

ORDINANCE NO. 2021-2

**AN ORDINANCE OF THE TOWNSHIP OF BUCKINGHAM,
BUCKS COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NOS. 56-
12 AND 3-81; REQUIRING PERMITS FOR ANY COMMERCIAL
SOLICITOR OR CANVASSER; STIPULATING TIME LIMITS FOR DOOR
TO DOOR SOLICITING; PROVIDING FOR A DO NOT SOLICIT
REGISTRY; AND PROHIBITING DOOR TO DOOR SOLICITATION ON
PROPERTIES POSTED PROHIBITING SAME**

WHEREAS, the Board of Supervisors of Buckingham Township, County of Bucks, Commonwealth of Pennsylvania is authorized to adopt ordinances to secure the safety of persons or property within the township pursuant to the Pennsylvania Second Class Township Code (53 P.S. Section 66527); and

WHEREAS, the Board of Supervisors of Buckingham Township, County of Bucks, Commonwealth of Pennsylvania is authorized to adopt ordinances to govern nuisances including the carrying on of any offensive manufacture or business (53 P.S. Section 66529), and to license and regulate by ordinance transient merchants conducting business within the township (53 P.S. Section 66532); and

WHEREAS, it is the public policy of Buckingham Township to protect its citizens against unwanted home solicitations and protect the legitimate privacy expectations of citizens at home; and

WHEREAS, it is the public policy of Buckingham Township to assure that those merchants and individuals canvassing or soliciting door to door are of good moral and business character so as to minimize any threat such canvassers and solicitors may pose to the safety and well-being of Buckingham residents; and

WHEREAS, it is the public policy of Buckingham Township to reduce activity detrimental to life, health and enjoyment of property in order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Buckingham, after public hearing, duly advertised and held, as follows:

1. Repeal. Buckingham Township Ordinances (1956) 12 and 3-81 are hereby repealed and all other Ordinances or parts of Ordinances, Resolutions, and Rules and Regulations inconsistent herewith are hereby repealed to the extent of any inconsistency.
2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:
 - a. “CANVASSER or SOLICITOR”
Any individual, whether a resident of Buckingham Township or not, acting on their own behalf or that of their employer, traveling either by foot, wagon, automobile, motortruck, motor bike, bicycle or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not, provided that such definition shall exclude farmers selling their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.
3. Solicitation Permit. Any Canvasser or Solicitor desirous of going from residence to residence in the Township of Buckingham shall first obtain a Solicitation Permit from Buckingham Township.
 - a. Application. Applicants for a Solicitation Permit must file with the Buckingham Township Chief of Police a sworn application in writing (in duplicate), on a form to be furnished by the Chief of Police, which shall give the following information:
 - (1) The name and description of the applicant.

(2) The permanent home address and full local address of the applicant.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, or acting as the agent of another, the name and address of the employer or person or entity for whom you are acting as an agent, together with credentials establishing the exact relationship.

(5) The 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.

(6) Two copies of a photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which pictures shall be two-by-two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(7) The fingerprints of the applicant and the names of at least two reliable property owners of Bucks County, Pennsylvania who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(8) A statement as to whether or not the applicant has within the last seven (7) years been convicted of any crime, misdemeanor, any offense tending to show dishonesty of character, or a violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

b. Application Fee. At the time of filing the application, a fee of \$50.00 shall be paid to Buckingham Township for the use of the Township in defraying the cost of investigation of the facts stated therein.

c. Investigation; Issuance of Permit:

(1) Upon receipt of such application, the Chief of Police shall forthwith cause such investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.

(2) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his or her disapproval and their reasons for the same and return the application to the applicant that his or her application is disapproved and that no permit will be issued. The applicant shall have the right to demand a hearing on the denial within ten (10) days of such denial before the Buckingham Township Board of Supervisors at their next regularly scheduled meeting. At such hearing, which shall be of record, both the applicant and the chief of police shall have the right to present and cross examine witnesses. At the conclusion of the hearing the Board of Supervisors shall announce their decision, which shall be supported by written findings of fact and conclusions of law issued within thirty (30) days of the conclusion of the hearing. If the hearing takes more than two hours, it shall be continued to the next regularly Board of Supervisors meeting until completed. Any appeal from the written decision of the Board of Supervisors, shall be made to the Bucks County Court of Common Pleas in accordance with 2 Pa. C. S. §§ 751-754.

