

August 21, 1989

WEST PIKELAND TOWNSHIP

ORDINANCE 89-1

Regulating House to House Solicitation

WEST PIKELAND TOWNSHIP

ORDINANCE 89-1

AN ORDINANCE PROHIBITING THE SELLING, PURCHASING, OR SOLICITING THE SALE OR PURCHASE OF GOODS OR SERVICES FROM HOUSE TO HOUSE AND ON PUBLIC STREETS WITHOUT LICENSE; PROVIDING FOR APPLICATION FOR LICENSE; ESTABLISHING PROCEDURE FOR IDENTIFICATION; ESTABLISHING RULES OF CONDUCT IN SELLING, PURCHASING OR SOLICITING; PROVIDING FOR REVOCATION OF LICENSES IN CERTAIN CASES; EXEMPTING CERTAIN PERSONS FROM THE TERMS HEREOF; AND FIXING PENALTY FOR VIOLATIONS.

In order to protect the health, safety and general welfare of the citizens of the Township of West Pikeland, Chester County, Pennsylvania, by ensuring or attempting to ensure that persons engaged in selling, purchasing, soliciting, making surveys or distributing samples by visitation to private residences or on public streets therein will conduct their activities in a proper manner, and, further, in order to obtain positive identification of persons who shall have been so engaged in the Township, the Board of Supervisors of said Township hereby enacts and ordains:

SECTION 1. Requirements: From and after the enactment hereof, it shall be unlawful for any person, not exempted by SECTION 6 hereof, who is not the holder of a valid and unexpired license issued pursuant to this Ordinance, to engage in selling, purchase or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description, or in soliciting contributions, gifts or pledges of money or any other thing of value, or to engage in making surveys, or to distribute samples, by visitation to private homes, residences, or businesses, or on public streets or highways of West Pikeland Township.

SECTION 2. Application: Any person, not exempted by SECTION 6 hereof, desiring to obtain a license to engage in the activities described in SECTION 1 hereof, shall make application therefor, in person, to the Township Secretary. The applicant shall supply, over his/her signature, the following information: (1) true name; (2) place and date of birth; (3) temporary address; (4) residence address; (5) the address at which he/she will receive notices under this Ordinance; (6) the name and address of his/her employer or principal, if any, and the nature of the business activity thereof; (7) the nature of business or activity in which the applicant wishes to engage within the Township, and (8) a true statement as to whether the applicant has been convicted in any jurisdiction of any

crime other than minor traffic violations and, if so, what crime or crimes. The applicant shall, together with his/her application, submit to the Township Secretary his/her photograph and a written description of the applicant, all recorded by the West Pikeland Police. At this time a fee in the amount of one hundred dollars (\$100.00) shall be paid to defray the cost of administering this Ordinance.

Between the date that the application is received by the Township Secretary and the date of issuance of the permit/pocket cards, if in fact such a permit and pocket card is to be issued, the West Pikeland Township Police Department shall have ten (10) working days, excluding holidays and weekends, to verify the information as provided on the application form. Upon approval of the application, payment of the fee stated herein, and verification of the information as required, a license may be issued permitting the activity specified for a period of one (1) year from the date of issuance provided that the Township Board of Supervisors may refuse to issue a license if they have reasonable grounds for such action. If approved, the applicant shall be issued two (2) pocket cards or license identification cards, each card to be issued to a particular individual and to be used only by that individual. In the event that there are additional individuals beyond two (2), each individual shall be required to complete any prescribed forms and supply any other data as requested. If approved, each individual shall also be required to have a pocket card/license identification on his/her person, which is issued to him/her in particular. A \$5.00 charge will be assessed for each additional card beyond the original two (2).

Licenses may be renewed annually upon payment of a \$50.00 fee (and \$5.00 for each additional pocket card as required in excess of two (2) pocket cards which will be issued for the original \$50.00 fee) provided that an amendment to the original application is submitted which reflects any changes in information contained in the original application. The licensee shall provide a notarized affidavit specifying any changes or establishing the fact that there are no changes as to the content of the original application.

SECTION 3. Regulations: Every person to whom a license has been issued shall, in the carrying on of his/her business or activities in the Township, comply with the following rules of conduct:

- A. The individual shall carry the pocket card (with photo if available) at all times and exhibit it to any person upon request.
- B. The Licensee shall not permit any other

person to have possession of the license card and shall in writing immediately report its loss to the Township Secretary. This person shall not cause or permit the license card to be altered or defaced.

