

**LONDON GROVE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 189

AN ORDINANCE OF THE TOWNSHIP OF LONDON GROVE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODIFIED ORDINANCES OF LONDON GROVE BY INSERTING A NEW PART 2 IN CHAPTER 13 ENTITLED "PEDDLING AND SOLICITING" REGULATING PEDDLERS AND SOLICITORS IN THE TOWNSHIP BY REQUIRING CERTIFICATES OF REGISTRATION FOR PEDDLING AND SOLICITING; BY LIMITING THE TIME AND PLACE OF PEDDLING AND SOLICITING; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS AND SOLICITORS; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Second Class Township Code empowers the Board of Supervisors of London Grove Township to regulate peddling and soliciting within the Township; and

WHEREAS, the Board of Supervisors has been informed of problems within the Township concerning peddling and soliciting that are not addressed by existing Township ordinances.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of London Grove Township, as follows:

SECTION I. The Codified Ordinances of London Grove Township are hereby amended by inserting a new Part 2 in Chapter 13 as follows:

Part 2 Peddling and Soliciting

§13-201 Findings.

The London Grove Township Board of Supervisors has determined that the safety and privacy of Township residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to Township residents, and that it is in the best interest of the Township to establish regulations applicable to peddling and soliciting activities within the Township.

§13-202 Purposes.

It is the purpose and intent of this Ordinance to provide the Township with standards defining and regulating Peddling and Soliciting. These standards are intended to maintain the safe travel along roads within the Township and protect the safety and privacy of the residents of

London Grove Township by regulating the behavior of Peddlers and Solicitors by limiting Peddlers' and Solicitors' access to residents who do not wish to interact with them.

§13-203 Definitions.

The following words shall have the following meanings when used in this Part, unless the context requires otherwise:

CERTIFICATE OF REGISTRATION – A Peddler's or Solicitor's authority to conduct peddling and soliciting activities in within the Township issued in accordance with the provision of this Ordinance.

PEDDLER - Any Person engaged in Peddling.

PEDDLE – To engage in the peddling, soliciting, hawking, vending, taking of orders (either by sample or otherwise), selling, or offering for sale any services, goods, wares, merchandise, printed matter, or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township. Provided, the word "Peddling" shall not apply to:

- Farmers selling their own produce; or
- The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or

PERSON – Any individual, joint venture, association, partnership, trust, corporation, or other legal entity.

SOLICIT – To engage in the solicitation of any money or gift of any services, goods, wares, merchandise, or other articles of value by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township, whether or not accompanied by the dissemination of information. This action shall include visits from house to house, place to place, at a fixed location, or from street to street traveling by foot, vehicle or any type 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 collecting advance payments, or who engages in these types of activities in any street or public place, and/or from a stationary location within the Township as prohibited by this law.

SOLICITOR – Any Person engaged in Soliciting.

STREET – Any street, road, highway, or alley (including the area of any right of way, whether improved or unimproved) and shall include the sidewalk within the lines of or alongside of the same.

§13-204 Posting.

Any Person who is the owner or lawful occupant of private property within the Township may prohibit the practice of going in or upon the private property of such owner or occupant by Peddlers or Solicitors by posting upon such property a sign which reads “No Peddling or Soliciting” or substantially similar language in a location which is reasonably visible to Persons who intend to enter upon such property. Any such signs shall comply with the applicable provisions of the Township’s Sign Ordinance.

§13-205 Prohibition against Entering Upon Posted Property.

Any and all Peddlers and Solicitors are prohibited from entering upon any property that is posted with a “No Peddling or Soliciting” sign and may be prosecuted for trespassing and/or a violation of this Ordinance. If such sign is posted, the Peddler or Solicitor, whether licensed in accordance with this Ordinance or not, shall immediately and peacefully depart from the property.

§13-206 Prohibition against Use of Public Roads, Streets, Alleys and/or Highways

No peddler and/or solicitor may use or occupy any portion of any street, highway, road, alley and/or any other public access way. This prohibition shall include any area located within the public highway, paved, improved and/or unimproved areas of the Township right-of-way.

§13-207 Conduct of Peddlers and Solicitors.

Every Peddler and Solicitor, whether licensed in accordance with this Ordinance or not, shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The Peddler or Solicitor shall carry official identification, such as a driver’s license, at all times and shall exhibit it upon request of any person to whom the Peddler or Solicitor is attempting to Peddle or Solicit.
- B. The Peddler or Solicitor shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.
- C. The Peddler or Solicitor shall only engage in Peddling or Soliciting within the Township on Monday through Saturday from 9:00 a.m. to 4:00 p.m. No Peddling or Soliciting shall be allowed on Sundays or on any State or Federal legal holidays.
- D. No Peddler or Solicitor shall call out or shout to sell his or her services or goods, nor shall the Peddler or Solicitor use any loudspeaker or horn or other device for announcing

his or her presence by which the public is annoyed or by which sound is amplified or altered.

- E. No Peddler or Solicitor shall occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of Peddling or Soliciting, with or without any sign, stand, counter, or cart.
- F. No Peddler or Solicitor shall Peddle or Solicit in any Township park without first acquiring a permit from the Township.
- G. No Peddler or Solicitor shall park any vehicle upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of sorting, rearranging, or cleaning any of his or her goods, wares, or merchandise or for the purpose of disposing of any carton, wrapping material, stock, wares, or foodstuffs.
- H. No Peddler or Solicitor shall operate from or use in conjunction with his or her activities any vehicle with a gross vehicle weight rating of 10,000 lbs. or larger.
- I. No Peddler or Solicitor shall engage in any activity that creates a public nuisance, disrupts traffic, and/or disturbs the peace and tranquility of the Township.
- J. The Peddler or Solicitor must comply with all Township ordinances, including but not limited to the requirements for signs within the Township.
- K. No person or legal entity may attempt to Peddle, Solicit or distribute materials or printed material without providing identification identifying the approved certificate of registration from the Township.
- L. No Peddler or Solicitor may occupy any public street, road, highway, alley or sidewalk and/or operate in any congested area where the activities may impede or inconvenience the public.

