PART D

Solicitors and Canvassers

Section 401. **Definitions And Interpretations**.

a. **Canvasser**. Any person engaging in the activity of questioning persons on behalf of an organization(s), using predetermined questions, for the purpose of obtaining information, data or opinions from such persons contacted for any reason whatever, including political, religious or educational reasons, within the Borough and whether or not on foot or from within a structure or by use of vehicle or by use of telephone or in any other manner.

b. **Solicitor**. Any person engaging in the solicitation of donations of money or tickets for money and coupon books for money or similar material for money, with or without the distribution by such solicitor of literature, samples, free gifts or other materials within the Borough and whether on foot or from within a structure or by use of vehicle or by use of telephone or in any other manner. Included within this definition are all persons engaged in such activities as members of religious organizations or charitable groups.

(Ordinance 1026, May 12, 1982, Section 501, as amended by Ordinance 1272, January 5, 1990, Section 1.)

c. **Exclusions**. Neither of the foregoing definitions shall be deemed to include any of the following activities:

(1) Political campaigning by candidates for public office, or their workers.

(2) The solicitation of donations by mail.

(3) Either the solicitation of money or canvassing, as otherwise defined herein, from personal acquaintances of the person engaging in the activity.

(4) Persons who solicit for or on behalf of religious organizations, or in pursuit of religious beliefs and activities.

(Ordinance 1026, May 12, 1982, Section 501, as amended by Ordinance 1274, February 8, 1990, Section 1, and by Ordinance 1712, November 6, 2002.)

Section 402. **License Required**. Every person, prior to engaging in activity as a solicitor or canvasser within the Borough, shall apply for and obtain a license as hereinafter provided.

a. <u>Application</u>. Application for a solicitor's or canvasser's license shall be made on forms provided by the Borough and available at the Finance Department of the Borough. The application shall be completed and signed by the applicant and shall be filed at the Finance Department together with two photographs of the face of the applicant, accurately depicting the applicant's appearance, approximately 2 x 3 inches in size. Each person who wishes to actively engage in soliciting or canvassing shall file a separate application and provide photographs and obtain a license. No group or joint applications or licenses shall be permitted, except that, if the solicitation or canvassing is for the benefit of a charitable, religious or educational organization or purpose and, if the solicitation or canvassing will involve more than 10 solicitors or canvassers, one or more persons shall be permitted to apply for and on behalf of all of the other persons, giving the names and addresses only of such other persons.

b. <u>Information Required on the Application</u>. The application for a solicitor's or canvasser's license shall contain the following information:

(1) Names. The name of the applicant and of the business, firm, corporation, organization, church or person owning or operating the same (hereinafter called "organization") together with the names of individuals managing or coordinating the soliciting or canvassing within the Borough and the names of all persons who will be participating or assisting in the conduct of such soliciting or canvassing.

(2) Addresses. The permanent address and telephone number and local address and telephone number, if any, of the applicant, the manager and the organization, together with the address or location of any office or place within the Borough to be used by the solicitor or canvasser.

(3) Other Information. The identifying physical features of each applicant, date of birth, social security number, together with information of any previous convictions of criminal offenses. The description of any motor vehicle(s) proposed to be used by any persons referred to in this Section together with the license plate number and the names of the registered owners thereof.

(4) Nature Of Solicitation Or Canvass. A complete and accurate description of the nature, type and location of activity to be conducted, including procedures and methods to be used in contacting persons, the hours and days of the activity and the lengths of time for which the license is being requested.

