

**TOWNSHIP OF LOWER CHICHESTER  
LINWOOD, DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE 2012-03**

**AN ORDINANCE OF LOWER CHICHESTER TOWNSHIP, LINWOOD, DELAWARE  
COUNTY, PENNSYLVANIA, ESTABLISHING A PEDDLING AND SOLICITING  
ORDINANCE, REQUIRING A PERMIT AND FEE FOR PEDDLING, SOLICITING,  
VENDORS AND CANVASSERS, TO PROTECT THE SAFETY, HEALTH, AND  
WELFARE OF THOSE WHO LIVE AND VISIT THE TOWNSHIP**

**CHAPTER 850.- PEDDLING AND SOLICITING, VENDORS, CANVASSERS**

**SECTION 850.9 – LICENSE REQUIRED.**

It shall be unlawful for any person, not exempted by Section 850.13 hereof, who is not the holder of a valid and unexpired license issued pursuant to this chapter to engage in selling or soliciting the sale or purchase, by use of any sample or otherwise, of food, printed matter, services, goods, wares or merchandise of any description or to engage in soliciting contributions, gifts, pledges of money by visitation to private homes or residences or on the public streets or highways of Lower Chichester Township.

**SECTION 850.10 APPLICATION, FEE; RENEWAL.**

- A. Any person not exempted by Section 850.13 hereof, desiring to obtain a license to engage in the activities described in Section 850.9 herein shall make application therefore, in person to the Township Secretary on a form provided which form shall be transmitted to the Township Police Department and approval by the Chief of Police and/or his designee.
- B. The Applicant shall supply, over his/her signature, the following information:
- (1) His/her true name.
  - (2) His/her place and date of birth and Social Security Number.
  - (3) His/her temporary address and telephone number.
  - (4) His/her residence address and telephone number.
  - (5) The address at which he/she will receive notices under this Chapter
  - (6) The name and address of his/her employer or principal and telephone number, if any, and the nature of the business activity thereof, with Federal EIN number.
  - (7) The nature of business or activity in which the applicant wishes to engage within the Township

(8) List any other current or expired soliciting permits within the last 24 months from Lower Chichester Township or any other entity.

(9) A true statement as to whether the applicant has been convicted in any jurisdiction of any crime other than of minor traffic violations and if so, what crime or crimes.

The Department shall not issue a peddling or solicitation license to any applicant convicted of any felony or misdemeanor who is still under court-ordered supervision of any kind as a result of said conviction(s).

C. The applicant shall, together with his/her application, submit a copy of his/her photo identification, all to be recorded by Lower Chichester Township Police, and shall pay a fee in the amount of \$100.00 to defray the cost of administering this chapter. The fee shall be submitted, together with the application, to the Township Secretary.

D. Upon submission of said application and supporting evidence of identification and the payment of a fee as aforesaid, there shall be issued to the applicant a license in the form of a card, which shall, unless revoked, entitle the licensee to engage in the activities described in Section 850.9 hereof for a period of six months from date of issuance. License shall be issued or denied within three (3) business days.

#### **850.11 RULES OF CONDUCT.**

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

A. He/she shall carry his/her license card at all times and exhibit it upon request of any police officer or any person upon whom he/she shall talk in carrying on his/her licensed activities.

B. He/she shall not permit any other person to have possession of his/her license card and shall immediately report its loss to the Police Department. He/she shall not cause or permit his/her license card to be altered or defaced.

