

ORDINANCE NUMBER 2025 - 23

OAKLAND TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE REGULATING SOLICITING, PEDDLING, SURVEYING, FUND RAISING, POLLING AND CANVASSING WITHIN OAKLAND TOWNSHIP, REQUIRING PERMITS, EXEMPTING CERTAIN ACTIVITIES, ESTABLISHING PERMIT APPLICATION PROCEDURES, FEES AND RESTRICTIONS, AND PRESCRIBING APPEAL AND ENFORCEMENT PROCEDURES AND PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED that Chapter 14, Public Safety, of the Township of Oakland Codification of Ordinances is hereby amended by the addition of the following:

**CHAPTER 14
PUBLIC SAFETY**

**ARTICLE 3
SOLICITATION REGULATIONS**

SECTION 14-301. SHORT TITLE. This Ordinance shall be known as the “Oakland Township Solicitation Ordinance.”

SECTION 14-302. DEFINITIONS. The following words, when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise.

COMMONWEALTH – Commonwealth of Pennsylvania.

PERSON – Any natural person, association, corporation, firm, partnership, organization, or other legal entity.

SOLICITATION – To sell or offer for sale any goods, wares, merchandise, commodities or services for immediate delivery or seek or take contracts or orders for any goods, wares, merchandise, commodities or services for future delivery, or seek funds or contributions, or survey, poll or canvass by going from house-to-house within the Township for such purpose.

TOWNSHIP – Oakland Township, Butler County, Pennsylvania.

SECTION 14-303. PERMITS REQUIRED, EXEMPTIONS.

A. It shall be unlawful for any person to: (1) park any vehicle upon any of the public streets or alleys or public grounds in the Township in order to sort, rearrange or clean any of his/her goods, wares, merchandise or commodities; (2) place or dispose of or depositing any refuse upon any of the public streets or alleys or public grounds in the Township; or (3) maintain or keep a street or

curbstone market by parking any vehicle upon any public street or alley or public grounds for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity.

B. It shall be unlawful for any person to occupy any fixed location upon any of the public streets, alleys, sidewalks or other public grounds in the Township, with or without any stand or counter.

C. It shall be unlawful for any person to hawk or cry his/her goods, wares, merchandise, commodities or services upon any of the public streets, alleys, sidewalks or other public grounds in the Township, or use any loudspeaker, bell, whistle or other device for announcing his/her presence.

D. It shall be unlawful for any person to solicit, peddle, survey, poll or canvass by going from door-to-door within Oakland Township without first obtaining a permit as provided herein, except that no permit shall be required for the following:

- (1) Farmers selling their own products.
- (2) Organizations registered with the Pennsylvania Department of State under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1, *et seq.*, or who are expressly exempted from this regulation under the Act.
- (3) Producers of bread and baking products, meat and meat products, or milk or milk products who sell their own products.
- (4) Insurance and real estate agents and brokers licensed by the Commonwealth.
- (5) Youth, under the age of eighteen (18), selling goods, wares or merchandise where the funds or proceeds of the sale are to be applied exclusively for the sponsoring function or organization (e.g., Boy Scouts, high school band, and similar organizations).
- (6) Youth, under the age of eighteen (18), entrepreneurship, such as lemonade stands and similar activities.
- (7) Persons hanging advertisements on doors with no attempt to contact the home or business occupant.
- (8) Political canvassing covered by the First Amendment.

E. Any person claiming any exemption outlined above shall provide the Township with documentation demonstrating that the person qualifies for the exemption.

SECTION 14-304. PERMIT FEES.

A. The Board of Supervisors shall establish, by resolution, a schedule of fees and collect such fees to cover the costs to the Township of administering and enforcing this Ordinance. The fee

schedule may establish different charges for various activities consistent with the administrative and personnel costs necessary to support the permit application review, permit renewal, enforcement and appeal programs. The schedule of fees may be revised from time to time by resolution of the Board of Supervisors. The schedule of fees shall be available for public inspection at the Township office.

B. No permit shall be issued unless or until such costs, charges, fees or expenses for the permit have been paid in full by the applicant; nor shall any action be taken on appeal proceedings before the Board of Supervisors unless or until all charges and fees related to the appeal have been paid in full by the applicant.

SECTION 14-305. PERMIT APPLICATIONS.

A. It shall be the duty of any person determined to engage in solicitation to make application to the Township, on forms provided by the Township, fully pay such fees as are required by the Township, and obtain a permit issued by the Township prior to engaging in such activity.