§13-208 Application Procedures.

No person shall engage in Peddling or Soliciting in the Township of London Grove without first having obtained a Certificate of Registration to Peddle or Solicit, respectively, as more fully set forth in this Ordinance. The application must be submitted not less than ten days prior to the proposed activities.

- A. Application Procedure. Every applicant for a certificate under this Ordinance shall file with the Board of Supervisors or its designee a sworn statement on a form furnished by the Township, which shall give or be accompanied by the following information:
 - 1. The name and description of the applicant. If other than a natural person, proof of current status of its authority under the Commonwealth of Pennsylvania.
 - 2. The permanent home address and full local address of the applicant.
 - 3. The names and addresses of all individuals who will perform activities under this Ordinance (all persons and/or entities must satisfy the terms of this Ordinance).
 - 4. The relationship of those individuals to the applicant, which must include the employment status of those individuals. In the event the applicant is not the employer, the employer must submit and satisfy a separate application.

5. The length of time (which may not exceed 30 days for each application) requested; location of activities.
 6. A statement as to whether the applicant and/or any individual associated with the applicant's activities has been convicted of any crime or ordinance, the nature of the offense and punishment and/or penalty assessed.
 7. The name, address and telephone number of the organization or legal entity represented and the names, telephone numbers and addresses of its legal officer/representatives.
 8. The names and addresses of all sponsors, promoters, and solicitors connected with the activities.
 9. A specific outline and description of proposed activities.
 10. A statement as to whether or not any commission, fee, wage, or other compensation is to be paid in connection with the activities described, and, if so, details as to the amount to be expended from the funds.
 11. To the extent any other controlling agency, municipality or controlling entity requires a permit, registration or license, include a copy of such response.
- B. No Certificate of Registration issued under this Ordinance shall be transferable.
- C. The application fee shall be set by resolution of the London Grove Township Board of Supervisors.
- D. All Certificates of Registration issued by the Township shall be exhibited in clear view by the Person Peddling or Soliciting at all times, and it shall not be altered or used by any other Person except the applicant.
- E. All Certificates of Registration shall expire after thirty (30) days but may be renewed for additional thirty (30) day periods by written request to the Township, provided that the applicant has complied with the provisions of this Ordinance.
- F. The issuance of a Certification of Registrations grants the applicant the privilege of conducting the permitted activity described in the application under the terms of the Ordinance within the Township. The issuance of Certificate does not confer any property right upon the applicant.

§13-209 Exemptions.

- A. Persons engaged in door-to-door canvassing on religious or political subjects, or distributing religious or political handbills shall be exempt from the Certificate requirements of this Ordinance. All such Persons, however, shall carry official identification, such a drivers license, at all times and shall exhibit it upon request of any Person to whom the Peddler or Solicitor is attempting to Peddle to or Solicit.
- B. Persons Soliciting or Peddling on behalf of organizations of purely public charities, such as local churches, scout troops, civic and service organizations, fire companies, athletic organizations, and the like, provided however, that any such group must

- notify the Township in writing in advance of any such Peddling or Solicitation setting forth the dates of such Peddling or Solicitation will take place within the Township.
- C. Any Person who is required to register with the Commonwealth of Pennsylvania in connection with Peddling or Soliciting for any charitable organization, shall carry proof of this registration upon his or her person at all times and shall exhibit it upon request of any Person to whom the Peddler or Solicitor is attempting to Peddle to or Solicit.
 - D. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.

§13-210 Certificate of Registration, Suspension or Revocation.

The Township is hereby authorized to suspend or revoke any Certification of Registration issued under this Ordinance for any violation of any of the provisions of this Ordinance, or for giving false information upon any application for an applicant. The Township is further authorized to refuse a Certificate of Registration to any Person with a prior criminal record and to any other Person who would present a threat of harm or danger.

§13-211 Violations and Penalties. Noncompliance of any provision of this Ordinance constitutes a violation.

- A. Any person who or which has violated or permitted the violation of the provisions of this Ordinance (hereinafter the "Violator") shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) plus all court costs, including reasonable attorneys fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.
- B. Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of London Grove Township against a Violator under this Ordinance shall in no way constitute an election of remedies, and the Township, and any other person having a cause of action against this Violator, shall be entitled to pursue any such remedies against this Violator as provided by law or in equity.

SECTION II. Repealer.

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION III. Severability.

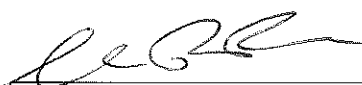
If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION IV. Effective Date.

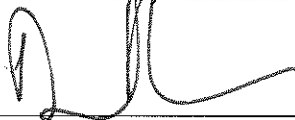
This Ordinance shall become effective five (5) days after enactment or upon recordation of this Ordinance within the Township's official Ordinance Book, whichever comes later.

ENACTED and **ORDAINED** this 5th day of November, 2014 by and on behalf of the Board of Supervisors of London Grove Township, Chester County, Pennsylvania.

**BOARD OF SUPERVISORS
LONDON GROVE TOWNSHIP**



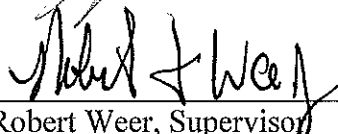
Michael Pickett, Chairman



David Connors, Vice Chairman



Robert Hittinger, Supervisor



Robert Weer, Supervisor



Richard Scott-Harper, Supervisor

ATTEST:


Steven C. Brown, Township Manager

SEAL