

**TYRONE TOWNSHIP**

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**SOLICITATION AND CANVASSING ORDINANCE**

**ORDINANCE NO. 2024-01**

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**AN ORDINANCE OF TYRONE TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, REGULATING DOOR-TO-DOOR SOLICITATION AND CANVASSING WITHIN THE BOUNDARIES OF TYRONE TOWNSHIP; PROVIDING FOR DEFINITIONS, PROHIBITED ACTS, LICENSE REQUIREMENTS AND FEES, APPLICATION REQUIREMENTS, EXCEPTIONS, CONDITIONS OF THE LICENSE, SUSPENSION AND REVOCATION OF LICENSE AND VIOLATIONS AND PENALTIES, SEVERABILITY, REPEALER AND EFFECTIVE DATE.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors in and for Tyrone Township, Adams County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1: SHORT TITLE**

This Ordinance shall be known as the "Tyrone Township Solicitation and Canvassing Ordinance".

**SECTION 2: DEFINITIONS**

Whenever used in the following sections of this Ordinance, the following words shall be as herein defined, unless a different meaning clearly appears from the context:

**Board** - The Board of Supervisors of Tyrone Township, Adams County, Pennsylvania.

**Canvassing** - The house-to-house sharing of information about, or the seeking of support for, any charitable, educational, political, or religious cause, candidate, or viewpoint, without solicitation.

**Contributions** - Includes, but is not limited to, alms, food, clothing, money, subscription, property, or other donations.

**Peddler/Solicitor** - Any person engaged in peddling or soliciting, as herein defined. The words “peddler” and “solicitor” shall be synonymous with the terms “vendor,” “hawker,” “salesperson,” or other such term describing or conveying the same meaning as those activities here identified.

**Peddling (Instant Sales, Traveling)** - The selling or offering for sale of any goods, wares, services, or merchandise for immediate delivery, either by sample or otherwise, upon any streets or sidewalks, from house to house, or by entering in or upon private property within the Township.

**Soliciting/Solicitation (Contracts, Traveling)** - The seeking or taking of contracts or orders for any goods, wares, services, or merchandise for future delivery or performance, either by sample or otherwise, upon any streets or sidewalks, from house to house, or by entering in or upon private property within the Township.

**Township** - Tyrone Township, Adams County, Pennsylvania.

**Transient Retail Sales (Fixed Location)** - Offering for sale or taking orders for any goods, wares, services, or merchandise, either by sample or otherwise, from a fixed location within the Township for a defined period (i.e., Monday through Friday), including, but not limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

### **SECTION 3: PROHIBITED ACTS**

No person engaged in canvassing, peddling, soliciting, or transient retail sales within the Township, whether required to obtain a license or not, shall:

- A. Engage in any business activity prohibited in the Township by general or special law applicable thereto.
- B. Engage in any house-to-house activity, except by prior appointment, earlier than 8:00 a.m. or later than 8:00 p.m. on any day, or at any time on a Sunday or legal holiday.
- C. Enter upon any premises clearly marked as prohibiting solicitation, peddling, or trespassing or which has been so designated by the Township.
- D. Fail to immediately and peacefully depart from the premises of any person, whether invited or not, when requested to do so by the occupant.

E. Walk across or upon any yard, lawn, or courtyard, except where no sidewalk, walkway, or driveway exists.

F. Hawk or cry goods, wares, services, or merchandise he/she proposes to sell upon any street, alley, sidewalk, or public place in the Township, or use any sound device, including loudspeakers or other sound-amplification devices, where the sound emitted is of sufficient volume to be plainly heard upon any street, alley, sidewalk, or public place within the Township.

G. Operate in a manner that impedes traffic, creates inconvenience for the public, or in any way jeopardizes the safety or welfare of the public and/or persons engaging in such activity regulated by this Ordinance, upon any street, alley, sidewalk, or public place within the Township.

