

**MUNICIPALITY OF MURRYSVILLE
WESTMORELAND COUNTY PENNSYLVANIA**

ORDINANCE NO. 1061-22

AN ORDINANCE AMENDING CHAPTER 169, PEDDLING AND SOLICITING, OF THE CODE OF THE MUNICIPALITY OF MURRYSVILLE, PRESCRIBING REGULATIONS FOR PEDDLING AND SOLICITING, PROVIDING FOR EXCEPTIONS THERETO; PROVIDING FOR LICENSE/PERMITTING OF PERSONS ENGAGED IN SUCH ACTIVITIES; SETTING CERTAIN LIMITATIONS ON SUCH ACTIVITIES; ESTABLISHING A NO SOLICITING OR PEDDLING LIST AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the Council of the Municipality of Murrysville previously enacted Ordinances # 120-83 and 316-92 related to peddling, soliciting, canvassing and transient retailers, enacted as Chapter 169 of the Murrysville Code, Peddling and Soliciting; and

WHEREAS, the Municipality of Murrysville desires to protect the privacy of its residents and in addition protect its residents from fraud, burglary injury or other criminal activity which may occur in connection with or under the guise of the solicitation for the sale and purchase of commercial products and services at the homes of municipal residents; and

WHEREAS, the Municipality of Murrysville wishes to establish a “Do Not Knock” list to serve as an additional mechanism to effectuate the same and maintain, and preserve the protection of privacy, peaceful enjoyment of home, prevent the proliferation of fraudulent schemes and anxiety of home alone children and elderly within the Municipality, and

WHEREAS, the Municipality of Murrysville repeals and rescinds Chapter 169 of the Murrysville Code, Peddling and Soliciting to establish regulations for peddling, soliciting, canvassing and transient retailers and to establish and “Do Not Knock” list and establish the penalties for violations of the same.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Council of the Municipality of Murrysville, Westmoreland County, Pennsylvania, that the following:

SECTION 1. PERMIT REQUIRED

It shall be unlawful for any peddler, canvasser, transient merchant or traveling street vendor as defined in Section 2 of this part to engage in any such business with the Municipality of Murrysville without first obtaining a permit therefore in compliance with the provisions of this Section

SECTION 2. DEFINITIONS

PEDDLER

Any person whether a resident of the Municipality of Murrysville or not, who goes from house to house, from place to place or street to include placing or leaving flyers on mailboxes or at

residences, conveying or transporting goods, wares, merchandise or offering or exposing the same for sale in any manner whatsoever, or making sales and delivering articles to purchasers.

CANVASSER

Shall include any person, whether a resident of the Municipality of Murrysville or not, who goes from house to house from place to place, or from street to street, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders

SOLICIT

The act of going upon property or approaching people to ask or request monetary contributions, donations, or support.

TRANSIENT RETAIL BUSINESS

(1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley sidewalk and/or public ground within the Municipality.

(2) Selling, soliciting, or taking orders for any goods, wares or merchandise from a fixed location within the Municipality, on a temporary basis, including, but not limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or in advance of specific yearly holidays.

TRAVELING STREET VENDORS

Vendors who travel street to street and only stop when requested to do so (flagged down) by customers, do not stop for longer than 10 minutes and do not enter upon or traverse personal property.

SECTION 3. EXEMPTIONS

The terms of this Section 1 shall not be held to include the acts of persons selling personal property at wholesale or to dealers in such articles; nor the acts of merchants or their employees in delivering goods in the regular course of business including the following:

1. For farmers selling their own produce.
2. For the sale of goods, wares and merchandise donated by the owners thereof, where the proceeds are to be applied to any charitable or philanthropic purpose.
3. For persons eighteen (18) years or younger who take orders for and deliver newspapers, grass cutting, yard work, snow removal, pet watching, greeting cards, candy, sandwiches, bakery products and similar activities.

4. Boy Scouts or Girl Scouts and similar organizations.
5. Garage sales by residents.
6. All bona fide religious, charitable, and political organizations, societies, associations or corporations shall be exempt from the application of this Ordinance so long as the principal purpose of their solicitation activities is the expression of religious, political or other philosophical beliefs, as opposed to the sale or distribution of goods and merchandise.
7. School and/or athletic organizations soliciting support for Murrysville based organizations.

