

ORDINANCE NO. 1037

AN ORDINANCE to regulate canvassing and soliciting, requiring canvassers and solicitors to register with the Police Department and to obtain identification cards, establishing standards of conduct, exempting certain persons from the provisions of this Ordinance, and fixing penalties for violations.

WHEREAS, in recent years the number of persons seeking to take orders for goods, wares or merchandise, including subscriptions for magazines or other printed matter, to obtain contracts for home and building devices, repairs and improvements, and to secure contributions to various causes and organizations, from house to house, or upon streets or sidewalks in the Borough, has substantially increased;

WHEREAS, certain of these persons have conducted themselves in a manner causing annoyance and inconvenience to the citizens, and detrimental to their safety and welfare;

WHEREAS, persons with criminal intent could gain, and have in the past on a number of occasions gained access to the homes of citizens by posing as canvassers and solicitors; and

WHEREAS, the Council of the Borough of Donora is of the opinion that proper means should be taken for the regulation of such persons.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Council of the Borough of Donora, in regular meeting assembled, and it is hereby ordained and enacted by virtue of the authority in them vested, as follows, to wit:

Section 1. SHORT TITLE. This Ordinance shall be known and

may be cited as "the Borough of Donora Canvassing and Soliciting Ordinance."

Section 2. **VALIDITY.** Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

Section 3. **DEFINITIONS.** The following words shall be construed to have the meanings set forth below. The singular number includes the plural, and the masculine includes the feminine and the neuter.

1. Person means any natural person, association, partnership, firm or corporation.

2. Canvassing and soliciting means the taking of orders for goods, wares or merchandise, including subscriptions for magazines or other printed matter, the obtaining of contracts for home and building devises, repairs and improvements, and the securing of contributions to various causes and organizations, from house to house, or upon any street or sidewalk in the Borough.

Section 4. **REGISTRATION.** No person shall engage in canvassing and soliciting in the Borough without first having registered with the Police Department and obtained an identification card from the Borough Secretary.

Section 5. **PROCEDURE.** Any person desiring to engage in canvassing and soliciting shall submit a written application to the Police Department on a form to be furnished by the Borough, accompanied by two photographs (2 one-half inches by 3 inches) of himself, taken within six months prior to the date of the application.

The applicant shall state his name, age, sex, home address, business address, name and address of employer, if any, what he desires to canvass and solicit for, the length of time he wishes to engage in this work, the make and type of vehicle, if any, he will use, its registration number, and whether he has ever been convicted of a felony, misdemeanor, or a crime of any kind involving moral turpitude.

The Borough Secretary will issue to the applicant an identification card (to which one of the applicant's photographs will be affixed) within 10 days from the date of filing of the application.

An identification card will not be issued to any person who has been convicted of a felony, misdemeanor, or a crime of any kind involving moral turpitude, and such person shall not be allowed to engage in canvassing and soliciting in the Borough.

An identification card will be valid for the balance of the calendar year in which it is issued. Such card may not be transferred from one person to another.

Section 6. STANDARDS OF CONDUCT. Every person to whom an identification card has been issued shall in the conduct of his activities comply with the following standards of conduct:

1. He shall carry his identification card at all times and exhibit it upon request to any police officer, or to any person on whom he shall call, or with whom he shall talk.
2. He shall not permit any person to have possession of his identification card and shall immediately report of its loss to the Borough Secretary. He shall not cause or permit his identification card to be altered or defaced in any way.

3. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.

4. He shall not engage in canvassing and soliciting after dark.

5. He shall not be guilty of any false pretense or misrepresentation, and particularly he shall not represent his identification card to be an endorsement of himself, or his goods or services or of the goods or services of his employer.

6. He shall immediately surrender his identification card to the Borough Secretary upon revocation thereof.

Section 7. REVOCATION OF IDENTIFICATION CARD. Any identification card may be revoked by the Borough Secretary if the holder fails to comply with the standards of conduct contained in Section 6 hereof, or any of them, or upon ascertainment by the Police Department that the holder has made a false statement in his application.

Section 8. EXEMPTIONS. This Ordinance shall not apply to boys or girls under 16 years of age, who take orders for and deliver newspapers, greeting cards, candy, and the like, or who represent the Boy Scout and Girl Scout or similar organizations and take orders for and deliver cookies and the like, nor to any person who works for an organization which has registered with the Pennsylvania Department of State, as required by Act No. 337, approved August 9, 1963, known as the "Solicitation of Charitable Funds Act."

Section 9. PENALTY. Any person who shall engage in canvassing and soliciting without registering with the Police Department, or who shall

violate any other provisions of this Ordinance shall upon conviction thereof before a Justice of the Peace be subject to a fine or penalty of not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days.

ORDAINED AND ENACTED into an Ordinance this 4<sup>th</sup> day of August, 1964.

H. James W. Stewart  
President of Council

ATTEST:

H. Thomas E. Petrus  
Borough Secretary

EXAMINED AND APPROVED by me this 4<sup>th</sup> day of August, 1964.

H. Albert P. Delsandro  
Mayor

ATTEST:

H. Thomas E. Petrus  
Borough Secretary