

ORDINANCE NO. 95, 1993

AN ORDINANCE OF THE TOWNSHIP OF TILDEN REQUIRING A PERMIT FOR THE SOLICITATION OF FUNDS AND/OR DISTRIBUTION OF LITERATURE BY PERSONS OR ORGANIZATIONS OF A CHARITABLE NATURE AS DEFINED HEREIN; ESTABLISHING AN APPLICATION PROCEDURE AND AUTHORIZING THE ISSUANCE OF PERMITS AND THE RENEWAL THEREOF; PROVIDING FOR THE REFUSAL OR CANCELLATION OF CERTAIN PERMITS AND APPEALS THEREFROM; REGULATING THE TIME, LOCATION, MANNER AND NUMBER OF PERSONS INVOLVED; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Tilden Township hereby ordains:

Section 1. Definitions.

CHARITABLE ORGANIZATION - any person, firm, group, partnership, corporation or association whose avowed purpose and object is to benefit, assist, aid and further the following causes:

- A. philanthropy;
- B. assistance to persons who are poor, impoverished, destitute, underprivileged, needy, diseased, injured, crippled, disabled, handicapped or in need of physical or mental rehabilitation;
- C. churches, religious societies or other religious sects, groups or orders espousing spiritual and altruistic motives or conduct;
- D. the teaching of patriotism, or promoting relief and assistance to this nation's war veterans;
- E. beneficial education of the mind or assistance to educational institutions; or
- F. the protection, shelter and sustenance of animals.

CHARITABLE SOLICITATION - seeking money donations, pledges thereof, or anything of value to benefit, assist, aid and further the cause of a charitable organization, either orally or by literature distribution.

LITERATURE - books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines, or any other written or printed materials.

Section 2. Permits. It shall be unlawful for any charitable organization to solicit funds, as defined in Section 1 of this ordinance, within the limits of the Township, without first applying for and obtaining a permit therefor and wearing at all times an identification card as provided herein.

Section 3. Applications.

1. A sworn application in writing for a permit under this ordinance must be filed in duplicate with the Township Secretary at least three (3) days in advance of the first day sought for solicitation on a form to be furnished by the Township, and shall state:

A. the full name and address (legal and local) of the person or organization sponsoring, conducting or promoting the fund drive;

B. whether or not the applicant is a branch or division of a national organization, and if so the name thereof, and the mailing and street address of same;

C. the purpose or object of the charitable solicitation;

D. the dates of the solicitation;

E. the number of persons to participate in the solicitation and the true legal name and address of each, and the sex, height, color of hair and eyes of each;

F. a statement as to whether any person who will participate in the solicitation has ever been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude.

G. Boy Scouts of America, Girl Scouts of America, little league baseball teams, soccer clubs, similar not-for-profit organizations

dedicated to educating, training and assisting children 18 years of age or younger in athletic, trade, living, and other skills.

2. No fee shall be required for the filing of the application.

Section 4. Reasons for Refusal of Permit. The application shall be registered in a book called the Registry Book. The application shall be granted and the permit issued within forty-eight (48) hours after the application has been filed unless, upon investigation by the Township Secretary, one or more of the following facts are found to exist:

1. that one or more of the statements in the application is not true;
2. that the applicant or any agent or representative of the applicant who will participate under the permit has been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude, in which case the permit shall be denied to the applicant or to the agent or representative so convicted;
3. when the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any of the terms and provisions of this ordinance or any prior permit issued thereunder.

Section 5. Cancellation of Permits. Any permit granted hereunder may be cancelled after issuance if any of the reasons for prior refusal should be discovered or become apparent during the solicitation period.

Section 6. Permits for Charitable Literature Distribution. It shall be unlawful for a charitable organization to distribute literature or any other article within the limits of the Township, whether or not solicitation for money or anything of monetary value is involved, without first applying for and obtaining a permit in accordance with Sections 3 through 5 set forth above for charitable solicitation.

Section 7. Appeals. Within ten (10) days after notice of the action has been mailed and hand delivered, the applicant shall notify the Township Secretary in writing of his intent to contest

said action. Within thirty (30) days after receipt of said notice to contest, the Township shall hold a hearing on the appeal petition and render a decision or may institute a proceeding for temporary, preliminary and permanent injunction to restrain the denied solicitation or distribution in a court of competent jurisdiction, which action shall be governed by the applicable rules of procedure and the time limits thereunder.

Section 8. Issuance of Permits. Upon issuance of a permit, the Township Secretary shall note his/her approval in the Registry Book and shall, at that point, issue to the applicant or any agent or representative of the applicant who will participate under the permit, an identification card, which card shall state the applicant's name, address, sex, height, color of hair and eyes and full name of the charitable organization which he or she represents.

Section 9. Time, Location, Manner and Number of Persons Involved. When permits for charitable solicitation or charitable literature distribution or a combination of the two are granted, the following rules and standards shall apply:

1. Location - Such permits shall be restricted to public areas of the Township and shall not be construed as permission by any private property owner to conduct said activity on private premises.

2. Time - Permit holders shall be restricted to the hours of 9:00 o'clock A.M. to 8:00 o'clock P.M. on the days of operation.

3. Manner of Operation -

- A. Each person included in a permit shall wear the identification card issued by the Township on the upper clothing and in a manner clearly visible to the public. It shall not be transferred to another person and must be returned to the Township Secretary at the expiration of the permit.

- B. Each person included in a permit shall not initiate any physical contact with prospective donors unless said donor has either consented to such contact or agreed to make a contribution.

C. Permittees are at all times subject to all laws, statutes, and ordinances, federal, state or local, regarding fraud, assault, battery, theft, littering and any other law relating to the conduct of persons in public places.

Section 10. Duration and Renewal. A permit shall expire after thirty (30) days from the date of issuance. A permit may be renewed for successive thirty (30) day intervals if written request for the same is received by the Township Secretary within the period of ten (10) days prior to the expiration date and the request for renewal contains a statement that the request is predicated on the same information as contained in the original application.

Section 11. Effective Date. This ordinance shall become effective on September 13, 1993

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Wellington R. Ketter
Raymond L. Tilden
Reg. M. Borker

Attest:

Anna M. Shollenberger
Anna M. Shollenberger, CMC