(5) <u>References</u>. The applicant shall provide the names, addresses and neither telephone numbers of three persons who are not employed by the organization nor relatives of the applicant, who have knowledge of the applicant and can provide information concerning the applicant's character, product and/or service.

c. <u>Responsibility of the Chief of Police</u>. The Chief of Police shall conduct an investigation using the references and information provided by the applicant and other sources to determine if the applicant is of good character, has been convicted of any crime(s) or has conducted his/her business in a fraudulent or unsatisfactory manner. If the Chief of Police is unable to substantiate the applicant's good character, the applicant may be requested to submit a criminal history record, in accord with procedures of the Commonwealth of Pennsylvania. Based on his/her investigation, the Chief of Police shall either recommend approval or denial of the license and the reasons therefore.

d. <u>Responsibility of the Health Officer</u>. In all cases where the goods or items are proposed to be sold for human consumption, the Health Officer shall review and approve all such goods and items to ensure compliance with applicable State and local health regulations and shall transmit notification of his approval to the Mayor.

e. <u>Responsibility of the Manager</u>. Following submission of the application and receipt of the reports and recommendations from the Health Officer and Chief of Police, the Manager or his/her designee shall approve the license, except that any of the following reasons shall be grounds for disapproval. In disapproving the license, the Manager or his/her designee shall state the reasons for disapproval.

(1) The applicant or others named in the application have been previously convicted of a felony or misdemeanor or have conducted his/her business in a manner which has caused customer dissatisfaction and complaints to be reported to the Borough and which the Borough has investigated and found to be legitimate.

(2) The Chief of Police has not been able to confirm the authenticity of the organization or has been unable to contact two of the three references of the applicant or if reference comments are negative concerning the applicant's business practices.

(3) The applicant proposes to sell items or goods for human consumption and has not received approval from the Health Officer.

(4) The applicant has given false or incomplete information on the application.

(5) The applicant has violated the terms of this ordinance or of the municipal ordinances concerning taxes, peddlers, door-to-door salespersons or temporary retail dealers within 2 years prior to this application.

f. License. When the Manager or his/her designee has approved the issuance of a solicitor's or canvasser's license and the license has been signed by the Manager or his/her designee, the applicant shall be issued a license. The license shall contain the information required on the application, the expiration date of the license and one of the photographs, which was submitted with the application, shall be attached. The license shall be carried by each solicitor or canvasser at all times when engaged in such activity and shall be exhibited for inspection to every person approached for purposes of solicitation or canvass.

g. Appeal. If the Manager or his/her designee disapproves a license, the applicant may appeal, in writing, to the Council, citing the reasons why the Manager's or his/her designee's decision should be reversed or modified. Said appeal must be in writing and must be filed in the Manager's Office within 10 days of the date of the disapproval. The applicant may request a hearing before the Council.

(Ordinance 1026, May 12, 1982, Section 502, as amended by Ordinance 1272, January 5, 1990, Section 2, and by Ordinance 1746, May 7, 2003, Sections 2, 3, and 4.)

Section 403. License Terms And License Fees. The terms of each license shall be specified on the license which is issued and shall not exceed one month from the date of issuance. The fees for a solicitor's or canvasser's license shall set by resolution of Council from time to time. No fee shall be charged for solicitors or canvassers who represent organizations which are charitable, religious or educational. Exemption from taxation by the United States Treasury Department to such organization shall be sufficient for the exemption from payment of fees set forth in this Section. Other evidence of the charitable, religious or educational status of the applicant may also be considered in determining if a fee is to be charged. The applicant may be required to show proof of United States Treasury Department exemption. Pennsylvania residents who are disabled military service veterans shall be exempt from the payment of license fees.

(Ordinance 1026, May 12, 1982, Section 503, as amended by Ordinance 1272, January 5, 1990, Section 3, Ordinance 1274, February 8, 1990, Section 2, and by Ordinance 1914, December 15, 2008, Section 15.)

Section 404. Limitations. The license for soliciting and canvassing shall be valid in all districts within the Municipality of State College, subject to the following limitations for certain days, districts and activities:

a. Days Of The Week; Districts.

(1) Sundays. Soliciting and canvassing shall be permitted between the hours of 1:00 p.m. and 5:00 p.m. in all districts.

(2) Monday Through Saturday. Soliciting and canvassing shall be permitted in all residential districts and residential buildings in commercial districts between the hours of 9:00

a.m. and 7:00 p.m. Such activity shall be permitted at non-residential buildings in all commercial and industrial districts between the hours of 9:00 a.m. and 9:00 p.m.

b. No solicitations or canvassing shall be permitted in the area designated by Council for the conduct of the Central Pennsylvania Festival of the Arts nor during the conduct of First Night, during those periods designated by Council for the conduct of these activities. [See Sections 115 and 116 of this Chapter for area and times of the Festival.]

c. Special Requirements.

