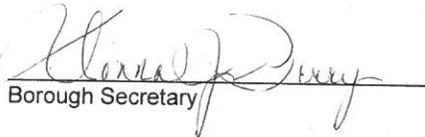
Section 3 - Severability

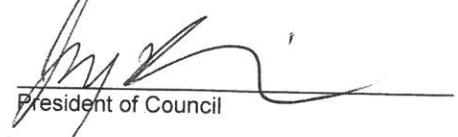
If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED into law this 9th day of April, 2018.

ATTEST:

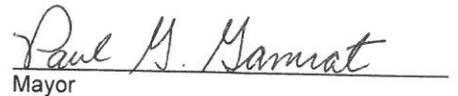
BOROUGH OF CHURCHILL


Borough Secretary


President of Council

Examined and Approved this 9th day of April, 2018

BOROUGH OF CHURCHILL


Mayor