(3) If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and deliver to the applicant a permit. Such permit shall contain the signature of the Chief of Police and shall be sealed with the seal of Buckingham Township and shall show the name, address and photograph of the permittee and the kind of goods to be sold thereunder, the date of issuance and the length of time the permit will be valid, as well as the permit number and other identifying description of any vehicles used in such soliciting or canvassing. The Township shall keep a permanent record of all permits issued.

d. Permit Fee. The permit fee for each permittee shall be \$25.00 per month for each month or fractional part thereof during which the soliciting and canvassing is continued

e. Exhibition of Permit. Solicitors and canvassers are required to exhibit their permit at the request of any citizen or police officer.

f. Records of Permits and Violations. The Chief of Police shall note all convictions for violation of this chapter, and shall maintain a record of each permit issued and record the reports of violations therein.

g. Revocation of Permits. Permits issued under the provisions of this chapter may be revoked by the Chief of Police, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for the permit;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his or her business as a solicitor or as a canvasser;

(3) Any violation of a Township ordinance;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conduct while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.

(6) Conducting the business of soliciting or of canvassing 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 public.

(7) Calling upon the residence of any registrant on the No Canvassing or Solicitation Registry or upon any residence posted with a sign stating "No Trespassing", "No Soliciting" or words of similar meaning.

Notice of the revocation of a permit shall be given in writing, setting forth specifically the ground of complaint. Such notice shall be mailed, postage prepaid, to the permittee at his or her last known address. The permittee shall have the right to demand a hearing on

the revocation within ten (10) days of such revocation before the Buckingham Township Board of Supervisors at their next regularly scheduled meeting. At such hearing, which shall be of record, both permittee and the chief of police shall have the right to present and cross examine witnesses. At the conclusion of the hearing the Board of Supervisors shall announce their decision, which shall be supported by written findings of fact and conclusions of law issued within thirty (30) days of the conclusion of the hearing. If the hearing takes more than two hours, it shall be continued to the next regularly Board of Supervisors meeting until completed. Any appeal from the written decision of the Board of Supervisors, shall be made to the Bucks County Court of Common Pleas in accordance with 2 Pa. C. S. §§ 751-754. Any permit issued hereunder shall be automatically suspended pending a hearing on charges made hereunder. Upon receipt of a notice hereunder, the permittee shall forthwith surrender his permit to the Chief of Police.

In the event that a permit is revoked under this section, no administrative or other fees shall be refunded to the permittee.

h. Expiration of Permits.

(1) Permits shall expire on the 30th day from the date of issuance.

(2) A permit may be renewed for successive thirty-day intervals by the applicant sending a request in writing to the Buckingham Township Police Department within 10 days prior to the expiration date along with a renewal application fee of \$25.00. If the permit has not been revoked and if the information set forth in the original Application remains unchanged, the permit shall be renewed.

4. Hours of Solicitation. Any Canvasser or Solicitor shall not make any call upon any residence before 8:00 am. or after 9:00 pm.
5. "No Trespassing" sign or "No Soliciting" sign. Residents desiring not to be called on by a Canvasser or Solicitor may post upon their property at a location visible from the street or sidewalk and/or at their front door a sign stating in legible print "No Trespassing" or "No Soliciting" or words of similar meaning. At any premises posted with such a sign, it shall be unlawful for any Canvasser or Solicitor to call upon the residence at any time of the day or night.

6. No Canvassing or Solicitation Registry. The Buckingham Township Police Department shall maintain a No Canvassing or Solicitation Registry upon which residents may place their names and addresses if they do not want to be disturbed by Canvassers or Solicitors. The list shall be continually updated when a resident asks to have their name added to or removed from the list. It shall also be updated when the Township becomes aware that a registrant on the list has moved. When a Canvasser or Solicitor obtains their Solicitation Permit as above provided, they shall be given the list of properties where there are not to solicit. It shall be unlawful for any Canvasser or Solicitor to call upon the residence of any registrant on the No Canvassing or Solicitation Registry that they have been provided with their permit.
7. Penalties. Any person, partnership, or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them responsible for such violation, shall be sentenced to pay a fine of up to \$1,000.00 for each offense, or undergo imprisonment for up to thirty.(30) days. Each day for which a person is found to be in violation of this Ordinance shall constitute a separate offence. Enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83(c) (relating to trial in summary cases). All fines collected for violations shall be paid over to Buckingham Township.
8. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Buckingham Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
7. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED THIS 26th day of May, 2021.

**BUCKINGHAM TOWNSHIP
BOARD OF SUPERVISORS**



Jon Forest, Chair




Paul Calderaio



Maggie Rash



ATTEST:



Dana Cozza
Township Manager