

Cooke Township Ordinance 2020-1

Cooke Township Solicitation Ordinance

Section 1 General Provisions

A. Title.

This Ordinance shall be known, and may be cited, as the “Cooke Township Solicitation Ordinance.”

B. Purpose.

1. The purpose of this Ordinance is to protect the health, safety, and general well-being of the citizens of Cooke Township. For the protection of Cooke Township residents, the following rules and regulations are established and must be followed by solicitors and peddlers.

Section 2 Definitions

A. Charitable Solicitation Act: The Solicitation of Funds for Charitable Purposes Act enacted by the Commonwealth of Pennsylvania, Act 202 of 1990, 10 P.S. § 162.1 *et seq.* that may be amended from time to time.

B. Person: Any individual, organization, corporation, association, partnership, trust, foundation or other entity, however styled, including but not limited to charitable or business organizations, professional solicitors, and volunteer fundraisers and solicitors.

C. Solicit: To go door to door in the Township for the following purposes:

1. Soliciting contributions or pledges for contributions.
2. Selling or attempting to sell subscriptions, products or services, or taking orders or attempting to take orders for subscriptions, products or services.
3. Handing a pamphlet, handbill, advertising material or other form of literature to an occupant of a residence.

The term “Solicit” does not include leaving literature at a residence without knocking on the door or ringing the doorbell.

D. Solicitation: Acts of individual solicitors on behalf of a particular person.

E. Solicitor: A person who solicits.

F. Soliciting Organization: The person on whose behalf solicitors are acting.

G. Municipality: Cooke Township, Cumberland County, Pennsylvania.

H. Township Solicitation Permit: An identification document issued by the Township to a qualified person who has met the application requirements of this Ordinance, and allowing such person to solicit within the Township according to the terms and conditions of this Ordinance.

Section 3 **General Requirements**

A. Registration.

It shall be unlawful for any person to engage in business as a Solicitor, calling at residences or places of business without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any nature, or seeking information or donations without first having registered with the Township. The registrant shall provide to the Township his or her complete identification, signature, employer name, the nature of the products or services to be offered, names of the manufacturers of such products or of the organization being represented, vehicle to be used during solicitation and its license plate, and the proposed method of operation in the Township. The Employer/Company shall be listed with a Pennsylvania Better Business Bureau.

B. Registration Fee and Permit.

1. Each Solicitor/Person shall pay to the Township a non-refundable registration fee for the period expiring thirty (30) days after issuance. The registration fee shall be established by Resolution by the Board of Supervisors.
2. Each Solicitor/Person shall at all times while soliciting in the Township, carry upon his person the permit issued by the Township, and the permit shall be exhibited by the Solicitor whenever requested to do so by any Township Official or when requested to do so by any person being solicited.
3. Each Solicitor shall submit and pass a Pennsylvania State Police Criminal Record Check at the solicitor's own expense. This record check must be exhibited by the Solicitor whenever requested to do so by any Township Official or when requested to do so by any person being solicited.

C. Exceptions.

The provisions of this Ordinance shall not apply to the following individuals and organizations:

1. Fundraising activities to benefit school-sponsored organizations; churches; or other non-profit charitable and civic organizations. Non-profit organizations must be registered and currently in good standing with the Pennsylvania Department of State.
2. Persons delivering or distributing goods or services previously ordered or contracted for whether ordered by mail, telephone or the internet.
3. Persons who solicit for an organization which has registered with the Pennsylvania Department of State under the Solicitation of Funds for Charitable Purposes Act, and can produce proof of such current registration.
4. Officers or employees of the Township, County, State or Federal Government, or any subdivision thereof, when on official business, including but not limited to the U.S. Census.
5. Law enforcement activities.
6. Utility workers conducting necessary installation, repair and maintenance, and any notifications or inquiries relating to such activities.
7. Political activities by and for candidates for public office and their representatives.
8. "Trick or Treat" activities occurring on or near the traditional date of Halloween.

D. Revocation.

Any registration of a Solicitor/Person may be revoked by the Board of Supervisors because of any violation of this Ordinance or any other Ordinances of the Township or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original permit.

E. Consent of Occupant.

Solicitation is not permitted if "no trespassing" or "no solicitation" or similar signage are clearly displayed at the property entrance or on a residence.

F. Standards of Conduct.

Every person engaged in soliciting within the confines of the Township shall, in the conduct of his activities, comply with the following standards of conduct:

1. Saturday, Sunday and Federal Holiday solicitation is prohibited.
2. Soliciting shall be permitted only during the hours of 9 a.m. to 7 p.m. prevailing time.

Section 4
Violations and Penalties

A. Any Person who shall engage in soliciting without registering with the Township or any Person, whether or not required to be registered under this Ordinance, who shall violate any of the other provisions set forth herein shall upon conviction thereof before a Magisterial District Judge, be subject to a fine or penalty of not more than \$500.00, for each and every offense, together with attorneys' fees and costs.

B. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs.

Section 5
Severability

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Cooke Township,
Cumberland County, Pennsylvania, this _____ day of _____, 2020.

TOWNSHIP OF COOKE
CUMBERLAND COUNTY,

PENNSYLVANIA

PATRICIA A. SANGIALOSI, CHAIRMAN

EDWARD H. STRAYER, VICE CHAIRMAN

DIANE M. BATT, SUPERVISOR

ATTEST:

JANET FRANTZ, SECRETARY