- C. He/she shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. He/she shall not represent his/her license card to be an endorsement of himself/herself or his/her goods or services or the goods or services of his/her principal employer or of the Township of Lower Chichester.
- E. He/she shall immediately surrender his/her license card upon revocation of his/her license as hereinafter provided.
- F. He/she shall peddle, solicit or distribute merchandise only between the hours of 10:00 a.m. and 7:00 P.M., Monday through Saturday specifically having been invited to a house by the occupant or having made an appointment with such person previously; provided, however that ice cream trucks and peddlers engaged in similar activity shall be permitted to operate until dusk, which, for the purposes of this subsection, is hereby defined as occurring ½ hour after sunset.
- G. Every person licensed to solicit or peddle in the Township shall report in person on those days on which he /she intends to solicit or peddle and register with Lower Chichester Police Department by signing a registration book, indicating his/her name, license number and names and licenses numbers of all licensed helpers.
- H. He/she shall comply with "No Soliciting" notices on any property or business in the Township.
- I. In an effort to ensure pedestrian safety and maintain the efficient flow of traffic, no person, firm or corporation required to be licensed under Section 850.9, License required shall distribute flyers, solicit funds, or can on any roadway, medial barrier, berm, shoulder, or traffic way within Lower Chichester Township.

#### **850.12. SUSPENSION and/or REVOCATION OF LICENSE; HEARINGS.**

- A. The Chief of Police or his designate may immediately suspend any license for just cause or in the interest of public safety.

B. Any license hereafter issued may be revoked by the Board of Commissioners upon the failure of licensee to comply with the standards of conduct established by Section 850.11 hereof or upon ascertainment that the licensee has made any false statement in his/her application for license hereunder. 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.

C. Any person whose license has been revoked shall be entitled to appear, with counsel, if he/she so desires, before the Board of Commissioners at a regular or special meeting and be heard on behalf of a request for reinstatement of his/her license.

### **850.13. EXEMPTIONS.**

A. The following persons are exempted from the licensing requirements of this chapter:

(1) Persons soliciting contributions on behalf of organizations or nonprofit corporations or a political entity for the purpose of political canvassing exempted from the provisions of or duly registered pursuant to 10 P.S. Section 162-1 et seq., as amended, who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation or political entity, including organized and recognized religious organizations and groups.

(2) Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in Section 850.9 hereof, when so engaged; including, without limitation, real estate, insurance or securities brokers and salespeople.

(3) Persons soliciting funds or canvassing for purposes permitted under the Act of 1937, June 3, P.L. 1333 (25 P.S. Section 2601 et seq.), as amended.

(4) Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county, or Lower Chichester Township government or any agency thereof. Also exempt shall be authorized persons carrying satisfactory identification, engaged in making surveys or collecting information for any bona fide educational or quasi-governmental agency, if such activity has previously been approved by the Board of Commissioners.

B. In an effort to ensure pedestrian safety and maintain efficient flow of traffic, no person, firm, or corporation exempt from licensing under this section shall distribute flyers, solicit funds, or can on any roadway, medial barrier, berm, shoulder, or traffic way within Lower Chichester Township.

C. Any person who is exempt under this subsection or any person who is engaged in political canvassing shall only conduct such activities Monday through Saturday from 9:00 a.m. until 9:00 p.m.

D. He/she shall comply with "No Soliciting" notices on any property or business in the Township.

#### **Section 850.14. RESPONSIBILITY FOR PAYMENT OF TAXES.**

It shall be the responsibility of any permittee to pay to the Township of Lower Chichester the proper taxes, including business privilege, mercantile, and income taxes for him/her or any employee on earned income as a result of the peddling, soliciting, vending or canvassing.

#### **Section 850.15. VIOLATIONS and PENALTIES.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof before a Magisterial District Justice, be subject to a penalty or fine of not more than \$600.00, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for a term not exceeding 30 days, for each such violation.

#### **Section 850.16. NON-DISCLOSURE OF SOCIAL SECURITY and FEDERAL E.I.N. NUMBERS.**

Said Social Security Number and Federal E.I.N. will not be disclosed, except to proper authorities.

**Section 850.17. SEVERABILITY.**

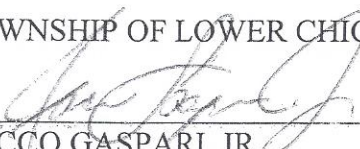
If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Ordinance be declared invalid or declared unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid.

