TOWNSHIP OF HARRISON
Commonwealth of Pennsylvania

Ordinance No. 1993

AN ORDINANCE OF THE TOWNSHIP OF HARRISON AMENDING THE HARRISON TOWNSHIP CODE OF ORDINANCES TO AMEND CHAPTER 13, PART 5 THEREOF REGARDING DOOR-TO-DOOR SOLICITATION

Section I. Legislative Findings of Fact. The Board of Commissioners of Harrison Township makes the following Findings of Fact with respect to the subject matter of this Ordinance:

A. The Township has a compelling interest in protecting the privacy and solitude of residents in their homes within the Township; and

B. An Ordinance provision permitting residents to bar solicitors from their property by posting "No Solicitors" signs, or by joining the Township's "No Solicitors List", and requiring door-to-door canvassers to honor such signs and list, is an effective measure to protect the privacy and solitude of residents in their homes, while having little or no restrictive impact on the First Amendment freedoms of door-to-door canvassers; and

C. Residents who have posted "No Solicitors" signs or join the "No Solicitors List" are not inclined or likely to open their doors to door-to-door canvassers of any type nor to be receptive to any message such canvassers seek to deliver; and

D. Door-to-door canvassers who honor a requirement not to go to the doors of residents who have posted a "No Solicitors" sign or joined a "No Solicitors List" will spend less time and resources approaching non-receptive listeners; and

E. An Ordinance requirement that door-to-door canvassers obtain and honor the Township's "No Solicitors List":

(1) Has no impact on any anonymity interest of canvassers when the Ordinance provides for the list to be made available without identification and through various means that do not require a person to appear in person before a Township official to obtain the list; and

(2) Has no impact on spontaneous speech since the list may be obtained on holidays or weekends through the Township website or at the Township police office which is always open.

F. The Ordinance requirements regarding the "No Solicitors List" and "No Solicitors" signs are not underinclusive as they apply to all door-to-door canvassers, sellers,

marketers, or others going door to door, etc. regardless of purpose or message or lack thereof and effectively protect the privacy of residents in their homes regardless of the nature of the door-to-door canvasser; and

G. There is no available measure less restrictive to the First Amendment interest of canvassers, that will still afford protection to the privacy of Township residents in their homes, than the requirements that the "No Solicitors" signs and the "No Solicitors List" be honored by persons going door-to-door.

(1) Such requirements afford numerous, ample alternative channels of communications, including, among others, the ability of those advocating for causes to solicit without a license at all homes in the Township that do not have a "No Solicitors" sign or are not on the "No Solicitors" List. As of passage of this Ordinance, 28 addresses are on the "No Solicitors" List, out of a Township population of approximately 10,400 and comprised of approximately 5,000 properties.

Section II. It is ordained by the Board of Commissioners of Harrison Township to amend the Harrison Township Code of Ordinances by amending Chapter 13, Part 5, as follows:

A. Section 13-501(c) is repealed.

B. Section 13-502 is amended by adding thereto the following sentence:

Provided, however, that the exemptions granted under this Section shall not apply to any requirement imposed under § 13-513 hereof.

C. Section 13-504.2 is amended to replace the reference therein to "the Police Department of the Township" with a reference to "the Township Secretary."

D. Section 13-505.1 is amended to replace the reference therein to "Police Department" with a reference to "Township Secretary."

E. Section 505.2 is amended to read in its entirety as follows:

If as a result of such review, the application is found to be complete and accurate, the Township Secretary or other designated official shall forward such application to the Chief of Police or the Chief's designee for background investigation. The Chief of Police shall endorse on the application his or her approval or rejection and return the application to the Township Secretary or other designated official, who shall, upon payment of the prescribed initial license fee and approval by the Chief of Police or the Chief's designee deliver to the applicant his or her license within 24 hours after payment of the fee.

F. Section 508.7 is amended to read in its entirety as follows:

§ 508.7. The Township Secretary shall maintain a list of the addresses of residents who have notified the Township Secretary that they do not wish to be solicited at any time. A copy of this "No Soliciting List" shall be supplied along with and as part of any transient retail license issued hereunder and shall be made available free of charge, to persons who have not been issued a license.

G. Section 509.1 is revised so that its first clause reads as follows:

1. Licenses issued under the provisions of this Part may be revoked by the Township Code Enforcement Officer or the Chief of Police or the Chief's designee for any of the following causes:

H. Section 13, Part 5 is amended by adding thereto the following new §§ 13-513 and 13-514, to read as follows:

§ 513. All persons going door to door, at private residences, without invitation from the owner or occupant, for the propose of selling goods or services, to solicit donations, or to advocate for causes, convey a message or otherwise express their views, and who is not required to obtain a license under this Part, shall be required to obtain from the Township and have available, while going door to door, a copy of the list of addresses of residents informed the Township Secretary that they do not wish to be solicited at any time, as such list is maintained by the Township Secretary pursuant to § 13-508.7, hereinafter referred to as the "No Soliciting List."

(a) The Township shall make the No Soliciting List available, at no charge and without presentation of identification of the requester, at the Township offices, at the Township Police office, and Township website or by way of email, fax or written reply to a requester.

(b) No person whose activities as require them to obtain a copy of the No Soliciting List shall go to the door of a private residence on the No Soliciting List while in the course of those activities.

(c) No person whose activities require them to obtain a copy of the No Soliciting List shall go to the door of a private residence

which displays a sign reading, "No Solicitors" or words of the same or similar meaning, while in the course of those activities.

(d) Those categories of persons listed in § 13-502 as exempt from this Part shall nevertheless be subject to this § 13-513.

§ 514. Persons going door to door for the purpose of soliciting donations, or to advocate for causes, convey messages or otherwise express their views, and who are not "solicitors," as defined in § 13-501 of the Ordinance, required to obtain a license under § 13-503, may, voluntarily apply for a license pursuant to § 14-504.

(a) If the application is approved by the Chief of Police and Township Secretary pursuant to § 13-505, a license shall be issued accordingly.

Section II. Should any part or portion of this Ordinance be declared invalid by a court of competent jurisdiction, it is the intention of the Board of Commissioners that all remaining parts and portions of this Ordinance shall remain in effect to the full extent permitted by law.

Section III. Any ordinance or resolution inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

Section IV. This Ordinance shall be effective as of the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED at a public meeting of the Board of Commissioners of the Township of Harrison, this 27th day of February, 2017.

ATTEST:

Executive Secretary

TOWNSHIP OF HARRISON

By: _____
Vice President, Board of Commissioners

This Ordinance recorded in the Township Ordinance book on March 1, 2017, 2017 by the undersigned.

Executive Secretary