- C. He/she shall not enter, or attempt to enter any dwelling house, business, or industry without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. The individual shall not represent the license card to be an endorsement of himself/herself or of his/her goods or of the goods or services of his/her principal or employer.
- E. The approved vendor, employees or agents thereof shall not engage in any business or activity authorized under SECTION ONE except between the hours of 9:00 A.M. and 7:00 P.M. of the then current prevailing time.
- F. The approved vendor shall not permit the throwing or discarding of any paper, debris, or other such items upon the public streets, highways or other places of West Pikeland Township.
- G. All mobile vehicles for the purpose of vending food products shall have suitable trash containers clearly marked as such and the vehicle shall clearly bear the markings and identifications of the licensed vendor.
- H. The approved vendor shall not conduct his/her business activity at any geographical location within West Pikeland Township that is deemed to be unsafe due to traffic hazards or other similar situations by the Chief of Police or other designate as authorized by West Pikeland Township.
- I. The approved vendor shall immediately surrender the license card and all license pocket cards of his/her employees or agents upon revocation and notification of of revocation of said license as herein provided.

SECTION 4. Revocations: Any license hereafter issued may be revoked by the Township upon failure of the licensee

to comply with the standards of conduct established by SECTION THREE hereof or upon ascertainment that the licensee has made any false statement in the application for license. Notice of revocation shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

SECTION 5. Appeals: Any person whose application has been denied or whose license has been revoked shall be entitled to appear with counsel, if he/she so desires, before the Board of Supervisors at a regular or special meeting and be heard in behalf of a request for approval of a license or for reinstatement of the license.

SECTION 6. Exemptions: The following persons are exempted from the licensing requirements of this Ordinance:

- A. Persons soliciting contributions in behalf of organizations or non-profit corporations exempted from the provisions of, or duly registered pursuant to, the Act of 1925, May 13, P. L. 644, as amended, who, while soliciting, are possessors of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
- B. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle only while selling such on his/her own property.
- C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in SECTION ONE hereof, when so engaged, including, without limitation, Real Estate, Insurance or securities Brokers and Salesmen.
- D. Authorized persons carrying satisfactory identification engaged in making surveys or collecting information for the Federal, State, County or West Pikeland Township Government or any agency thereof. Also exempt shall be authorized persons carrying satisfactory identification engaged in making surveys or collecting information for bona fide educational or Quasi-Governmental agencies if each activity has been previously approved by the Board of Supervisors.

SECTION 7. Violations/Penalties: Any person who shall violate any provision of this Ordinance shall upon summary

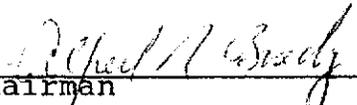
conviction hereof before a District Justice be subjected to a penalty of a fine of not less than twenty five dollars (\$25.00) nor more than three hundred dollars (\$300.00) together with the cost of prosecution for each such violation or suffer imprisonment in the County Prison for a period of not more than 30 days. Each sale or offer to sell shall constitute a separate violation. Each intentionally falsified application form submitted shall constitute a separate violation of this section.

SECTION 8. Severability: If any section, provision or part of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts of this Ordinance. The Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this Ordinance if it had known that such sections provisions or parts thereof would be declared unconstitutional.

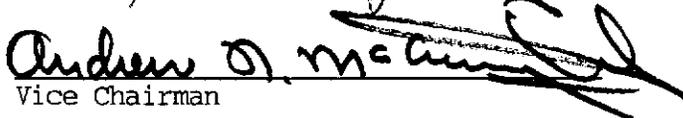
SECTION 9. All Ordinances or parts of Ordinances in so far as they are inconsistent herewith are hereby repealed.

SECTION 10. This Ordinance shall take effect immediately upon its adoption.

RESOLVED AND ENACTED THIS 21st day of August, 1989.



Chairman



Vice Chairman

Attest:



Secretary

WEST PIKELAND TOWNSHIP

(Type of

Information for _____ Solicitation) Date _____

Name of ___ individual ___ organization * _____

Current local address _____

Telephone: _____ Time to call _____

Permanent address (if different from above):

Telephone: _____ Time to call _____

Individual's identification: Age _____ Hair _____ Height _____ Wears Glasses _____

Driver's License # _____ State of issue _____

Automobile identification: Make of car _____ Color- Model _____ Year _____

Automobile license # _____ State of issue _____

Comments: _____

(use other side of sheet for continuation) *Will require list of individuals expected together with complete identification.

Signature of applicant _____ (Responsible party for group)

TEMPORARY PERMIT

Issued subject to accuracy of above information being verified; may be revoked by action of the West Pikeland Township Police Department for cause.

_____ is permitted to solicit in West Pikeland Township for the purpose of _____

FOR WEST PIKELAND TWP. POLICE DEPT.

Special Note: