

ORDINANCE NO. 2011-01

**AN ORDINANCE OF HOPEWELL TOWNSHIP, BEAVER COUNTY,
PENNSYLVANIA ESTABLISHING PROCEDURES AND REGULATIONS FOR
ALL PEDDLING AND SOLICITING ACTIVITIES FOR THE PROTECTION AND
MAINTENANCE OF HEALTH, SAFETY AND WELFARE OF THE
INHABITANTS OF THE TOWNSHIP**

NOW THEREFORE, BE IT ENACTED AND ORDAINED as follows:

1. This Ordinance shall be known as the Peddling and Soliciting Ordinance.

2. Purpose.

To regulate the distribution of certain materials, peddling, soliciting and related activities within Hopewell Township. The registration of persons engaged in the above-mentioned activities is required so that the identity of persons going door-to-door or distributing materials within the Township may be established, so that general regulations may be more effectively enforced for the protection and maintenance of the health, safety and welfare of the inhabitants of the Township and to prevent dishonest business practices and deter criminal activity in the Township.

3. Definitions.

Distributor – Any person who distributes or causes to be distributed on any public place within the Township any handbill, advertisement, circular, card, pamphlet or printed material of any kind other than a regular delivered newspaper, magazine or periodical.

Merchandise – All goods, wares, food, meat, fish, ice cream, fruit, vegetables, magazines, periodicals, printed materials, farm products, services and orders, or contracts for orders, home improvements or alterations and anything that may be sold or distributed by peddlers, solicitors or distributors as defined herein.

Peddler – Any person, whether a resident of the Township or not, who goes from house to house, from place to place or from street to street traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling or delivering the merchandise to customers.

Person – Any natural person, partnership, association, firm or corporation.

Solicitor – Any person, whether a resident of the Township or not, who goes from house to house or from place to place traveling by any form of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not he/she be collecting advance payments of such sales or orders, or who engages in these types of activities in any public place. The word “solicitor” shall include “canvasser”, “peddler”, “transient

merchant” or any person who goes from door to door as described herein for the purpose of soliciting in any form.

4. Registration Required.

It shall be unlawful for any peddler, solicitor, distributor or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the Township without first filing an application for registration and obtaining permission from the Township.

5. Permits.

Upon obtaining a permit, a peddler, solicitor, distributor or transient merchant may conduct his/her activities within the Township only so long as he/she adheres to the regulations as set forth herein and carries the permit upon his/her person at all times during the conduct of services. The permit shall identify the person and the type of activity for which registered and shall be shown to any citizen upon request. All permits shall expire upon the dates shown thereon. The Township Manager is hereby authorized to suspend or revoke any permit issued hereunder when not in full compliance with this ordinance or when deemed beneficial to the health, safety and welfare of the Township and its inhabitants or for providing false information on the application for said permit. Any person aggrieved by the action of the Manager in denying or revoking/suspending a permit under this ordinance shall have the right to appeal such action to the Township Board of Commissioners. Every such appeal shall be in writing, setting forth the matters objected to, and shall be filed with the Township Manager no later than Ten (10) days after the action being appealed. Such appeal shall be heard by the Board of Commissioners at its next regular meeting or within 10 days following the filing of the appeal whichever shall occur later. No refund for fees paid shall be issued in the event of a revocation or suspension unless said revocation or suspension is reversed on appeal.

6. Permit & Application.

Every applicant for a permit shall file with the Township a written application which shall give the following information and/or documents:

- (1) The name and description of the applicant and/or organization.
- (2) The permanent home address and full local address of the applicant.
- (3) A statement of the nature of the activity and a description of all materials or services to be offered.
- (4) If employed, the name and address of the employer including credentials establishing the exact relationship.
- (5) The length of time for which the permit is desired.
- (6) If a vehicle is to be used, a description of it and license information.
- (7) A copy of Photo Identification.

7. Fees.

The fee to be paid in conjunction with the issuance of a permit, payable at the time of issuance of the permit, shall be set by Resolution of the Board of Supervisors of the Township. Such fees as

imposed shall be for the purpose of defraying the costs of administering and enforcing the provisions of this Ordinance.

