BOROUGH OF CHRISTIANA
Lancaster County, Pennsylvania

Ordinance No. 229

AN ORDINANCE AMENDING ORDINANCE NUMBER 205, SECTION §13-104. SETTING FORTH ALLOWABLE HOURS FOR SOLICITATION, PEDDLING AND/OR CANVASSING ACTIVITIES WITHIN THE BOROUGH OF CHRISTIANA, LANCASTER COUNTY, PENNSYLVANIA.

WHEREAS, the Christiana Borough Council has determined in order to provide for the welfare and safety of citizens of Christiana Borough, it is hereby declared the hours for permitted solicitation shall be amended as follows.

PART 1 TRANSIENT RETAIL MERCHANTS

SECTION §13-104. Hours

All peddling, soliciting and/or canvassing activities shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

A. Monday through Saturday 9:00 a.m. to 5:00 p.m. only.

B. No Sunday solicitation.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed and are of no force and effect.

If any section, part, or clause of this Ordinance is found to be unconstitutional, illegal or invalid, the reminder of the Ordinance shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon enactment.

Adopted this 5th day of July, 2016 by the Borough Council of the Borough of Christiana, Lancaster County, Pennsylvania in lawful session duly assembled.

BOROUGH OF CHRISTIANA

APPROVED: _____
Mayor

_____
Council President

ATTEST: _____
Secretary

Part 1

Transient Retail Merchants

§13-101. Definitions.

1. For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

Canvass - the act of going upon property or approaching people to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

Canvasser - a person who engages in canvassing.

Canvassing - to canvass.

Peddle - the act of going upon property or approaching people to sell goods, services or products.

Peddler - a person who engages in peddling.

Peddling - to peddle.

Person - any natural person, corporation, association or organization.

Solicit - the act of going upon property or approaching people to ask for, request or seek monetary contributions, donations or support.

Soliciting - to solicit.

Solicitor - a person who engages in soliciting.

2. The singular shall include the plural and the masculine shall include the feminine and neuter.

(*Ord. 205*, 6/5/2007)

§13-102. Registration Required.

1. It shall be unlawful for any person to go upon residential property within the Borough of Christiana, without being invited to do so by the owners or occupants of the subject property, to peddle and/or solicit Borough residents by knocking upon residential doors, or by ringing doorbells, or otherwise so as to cause or attempt to cause residents to open their doors unless the person doing the peddling and/or soliciting activity has first registered at the Borough Building and paid the appropriate fee and has received an identification card from the office of the Borough Manager of the Borough of Christiana.

2. The following individuals shall be exempt from the registration requirement set forth in subsection .1, above and the identification card requirement of §13-103 below:

A. Children under 18 years of age soliciting or peddling on behalf of a nonprofit, school or governmental organization.

B. Persons soliciting on behalf of a nonprofit or neighborhood organization for either donations to, or membership in, such organization.

C. Farmers selling their own produce or the delivery of merchandise by any wholesale dealer at any place of business in the Borough.

3. No identification card shall be issued to a peddler or solicitor unless the following information is given by the applicant:

A. Full identification, including proof thereof by voter's registration card, vehicle operator's license or some other accepted method of identification, containing applicant's photograph, residence and office address.

B. The name of the organization for which the applicant is peddling and/or soliciting, together with the address of that organization.

C. The length of time the peddling and/or soliciting is to be carried on.

D. Any criminal record which the applicant may have.

4. Fees for registration under this Part shall be established, from time to time, by resolution of the Borough Council.

(*Ord. 205*, 6/5/2007)

§13-103. Identification Card.

Peddlers and/or solicitors regulated by this Part shall carry their identification card, which shall be issued by the Borough Manager, at all times while peddling and/or soliciting within the Borough and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities.

(*Ord. 205*, 6/5/2007)

§13-104. Hours.

All peddling, soliciting and/or canvassing activities shall, in the case of residential door to door or house to house calling, be restricted to the following hours:

A. From November 1 through March 31: between the hours of 9 a.m. to 5 p.m., prevailing time, including Saturdays and Sundays.

B. From April 1 through October 31: between the hours of 9 a.m. to 9 p.m., prevailing time, including Saturdays and Sundays.

(*Ord. 205*, 6/5/2007)

§13-105. Denial of Card; Revocation.

In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she maybe denied an identification card or the identification card may be revoked or canceled by the Borough Council after a hearing before the Borough Council. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or here identification or the identity of the organization for which the peddling and/or soliciting is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Borough Council after a hearing before the Borough Council.

(*Ord. 205*, 6/5/2007)

§13-106. Solicitation at Businesses.

Soliciting shall be permitted at any business establishment and upon any business

properties, such as shopping center parking lots, during normal business hours, as long as the solicitors receive written permission from the owner of the subject business or property and comply with the registration, identification card and hour restrictions referenced in this Part.

(*Ord. 205*, 6/5/2007)

§13-107. No Soliciting/Peddling/Canvassing List.

1. Borough residents may post or display "No Soliciting/Peddling/Canvassing" or similar signs, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of this Part for any peddler, solicitor and/or canvasser to go upon any property that the owner or resident has posted a "No Soliciting/Peddling/Canvassing Sign."

2. The Chief of Police shall maintain a list of the addresses of Borough residents who have notified the Chief of Police in writing that they do not wish peddlers and/or solicitors to enter upon their property. A copy of this "No Soliciting/Peddling List" shall be provided along with and as part of any identification card issued under this Part. It shall be a violation of this Part for a peddler and/or solicitor to go upon any property listed on the "No Soliciting/Peddling List."

3. Violations of this Section are subject to the penalties set forth in §13-108 hereof, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa.C.S.A. §3503, as amended.

(*Ord. 205*, 6/5/2007)

§13-108. Violations and Penalties.

1. Any person firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

(*Ord. 205*, 6/5/2007)

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