**Section 850.18. REPEALER.**


This Ordinance repeals any prior Ordinance or Resolution in conflict herewith with respect to the Code of the Ordinances of Lower Chichester Township and provisions of Chapter 850, except to the extent that said Ordinance or Resolution is more restrictive than this Ordinance in which case that Ordinance or Resolution shall control.

*BE IT ORDAINED this 16<sup>th</sup> day of April, 2012, the Board of Commissioners of Lower Chichester Township hereby adopts Ordinance 2012-03.*

TOWNSHIP OF LOWER CHICHESTER

  
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ROCCO GASPARI, JR.  
PRESIDENT OF THE BOARD OF  
COMMISSIONERS

ATTEST

  
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**TOWNSHIP OF LOWER CHICHESTER  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2012-05**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER CHICHESTER AMENDING ORDINANCE 2012-03, ADOPTED THE 16<sup>TH</sup> DAY OF APRIL, 2012, REQUIRING A PERMIT AND FEE FOR PEDDLING, SOLICITING, VENDORS AND CANVASSERS AND REQUIRING LICENSING OF THE SAME AND AMENDING SECTION 850.10 BY SUBSTITUTING THE TOWNSHIP ADMINISTRATOR IN PLACE OF POLICE CHIEF, AND REQUIRING PENNSYLVANIA RESIDENTS AND OUT OF STATE RESIDENTS TO PROVIDE CRIMINAL HISTORY BACKGROUND CHECK AND MOTOR VEHICLE DRIVER RECORDS.**

**CHAPTER 850.-PEDDLING AND SOLICITING, VENDORS, CANVASSERS**

**SECTION 850.10 APPLICATION FEE, RENEWAL**

**A.**

Amended in part to remove Township Police Department and approval by Chief of Police or his designee and in its place:

...forwarded to the Township Administrator or his designee for review and approval.

Application to be made during regular business hours, Monday to Friday, 9:00 a.m. to 3:30 p.m. at least (3) business days engaging in the activity.

**D.**

Amended in part to remove (2) and insert (3) .

**E.**

In addition to the requirement of **850.10 C**, the following is required.

**1. PENNSYLVANIA RESIDENTS** "only" applying for a Peddler's Permit must complete State Police form SP-164 (available at any local Police Department or PSP Barracks) to obtain a Criminal History Background Check and pay the application fee of \$10.00, or current charge. If any motor vehicle is being operated in conjunction with the Peddler's Permit, a Driving Record Check is required through PennDOT with form DL-2 and pay the application fee of \$5.00 or current charge. Please note this process may take several weeks and is not under control of Lower Chichester Township.

**2. OUT-OF-STATE RESIDENTS** apply for a Peddler's Permit must complete all of the above and a CRIMINAL HISTORY BACKGROUND CHECK FROM YOUR STATE OF RESIDENCE AND IF OPERATING A MOTOR VEHICLE IN CONJUNCTION WITH A PERMIT, A DRIVING RECORD CHECK FROM YOUR STATE OF RESIDENCE IS REQUIRED. YOU MUST OBTAIN THE REQUIRED FORMS FROM YOUR HOME STATE. This process may take several weeks and is not under control of Lower Chichester Township.

All forms must be returned to the Township Administrator of Lower Chichester Township or his designee for approval prior to the issuance of the Permit.

**ALL OTHER PROVISIONS OF ORDINANCE 2012-03 REMAIN IN EFFECT.**


**DULY ENACTED AND ORDAINED** this 20<sup>th</sup> day of August, 2012, by the Board of Commissioners of the Township of Lower Chichester.

TOWNSHIP OF LOWER CHICHESTER

  
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ROCCO GASPARI, JR.

PRESIDENT OF THE BOARD OF COMMISSIONERS

ATTEST:

  
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