8. Issuance of Permit.

Upon receipt of the completed application and payment of the required fee, a permit may be issued by the Township. The permit shall give appropriate information to identify the applicant and the activity of involvement. The decision to issue or deny a permit shall be made no later than Five (5) days following submission of all information required by this ordinance and payment of the required fee.

9. Restrictions.

No person shall:

- (1) Peddle, solicit or distribute merchandise EXCEPT between the hours of 9:00a.m. and 5:00 p.m. Monday through Saturday (with the exception of members or representatives of religious or political organizations which are exempt by the First Amendment) unless specifically invited or having made an appointment.
- (2) Attempt to peddle, solicit or distribute merchandise or printed material without first identifying oneself and displaying the required permit.
- (3) Have exclusive right to any location wherein the operation may impede or inconvenience the public health, safety and welfare.
- (4) Conduct oneself in such a manner as to become objectionable or to annoy an occupant of any residence.
- (5) Enter any residence of the Township without an express invitation from the occupant of the residence.
- (6) Distribute any merchandise or printed material which advocates unlawful conduct.
- (7) Litter any areas within the Township with any merchandise or printed materials.
- (8) Violate any Ordinance of the Township or Law of the Commonwealth of Pennsylvania.
- (9) Peddle, solicit or distribute on holidays.

10. Exemptions.

The following persons or organizations are exempt from the payment of fees upon compliance with all other provisions of this ordinance and submission of applicable information to support the claim of exception:

- (1) Any charitable or religious society that shall conduct solicitations or sales of personal property when the proceeds thereof shall be applied to charitable or religious object for which the society exists.
- (2) Any person engaged in door-to-door canvassing, religious proselytizing, anonymous political speech and the distribution of handbills of a noncommercial nature deemed to be protected speech under the First Amendment to the United States Constitution.

- (3) Any person engaged in the delivery of goods or merchandise in the regular course of business.
- (4) Any school, political or civic organization, benevolent society, service club or organization, not for profit.
- (5) Persons conducting a bona - fide auction sale pursuant to law or a sale required by statute or by order of any court.
- (6) Minors (Township resident/school children under 16 years old) involved in the sale or solicitation, provided however, that such persons are working as agents for an organization.

11. Interpretations.

This ordinance shall not be applied so as to place any undue burden upon interstate commerce with respect to any business or activity referred to herein. It is the intent of this ordinance to protect the health, safety and welfare of the inhabitants of the Township and not to unduly regulate or control the proper conduct of any business or commercial property.

12. Enforcement Remedies.

The following enforcement remedies shall be available to the Township:

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$ 500.00 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof:
 - (1) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice.
 - (2) If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
 - (3) Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
 - (4) All judgments, costs and reasonable attorney's fees collected from the violations of the ordinance shall be paid to the Township.
- B. The Court of Common Pleas, upon petition, may grant a order of stay, upon cause shown, tolling per diem fine pending a final adjudication of the violation and judgment.

- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

13. Severability.

The provisions of the ordinance are severable, and if any section, clause, sentence or part or provision thereof shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair the remaining parts and provisions of this ordinance.

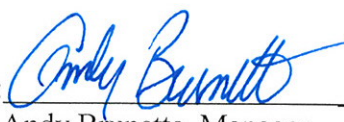
14. Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict. This provision specifically repeals Ordinance No. 75-3.

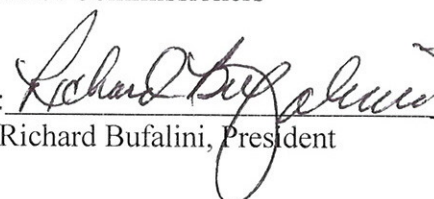
ENACTED AND ORDAINED into law this 24th day of January, 2011.