(1) There shall be no physical contact by the solicitor or canvasser with anyone being solicited or canvassed without the person's consent. This shall be deemed to include not only physical force or restraint but also the act of placing objects on the person or clothing of the solicitee.

(2) Solicitors and canvassers shall not occupy a fixed location on any public sidewalk or street. There shall be no interference with or blocking of movement or any pedestrian or vehicle by any solicitor or canvasser.

(3) A solicitor or canvasser shall not be permitted to make or cause to be made any loud noise to attract attention or for any other purpose. Such noises may include, but shall not be limited to, shouting, use of loud speakers, horns, drums, musical instruments or other sound devices.

(4) A solicitor or canvasser who is conducting such activity on private property, which is not open to the public, shall immediately leave such premises on request of any lawful occupant thereof.

(Ordinance 1026, May 12, 1982, Section 504, as amended by Ordinance 1272, January 5, 1990, Section 4, and by Ordinance 1479, September 26, 1995, Section 1.)

Section 405. Responsibility For Payment Of Taxes. It shall be the responsibility of every solicitor or canvasser licensed under this ordinance to pay the Finance Department the proper taxes, including business privilege and income taxes, for himself or any employee on income earned as a result of the soliciting or canvassing. (Ordinance 1026, May 12, 1982, Section 505, as amended by Ordinance 1272, January 5, 1990, Section 5.)

Section 406. **Suspension Or Revocation Of Licenses**. The Manager or his/her designee is hereby authorized to revoke or to suspend, for a specified period of time, any license issued under this ordinance under the following circumstances:

a. If the licensee is convicted of a felony or misdemeanor during the license period.

b. If the Manager or his/her designee determines the goods or items being sold or distributed are unsafe, harmful or misrepresented to the public.

c. If it is determined that the licensee has given false information on the application.

d. If the approval of the Health Officer is revoked.

e. If the applicant fails to remit applicable Borough fees or taxes.

f. If the licensee fails to abide by any of the provisions of this ordinance.

(Ordinance 1026, May 12, 1982, Section 506, as amended by Ordinance 1272, January 5, 1990, Section 6, Ordinance 1274, February 8, 1990, Section 3, and by Ordinance 1746, May 7, 2003, Section 5.)

Section 407. Appeals. Any person whose application for a solicitor's or canvasser's license is disapproved by the Manager or his/her designee, or whose license is revoked or suspended, may appeal such action to the Council. Such appeal shall be in writing and signed by the person and filed in the office of the Manager within 10 days of the date of such action appealed from. Council shall conduct a hearing at a public meeting of Council within 40 days of the filing of such appeal and shall notify such person, by written letter mailed to the permanent address of the person shown on the application, such mailing to occur 15 days or more prior to such hearing. In lieu of mailing such notice, it may be delivered personally to such person. The President of Council shall preside over such hearing and shall administer oath to all witnesses. Council shall affirm the action appealed from or reverse such action or may modify such action. (Ordinance 1026, May 12, 1982, Section 507, as amended by Ordinance 1272, January 5, 1990, Section 7, and by Ordinance 1746, May 7, 2003, Section 6.)

Section 408. **Penalties**. Any person who shall violate any of the provisions of this ordinance shall, on conviction thereof, be sentenced to pay a fine of not less than $25.00 (nor more than $100.00) for the first offense in any calendar year; $50.00 (nor more than $200.00) for the second offense in any calendar year; and $100.00 (nor more than $300.00) for the third and subsequent offense(s) in any calendar year plus costs. Upon failure to pay such fine and costs, to imprisonment or not more than 10 days. Each day's continuance of a violation of any provision of this ordinance shall constitute a separate offense. (Ordinance 1026, May 12, 1982, Section 508,[50] as amended by Ordinance 1418, September 27, 1993.)