SECTION 4. APPLICATION

Applicants for a permit under this Section 1 must file, in person, with the Designated Municipal Official (DMO) of the Municipality of Murrysville, or other person designated by the DMO, a sworn application in writing on a form to be furnished by the Municipality. A processing fee to be determined by ordinance of the Municipal Council shall be paid by the applicant and shall accompany the return of the application which shall provide the following information:

1. Present a valid photo Driver's License or State photo Identification Card; no other form of identification will be accepted.
2. Name and physical description of applicant to include two (2) 2"X2" color photographs.
3. All applicants must present a Criminal Background check conducted by the Pennsylvania State Police. If the applicant is not a resident of Pennsylvania, the applicant will provide a current (no older than one (1) year) criminal background check from the state in which the applicant resides.
4. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be mailed.
5. A statement as to whether or not the applicant or any canvasser have been convicted of a crime other than a summary offense and if so, the nature of the offense and the punishment assessed, therefore.
6. A brief description of the nature of the business and the goods to be sold.

SECTION 5. INVESTIGATION; PAYMENT OF FEES; ISSUANCE OF PERMIT

1. The Municipality of Murrysville Designated Municipal Official shall endorse on the application his/her approval and upon payment of the appropriate fee(s) shall deliver to the applicant his/her permit and Municipality's approved identification badge with photo enclosed, which shall be affixed to the outer clothing of the solicitor in a manner so as to be permanently displayed at all times during the course of solicitation.

2. The permit shall be issued upon filing of a completed application unless the Municipality informs the applicant, in writing and within five (5) business days of the date of application is received by the Municipality, that the person is seeking to engage in unsafe, illegal, fraudulent, or criminal activity, has made a material misrepresentation on the permit application or is a home improvement contractor and has failed to register with the Pennsylvania Attorney General;

3. Permits shall be issued per day, per week, or per month

4. Fees shall be set by Ordinance by the Municipality of Murrysville.

5. Permits of any nature are not transferable.

6. Hours: 10:00 A.M to dusk. Dusk for the purposes of this section is defined as occurring one-half hour (1/2) after sunset prevailing time, Monday through Saturday, no Sundays or Holidays recognized by the United States or the Commonwealth of Pennsylvania.

7. No permittee shall be permitted to solicit within municipal parks without the express consent of the DMO or the Director of Parks and Recreation.

(h) All permittees are required to always exhibit their permits to any resident, police officer or any other designated Municipal official.

SECTION 6. LOUD NOISES AND SPEAKING DEVICES

No permittee nor any person in his behalf shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets of the Municipality of Murrysville or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. The Chief of Police may at his discretion if deemed conducive to traffic safety permit ice cream trucks to play music at an agreed-upon volume.

SECTION 7. DO NOT KNOCK LIST

1.. Municipal residents may post or display "No Soliciting/Peddling/Canvassing" or similar sign, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of this Section 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 Designated Municipal Official shall maintain a list of the addresses of Municipal residents who have notified the Designated Municipal Official in writing that they do not wish peddlers and or solicitors to enter upon their property. A copy of this "Do Not Knock" list including house number and street name shall be provided along with and as part of any identification card issued hereof. It shall be a violation of this part for a peddler and or solicitor to go upon any property listed on the "Do Not Knock' list.

3. The Chief Administrator or his/her designee shall promulgate regulations for the management of the "Do Not Knock" list, the distribution of the list to permittees and notice and access of the list's regulations on the Municipal website.

SECTION 8. RULES OF CONDUCT

1. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.

2. No permittee shall be permitted to solicit on property that displays a "no soliciting sign" visible from the road.

3. No permittee shall be permitted to solicit on property that appears on the "Do Not Knock" list.

4. No permittee shall solicit within municipal parks without the express consent of the DMO or the Director of Parks and Recreation.

5. No permittee shall enter or attempt to enter any dwelling unit without invitation or permission of the occupant and shall immediately leave the premises upon request of the occupant.

6. No permittee shall make any untrue statements or misrepresentation while soliciting or omit to state any material fact necessary to prevent any statement made from being misleading. No permittee shall utilize any unfair or deceptive acts or practices while soliciting. In determining whether a practice is unfair or deceptive under this section, definitions, standards, or interpretations relating thereto under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, as amended from time to time, shall apply.

7. Permittees are required to exhibit their permits at the request of any citizen or official of the Municipality

SECTION 9. REVOCATION OF PERMIT

The Municipal Council, or the Designated Municipal Official may, after notice, revoke any permit issued pursuant to the Ordinance for one or more of the following reasons:

1. Harassment of a resident in soliciting the sale of goods where a police report is filed; and/or soliciting after the hours stated in Section 5.

2. Failure to disclose a criminal conviction of the applicant after the permit is issued.

3. Determination by the DMO that the applicant has made a material misrepresentation on the application subsequent to the permit being issued.