ATTEST:

TOWNSHIP OF HOPEWELL

BY: 
Andy Brunette, Manager
Hopewell Township

Board of Commissioners

BY: 
Richard Bufalini, President

**HOPEWELL TOWNSHIP
BOARD OF COMMISSIONERS MEETING**

The regular monthly meeting of the Hopewell Township Board of Commissioners was held on Monday, January 24, 2011 at 7:10 p.m. at the Hopewell Township Municipal Building, Clark Boulevard, Aliquippa, PA 15001.

President Rich Bufalini presided and asked everyone to rise for the flag salute and announced that the meeting is being tape recorded.

The Opening Prayer was given by Andy Brunette, Township Manager/Controller.

ROLL CALL - COMMISSIONERS

Mr. Kusnir - Present
Mr. Rohm – Absent
Mr. Kraus – Present
Mr. Bufalini - Present

OTHERS PRESENT

Andy Brunette – Township Manager/Controller
Marie Stratakis Hartman – Widmer Engineers
Chas Srafin – Public Works Superintendent
Patricia L. Owens - Recording Secretary
Diane Palsa - Treasurer/Tax Collector
John Bates – Zoning Officer
Michael Jones - Solicitor
Chief Gene Ungarean - Hopewell Police Department

A public hearing was conducted by Mike Jones, Township Solicitor, on Ordinance No. 2011-01, an Ordinance of Hopewell Township, Beaver County, Pennsylvania establishing procedures and regulations for all peddling and soliciting activities for the protection and maintenance of health, safety and welfare of the inhabitants of the township. This Ordinance repeals Ordinance No. 75-3. Said Ordinance was advertised in the Beaver County Times in accordance with the requirements for its adoption.

Mr. Kraus: Motion to adopt Ordinance No. 2011-01 an Ordinance of Hopewell Township, Beaver County, Pennsylvania establishing procedures and regulations for all peddling and soliciting activities for the protection and maintenance of health, safety and welfare of the inhabitants of the township.

Mr. Kusnir: Second the motion.

Board of Commissioner's Meeting
January 24, 2011
Page 2

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes

Public Comments Regarding the Business Agenda Proposed Action

None

BUSINESS AGENDA

The Tax Collector and Treasurer's reports are available for public inspection at the municipal building.

BUSINESS MEETING MINUTES

Mr. Kusnir : Motion to approve the business meeting minutes of November 22, 2010.
Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes

TAX COLLECTOR'S REPORT

Diane Palsa, township tax collector gave the tax collector's report for the month of December, 2010.

Mr. Kraus : Motion to approve the tax collector's report for December, 2010.
Mr. Kusnir: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes

TREASURER'S REPORT

Diane Palsa, township treasurer, gave the treasurer's report for the month of December, 2010.

Board of Commissioner's Meeting
January 24, 2011
Page 3

Mr. Kusnir: Motion to approve the treasurer's report for the month of December, 2010.

Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes

LIST OF BILLS

Mr. Kraus: Motion to approve the List of Bills for January 24, 2011.

Mr. Kusnir: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes, but abstaining from Bufalini's Plumbing, page 2.

Mr. Kraus: Motion to approve the blocking of August 20, 2011, pavilions #1 and #2 for the Hopewell Football mothers' hosting of a Sports Bash. Hopewell Football Mothers are to pay full rate of rental for each pavilion. In addition, they are to also rent pavilion #1 for the following day, which is Sunday, to ensure clean-up and take-down of tents. The Park Board also is requiring a \$500.00 deposit to be returned only after the caretaker or Carl Wagner inspects the areas. Recommended by unanimous vote by the Park Board.

Mr. Kraus: Second the motion.

Roll Call Vote: Mr. Kusnir - Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Yes
 Mr. Bufalini - Yes

SWEARING IN OF APPOINTED COMMISSIONER NICKOLAS J. DIPIETRO

District Magistrate Janet Swihart was present to swear in Nickolas J. DiPietro as newly appointed commissioner of Hopewell Township, filling the vacancy of Chuck Piroli, who recently resigned from his position as Vice President Commissioner.

COMMISSIONERS' REPORTS

None

MANAGER'S REPORT

Andy Brunette, Township Manager/Controller gave his report for the month of December, 2010.

ADMINISTRATION AND SEWER REPORTS

Mr. Brunette also gave the administrative and sewer reports for the month of December, 2010.