B. The application shall contain, at a minimum, the following information:

- (1) Name, permanent address, telephone number and cell phone number of the person engaging in the activity; and
- (2) Name and address of the person, association, corporation, firm, partnership, organization, or other legal entity by whom the applicant is employed, together with the applicant's immediate supervisor's or other business contact person's name and telephone and fax number or a statement that the applicant is self-employed; and
- (3) If the applicant is a business enterprise of any kind; the official name of the business, any alternate names under which the enterprise conducts business, its state of incorporation/business registration, tax identification numbers and its registered address for accepting service of process; and
- (4) The type and description of goods, wares, merchandise, commodities or services that will be sold or offered for sale and the manner in which they will be sold or offered for sale; and
- (5) The name, address and telephone number of any and all organizations and a point-of-contact(s) within the organization(s) for which funds or contributions are to be solicited; and
- (6) The name, address and telephone number of any and all organizations and a point-of-contact(s) within the organization(s) for which a survey, poll or canvass is being conducted and a copy of all forms used in conducting the survey, poll or canvass; and

- (7) State police criminal records checks from the state in which the applicant resides and Pennsylvania, issued no more than thirty (30) days prior to date the application is submitted to the Township; and
- (8) Length of time for which a permit is required; and
- (9) Copy of the valid registration of any vehicle(s) to be used, if any; and
- (10) Copy of applicant's valid driver's license if a vehicle is to be used or any valid federal or state government issued picture identification card if a vehicle is not being used.

C. The Township shall issue a permit within five (5) business days of the filing of a complete application, unless the Township informs the applicant, in writing, that the application is denied or that an extension of time is necessary to investigate the application.

D. A photograph of the applicant and the vehicle(s) to be used will be taken by the Township at the time the application is issued. The photographs will be displayed on the Township's website and social media page.

E. The permits granted under this Ordinance shall be valid for up to ninety (90) days after the date of issuance. Upon the expiration of any permit, if the permit holder desires to renew the permit, he/she shall be required to file a new application for a permit and pay a new permit fee. Upon expiration of the permit or when the permit holder no longer requires the permit, whichever is earlier, the permit holder shall immediately surrender it to the Township.

F. The permit when issued shall state, at a minimum, the products or services to be sold or offered for sale, and/or name, address and telephone number of any and all organizations for which funds or contributions are to be solicited and/or the purpose of the survey, poll or canvass and the name, address and telephone number of any and all organizations for which the survey, poll or canvass is being conducted.

G. Every permit holder shall carry the permit upon his/her person and shall exhibit it upon request to all police officers, Township officials and employees, residents and building occupants.

H. The Township shall maintain a record of all permits issued under this Ordinance.

SECTION 14-306. PERMIT RESTRICTIONS.

A. In order to reserve the right of Township residents to enjoy the peace and tranquility of their homes without unreasonable interruption and annoyance, it shall be unlawful for any permit holder to solicit between the hours of 5:00 P.M. and 9:00 A.M., prevailing time, Monday through Saturday, and all day on Sundays and federal holidays. Mobile ice cream vendors may solicit from 9:00 A.M. until dusk seven (7) days per week.

B. Permit holders are prohibited from entering any private property within the Township if such property is posted with a "NO SOLICITATION" sign prominently displayed on or near the

main entrance to the premises or on or near the main door to any residence located thereon. Any such violation will be considered a trespass subject to the criminal laws of the Commonwealth.

D. Permit holders are prohibited from entering or attempting to enter any dwelling without the invitation or permission of the occupant and are required to immediately leave any premises upon request of the occupant.

E. Permit holders are prohibited from selling or attempting to sell any product or solicit funds or contributions for organizations or survey, poll or canvass for any organization or purpose not expressly listed on their permit.

F. Permit holders are prohibited from permitting any other person to have possession or use or display of their permit and shall immediately report the loss of their permit to the Township.

SECTION 14-307. DENIAL, SUSPENSION, REVOCATION AND TRANSFER OF PERMITS.

A. Denial of Permits. The Township may deny a permit upon determining that: (1) the applicant is seeking to engage in unsafe, illegal, fraudulent or criminal activity; or (2) the application is incomplete or contains false or misleading information; or (3) the applicant has been convicted of disorderly conduct or a crime involving moral turpitude. The Township shall provide written notice of denial to the applicant. The notice shall include the reasons for denial and provide notice of the applicant's right to request a formal appeal hearing before the Board of Supervisors. No part of the permit fees shall be refunded to any person whose permit has been denied.