H. Operate a transient retail sales operation upon private property without permission of the property owner.

I. Park any vehicle upon or along any of the streets or sidewalks of the Township for the sole purpose of advertising.

#### **SECTION 4: LICENSE REQUIRED; FEES**

A. No person shall engage in peddling, soliciting, or transient retail sales within the Township without having first obtained a license from the Township office, unless exempt from such license under §6, provided that, where a charitable, educational, religious, or political organization seeks to operate a transient retail sales business, a licensed adult must be present and responsible for the operation. No license is required for minors or other adults working in furtherance of such operation.

B. A fee shall be charged for each license granted, as established by resolution from time to time by the Board, unless the license applicant is exempt from such fee under §6 of this Ordinance.

#### **SECTION 5: APPLICATION FOR LICENSE; GRANT OR DENIAL; APPEALS**

A. All persons requiring a license for peddling, soliciting, or operating a transient retail sales business shall file in the Township office an application on forms provided by the Township. If such person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county

officer. The applicant shall provide complete and truthful descriptions for all requested information or provide a detailed statement of the reasons why such information cannot be furnished. The application will be sent to the Township's Representative, appointed by Resolution to administer the issuance of licenses, who may require such additional information as the Township's Representative deems appropriate.

B. The Township's Representative may deny a license if the application is not complete, fails to comply with the requirements set forth in this Ordinance, if the application contains a known material misrepresentation, or if the granting of the license would create a threat of harm or danger to the citizens of the Township. The Township's Representative shall provide written notice within two (2) working days from the date of application whether the license has been granted or denied. If the license is denied, the notice shall include a brief statement of the facts upon which the denial is based.

C. Appeals from any denial may be made in writing to the Board no later than ten (10) calendar days from the issuance of the denial. Upon receiving an appeal, the Board shall set a hearing date no later than twenty (20) days from the date it received such appeal, at which time the license holder and any other interested person shall have the right to present his or her argument and any evidence associated therewith. The hearing will be used to determine whether the license denial should be upheld or overturned. The Board shall provide written notice of its decision within five (5) days of the hearing and also include a copy of the decision with the original application.

## **SECTION 6: LICENSE EXCEPTIONS; FEE EXCEPTIONS**

A. No license or fee shall be required for the following:

(1) Any person, corporation, partnership or association, and the agents and employees thereof, certified as a charitable organization under Section 501(c), 501(d) and/or 509(a) of the Internal Revenue Code or any other statute of like nature of the Commonwealth of Pennsylvania or the United States governing solicitation for charitable, benevolent, patriotic or any purposes or who or which is soliciting for any civic, religious or charitable organizations representative of any public school, student, church, fire company, veterans' organization or similar institution.

(2) Any person, corporation, partnership or association, and the agents and employees thereof, registered with the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, under the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq.

(3) Any person, corporation, partnership or association, and the agents and employees thereof, soliciting funds or canvassing for purposes permitted under the Pennsylvania Election Code, 25 P.S. § 2601 et seq., as amended.

(4) Any candidate for political or elective office.

(5) Any merchants or their employees or agents delivering goods or services in the regular course of business.

(6) Any person licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 2 hereof, when so engaged, including, without limitation, real estate, insurance or securities brokers and salesmen.

(7) Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county or Township government, or any agency thereof.

(8) Residents of the Township under 16 years of age who take orders for and deliver newspapers, greeting cards, magazines, candy and other items on behalf of an organization of a type listed in § 6 A. of this Ordinance.

B. Conduct of non-licensed individuals.

(1) All of the provisions of §3 of this Ordinance apply to individuals not required to obtain a license or pay licensing fees.

(2) All persons, organizations, their employees, agents, and representatives, who engage in house-to-house soliciting or peddling on behalf of an exempt organization or cause are required to provide identification and an explanation of their purpose if requested by the Township or any person.

## **SECTION 7: CONDITIONS OF LICENSE**

While operating pursuant to a license granted for peddling, soliciting, or transient retail sales, the following conditions apply:

A. If, while any application is pending, or during the term of any license granted thereon, there is any change of fact, policy, or method that would alter the information given, the applicant shall notify the Township office in writing within one business day after such change.