ENGINEERING REPORT

In addition to her written report, Mrs. Hartman briefly covered these items:

- (1) Laird Road – Erosion and Sediment Control Plan
- (2) Verizon pole location

WATER POLLUTION CONTROL REPORT

Chas Srafin, the public works superintendent, gave the water pollution control report for the month of December, 2010, prepared by Rich Boguszewski, operator in charge.

ROAD DEPARTMENT

Chas Srafin, the public works superintendent, gave the road department report for the month of December, 2010.

POLICE REPORT

Chief Gene Ungarean gave the police department report for the month of December, 2010.

PLANNING/ZONING REPORT

Mr. Bates, the planning and zoning officer did not give a report this month.

The following reports are on file: Water Pollution Control, Road Report, Police Department, Hopewell Township Planning & Zoning Commission, Beaver County Planning Commission, Sewer Authority, Volunteer Fire Department, and Veteran's Service Center for the month of December 2010.

OLD BUSINESS

None

NEW BUSINESS

Mr. Kusnir: Motion to nominate Norm Kraus to fill the vacant position of Vice President of the Board of Commissioners.

Mr. Bufalini: Second the motion.

Roll Call Vote: Mr. Kusnir- Yes
 Mr. Rohm – Absent for vote
 Mr. Kraus – Abstain
 Mr. Bufalini - Yes
 Mr. DiPietro - Yes

CITIZEN'S COMMENTS

Rose Marie McCallum
1018 Duke Street

Mrs. McCallum said that she feels the sewer and garbage rates being increased, as well as the taxes is a hardship on the residents. She wanted to know if there was any way to cut the budget so that these increases wouldn't be necessary.

Commissioner Bufalini explained that the reserve is gone and now the township expenses are higher than the incoming revenue. It is absolutely necessary to raise certain budget items in order to cover the expenses. Mr. Bufalini added that the township budget is much like a household budget on a larger scale.

John Lopata
Woodlawn Park

Mr. Lopata wanted to know if the commissioners were still going to get their pavilion rentals before the general public on February 21st. He feels they should have to stand in line like the rest of the residents.

Commissioner Bufalini said they will not be getting the pavilions first this year, but will take their turn with the other residents.

Mr. Lopata also wanted to commend the road department for the excellent job they have been doing during the snow season.

Board of Commissioner's Meeting
January 24, 2011
Page 6

Steve Coley
2007 Timber Lane

Mr. Coley asked if any vehicles had been towed during the recent snow removal in the township. Chas Srafin indicated there hadn't been any as yet. Mr. Coley also asked who did the towing for the township. Mr. Srafin said that Junak's and another company that he wasn't sure of the name, did the towing for us.

Jamie Young
Physical Therapist
Hopewell Shopping Center

Mr. Young is in the process of opening a physical therapy office at the Hopewell Shopping Center. He wanted the township to be aware that Peg Russell who works for Code Systems, our building code inspectors, has been very uncooperative and sometimes rude in his dealings with her. He feels they should be more cooperative in encouraging new business in Hopewell Township instead of having a poor attitude. He stated that Andy Brunette, the township manager, and John Bates, the zoning officer, have been very helpful to him.

Brad Batchelor
111 Beaver Street

Mr. Batchelor inquired as to why he was not re-appointed as a member of the park board when his term recently expired. He said he was interested in remaining as a park board member.

Commissioner Bufalini told him to stay after the meeting and they would discuss it at that time.

ANNOUNCEMENTS

Hopewell Township's 2011 park pavilion sign-ups will take place on February 21, 2011 at 9:00 a.m. Please note that the first week of pavilion sign-ups are for Hopewell residents only. For more information please contact Hopewell Township's administration department.

ADJOURNMENT

Mr. Kraus: Motion to adjourn.
Mr. Kusnir: Second the motion.

All present voted in favor to adjourn by voice vote.
The meeting adjourned at 7:50 p.m.

Board of Commissioner's Meeting
January 24, 2011
Page 7

Submitted By:
Patricia L. Owens
Recording Secretary