B. Suspension or Revocation of Permits. The Township may suspend or revoke a permit upon determining that: (1) the application contained false information; or (2) the permit holder was convicted of a crime involving moral turpitude or was convicted of disorderly conduct after the issuance of the permit; or (3) the permit holder has failed or refuses to comply with any of the provisions of this Ordinance; or (4) suspension or revocation is in the best interest of the public's health, safety or morals. The Township shall provide written notice of suspension or revocation to the permit holder. The notice shall include the reasons for suspension/revocation, notice of the permit holder's right to request an appeal hearing before the Board of Supervisors and a prohibition of any further activity until a new permit is issued or the suspension/revocation is finally reversed on appeal. No part of the permit fees shall be refunded to any person whose permit has been suspended or revoked. Any person whose permit is suspended or revoked shall immediately surrender the permit to the Township.

C. Transfer of Permits. Permits shall not be transferred to another party.

SECTION 14-308. APPEALS.

A. Any person aggrieved by any decision, determination or action of the Township concerning the administration or enforcement of the provisions of this Ordinance may appeal to the Board of Supervisors. Appeals must be filed, in writing, on forms provided by the Township, within fifteen (15) calendar days after the decision, determination or action of the Township.

B. The applicant shall fully pay the hearing application fee, set by the Board of Supervisors by resolution and as amended from time to time, to the Township at the time the written request for a hearing is submitted to the Township.

C. Hearing requests shall state concisely all reasons for the appeal.

D. The Board of Supervisors shall hold a public hearing within thirty (30) calendar days after receipt of a timely and complete written request for a hearing unless an extension of time is requested and granted in writing. Notice of the time and place at which the appeal will be considered shall be given to all parties.

E. Hearings under this section shall be conducted pursuant to the Local Agency Law, 2 Pa.C.S. §§ 551 *et seq.*

F. At the hearing, the applicant and the Township shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

G. Any party aggrieved by any decision of the Board of Supervisors may appeal to the Court of Common Pleas of Butler County, as provided by the law.

H. The Board of Supervisors may defend its actions during the course of subsequent appeals.

SECTION 14-309. ENFORCEMENT, VIOLATIONS AND PENALTIES.

A. Enforcement as a Summary Offense. This Ordinance governs and regulates public safety and, as such, enforcement of this Ordinance shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

B. The Township solicitor may assume charge of the prosecution without the consent of the District Attorney as permitted under the Pennsylvania Rules of Criminal Procedure No. 83(c) (relating to trial in summary cases).

C. Any person who shall violate any provision of this Ordinance shall be guilty of a summary offense. Upon conviction, such person shall be sentenced to pay a fine of not less than Four Hundred Dollars (\$400) and not more than One Thousand Dollars (\$1,000) for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation is found to exist shall be considered a separate violation, and each section of this Ordinance which is found to have been violated shall be considered a separate violation.

D. In addition to or in lieu of summary charges, the Township, through its solicitor, may institute injunctive, mandamus or other appropriate action or proceedings at law or in equity for enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

E. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence an action for enforcement pursuant to this Ordinance.

SECTION 14-310. LIABILITY OF TOWNSHIP. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.

SECTION 14-311. SEVERABILITY. The provisions of this Ordinance are severable. If any provision, section, sentence, clause 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, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 14-312. REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed in so far as they may be inconsistent herewith.

SECTION 14-313. EFFECTIVE DATE. This Ordinance shall take effect and be in force five (5) days after its enactment as provided by law.

ENACTED AND ORDAINED, this the 1st day of October 2025, by the Board of Supervisors in public session duly assembled.

ATTEST:

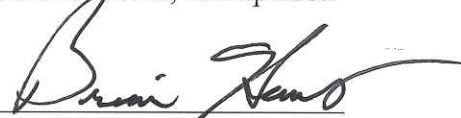


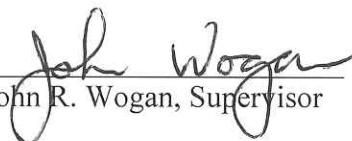
Diana M. Foehringer
Township Secretary



**OAKLAND TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Shaun M. Krill, Chairperson

By: 
Brian G. Hans, Vice Chairperson

By: 
John R. Wogan, Supervisor