- B. No product or type of product not mentioned in a license shall be peddled, solicited or sold.
- C. License holders shall carry a copy of their license at all times and furnish it upon request.
- D. No person shall alter a license issued by the Township pursuant to this Ordinance.
- E. No license holder shall represent that the license issued by the Township constitutes an endorsement or approval of the purposes for such solicitation or peddling by the Township.
- F. When operating from a vehicle, a license holder shall not stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary in order to peddle, solicit, or sell therefrom to persons residing in the immediate vicinity.
- G. A license holder shall not park any vehicle upon any of the streets or alleys in the Township for the purpose of sorting, rearranging, or cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material, or of any stock or wares or foodstuffs which have become unsalable through handling, age, or otherwise.
- H. It is the duty of all licensed peddlers and solicitors to examine the list of persons who do not wish to be subjected to peddling or soliciting maintained by the Township. Where the list indicates that the peddler or solicitor is not invited, he shall not attempt to peddle or solicit at those premises.
- I. No license issued pursuant to this Ordinance may be transferred.
- J. A license shall be valid for a period of thirty (30) days from the date of issuance.

**SECTION 8: SUSPENSION AND REVOCATION OF LICENSE; APPEAL**

A. The Township's Representative may suspend any license issued under this Ordinance for any violation of the provisions of this Ordinance or where a license holder has materially misrepresented any part of his/her application. The Township's Representative may also suspend any license issued under this Ordinance where the Township's Representative deems the licensed person to present a threat of harm or danger to the citizens of the Township. Within two business days of the suspension, the Township's Representative shall give written

notice to the license holder, including a brief statement of the facts upon which the suspension is based.

B. Appeals from any suspension may be made in writing to the Board no later than ten (10) calendar days from the issuance of the suspension. Upon receiving an appeal, the Board shall set a hearing date no later than twenty (20) days from the date it received such appeal, at which time the license holder and any other interested persons shall have the right to present their argument and any evidence associated therewith. The hearing will be used to determine whether the license should be revoked or reinstated. The Board shall provide written notice of its decision within five (5) days of the hearing and also include a copy of the decision with the original application and license. The effective date of the revocation or reinstatement shall be the date of said notice.

C. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

## **SECTION 9: VIOLATIONS AND PENALTIES**

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, and costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than 30 days, provided that each violation of any provision of this Ordinance, and each day the same is continued, shall be deemed a separate offense.

## **SECTION 10: SEVERABILITY**

The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of the Ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance. It is hereby declared to be the intent of the Township that such remainder of the Ordinance shall be and shall remain in full force and effect.

## **SECTION 11: REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

## **SECTION 12: CODIFICATION**

This Ordinance shall become a part of the Codified Ordinances of Tyone Township upon enactment.


**SECTION 13: EFFECTIVE DATE**

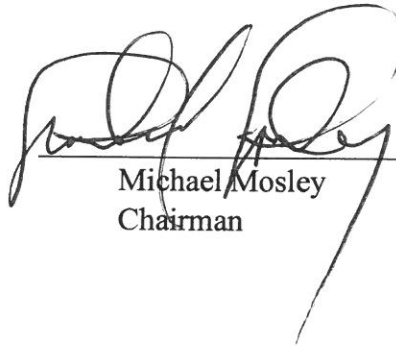
This Ordinance shall take effect five (5) days after adoption.

ENACTED AND ORDAINED this 11 day of September, 2024,

ATTEST:

TYRONE TOWNSHIP BOARD OF  
SUPERVISORS

  
\_\_\_\_\_  
Dawn Felts  
Secretary

  
\_\_\_\_\_  
Michael Mosley  
Chairman



**CERTIFICATE**

I, the undersigned, Secretary of Tyrone Township, Adams County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which was duly enacted by affirmative vote of a majority of the members of the Board at a meeting held on September 11, 2024; said Ordinance has been duly recorded in the Ordinance Book of the Township; said Ordinance has been duly published as required by law; and said Ordinance remains in effect, unaltered and amended, as of the date of this Certificate.

**IN WITNESS WHEREOF**, I set my hand and affix the official seal of the Township, this 11 day of September, 2024.

Dawn Felts  
Secretary