4. Any violation of the rules cited in Section 5 and Section 8 of this ordinance.

SECTION 10. TRANSIENT RETAIL BUSINESS/ TRAVELING STREET VENDORS LICENSES

No person shall engage in any transient retail business/traveling street business in the Municipality without first obtaining a license from the Designated Municipal Official (DMO) and paying the applicable fees established, from time to time, by ordinance of the Council of Murrysville. Time periods shall be established by the DMO, provided that the time period shall not exceed 30 days.

1. Application for License.

Every person desiring a license shall first make application to the DMO on a form established from time to time by the DMO. The completed application for a license shall, at a minimum, contain the following information and/or documentation:

- (a) Name and address of applicant, including the present and permanent addresses.
- (b) Name and address of applicant's employer.
- (c) Present a valid photo Driver's License or State photo Identification Card; no other form of identification will be accepted.
- (d) Type of goods, wares, or merchandise the applicant wishes to sell in such business.
- (e) All applicants must present a Criminal Background check conducted by the Pennsylvania State Police. If the applicant is not a resident of Pennsylvania, the applicant will provide a current (no older than one (1) year) criminal background check from the state in which the applicant resides.
- (f) A statement as to whether or not the applicant has been convicted of a crime other than a summary offense and if so, the nature of the offense and the punishment assessed, therefore.
- (g) A copy of any required State or County license.

2. Issuance of License; Custody, Display or Exhibit.

- (a) Upon receipt of such application and the prescribed fee, the Designated Municipal Official (DMO), if he/she shall find such application to be complete, shall issue the license required under this Part. Such license shall contain the information required to be given on the application, therefore.
- (b) The license holder shall carry such license upon his person while engaged in transient retail business in the Municipality, with an additional copy of the license displayed at the fixed location where the transient business is occurring. The license holder shall exhibit such license, upon request, to all police officers, municipal officials and employees, and citizens of the Municipality.

3. Prohibited Acts.

No transient business or traveling street vendor shall:

- (a) Be conducted on or within public property, public roads and right-of way, sidewalks, private roads, access drives or driveways.
- (b) Be conducted on or within setback areas, off street parking areas and landscape/buffer areas established and required by the Zoning Ordinance.
- (c) Involve loud noises or sound devices to be heard beyond the premises where the transient business is occurring or to cause a public nuisance.
- (d) Sell any product or type of product not mentioned in his/her license.
- (e) Hawk or cry his/her wares upon any of the streets, alleys sidewalks or public grounds in the Municipality.
- (f) Park any vehicle upon any of the streets or alleys in the Municipality for the purpose of sorting, rearranging, or cleaning any of his/her goods, wares, or merchandise or disposing of any carton, wrapping, material or of any stock or wares or foodstuffs which have become unsalable through handling, age or otherwise.
- (g) Be permitted to solicit/peddle or vend within municipal parks without the express consent of the DMO or Director of Parks and Recreation.

4. Hours.

All licensed transient business activities shall be restricted to the following hours:

- (a) Between the hours of 9:00 A.M to 9: 00P.M, prevailing tune, including Saturdays and Sundays

5. Denial, Suspension and Revocation of License; Appeal.

The Designated Municipal Official is hereby authorized to suspend or revoke any license issued under this Section when he/she deems such suspension or revocation to be:

- (a) Beneficial to the public health, safety or morals.
- (b) For giving false information upon any application for license hereunder or to any Municipal official related thereto.
- (c) Any complaint from anyone in which a police complaint is filed.
- (d) Failure to disclose a criminal conviction of the applicant after the permit is issued.

(e) Determination by the DMO that the applicant has made a material misrepresentation on the application subsequent to the permit being issued.

SECTION 11. VIOLATIONS AND PENALTIES

Any person, firm, or corporation or association who or which shall violate any provision of any Section, shall upon conviction thereof, in a summary proceeding, be subject to a fine not exceeding one thousand (\$1,000.00) dollars for each and every offense together with costs and attorney fees. Each and every day which such violation shall continue shall constitute a separate offense.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect upon adoption.

SECTION 13. REPEALER


All Ordinances, code sections or parts thereof in conflict here with are hereby repealed to the extent of such conflict.

SECTION 14. SEVERABILITY

Should any sentence, section, clause, or part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

ORDAINED AND ENACTED into law by the council of the Municipality of Murrysville in lawful session assembled this 15th day of June, 2022.

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE



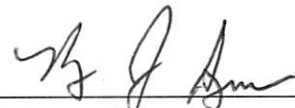
Dayne Dice – Council President



Michael Nestico – Municipal Secretary



APPROVED: June 15, 2022



Regis Synan, Mayor

Member	Yes	No	Absent	Abstain
Dayne Dice	✓			
Jason Lemak	✓			
Jamie Lee Korn	✓			
Jamie Lingg	✓			
Mac McKenna	✓			
Tony Spadaro	✓			
Carl Stepanovich	✓			