

HAVERFORD TOWNSHIP PEDDLING & SOLICITING ORDINANCE

[HISTORY: Adopted by the Board of Commissioners of the Township of Haverford 7-11-1983 by Ord. No. 1873; amended in its entirety 7-13-2009 by Ord. No. 2573. Subsequent amendments noted where applicable.]

§ 130-1 Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER

Any person who shall engage in peddling as defined in this chapter.

PEDDLING

The selling or offering of wares, merchandise or services for immediate delivery, which the person selling or offering for sale carries with himself or herself, has in his or her possession or control or offers to immediately provide to any person, homeowner, or business in the Township on a temporary basis.

PERSON

Any natural person, association, partnership, firm, corporation or other business entity.

SOLICITING

(1) **COMMERCIAL**— The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery, or for services to be performed for any person, homeowner, or business in the Township on a temporary basis.

(2) **CHARITABLE**— The soliciting of membership, money and/or property by or on behalf of charitable organizations, from house to house or from a fixed location within the Township.

SOLICITOR

Any person who shall engage in soliciting as defined in this chapter.

TEMPORARY BASIS

No more than an aggregate total of 30 days during any one calendar year (i.e., January 1 through December 31), except for Christmas tree sales, which shall be considered a temporary basis if the sale thereof does not exceed an aggregate total of 45 days during any calendar year.

TOWNSHIP

The Township of Haverford, Delaware County, Pennsylvania.B. Word usage. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 130-2 License and registration required.

No person shall engage in soliciting or peddling in the Township without having obtained a license from the Department of Code Enforcement or such other official as may be designated by the Board of Commissioners and without having registered with the Township Police Department.

§ 130-3 Application procedure.

A. Any person desiring to engage in soliciting or peddling in the Township shall submit a written application to the Department of Code Enforcement on a form furnished by the Department, together with a copy of the applicant's criminal history.

B. The applicant shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required, including a valid license from the Commonwealth of Pennsylvania for the collection and distribution of sales tax on all taxable items. The application shall include the following information:

(1) The applicant's name, address and phone number;

(2) The name, address and phone number of the person, corporation or other entity by whom or by which he is employed or represents;

(3) The applicant's criminal history report, obtained from the Commonwealth of Pennsylvania and dated no more than 90 days before the date of the application;

(4) The type of goods, wares and/or merchandise services he wishes to deal with or the subscription, article, device, contribution, service or contract for which he desires to sell or for which he wishes to solicit within the Township;

(5) The length of time and dates of the peddling or solicitation for which the license is to be issued; and

(6) The make, model, and license plate of each vehicle to be used by the applicant, if any.

C. Where a person makes application for himself and one or more helpers, employees or partners, all applicable personal information specified above shall be given for each helper, employee or partner, including required proof of identity, and an individual license shall be required for each such helper, employee or partner.

D. Licenses issued under this chapter are not transferable from one person to another.

E. Applications for charitable solicitation shall include a copy of a current certification or other proof of current registration with the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations.

§ 130-4 Fees.

Fees for permits required under this chapter shall be fixed by resolution of the Board of Commissioners, which may be amended from time to time.

§ 130-5 Issuance of license; custody and display, grounds for denial.

A. Upon receipt of such application and the prescribed fee, the Department of Code Enforcement, or such other official as may be designated by the Board of Commissioners, if it finds such application in order, shall issue the license required by this chapter within 10 days from the completed filing of said application. The license shall contain the information required to be provided on the application.

B. Every such license holder shall carry the license upon his person if engaged in peddling or solicitation from house to house or business to business or shall display the license at every location where he shall engage in business if doing so from a fixed location.

C. The Department of Code Enforcement shall not issue a peddling or solicitation license to any applicant who has been convicted of any felony or misdemeanor involving moral turpitude

or who has served a sentence or period of probation for any felony or misdemeanor involving moral turpitude within 10 years prior to the date of the application.

§ 130-6 Daily registration required.

Every person licensed to solicit or peddle in the Township shall report in person on those days on which he intends to solicit or peddle and register with the Police Department by signing a registration book, indicating his name and license number and the names and license numbers of all licensed helpers.

§ 130-7 Rules of conduct.

Every person to whom a license has been issued shall, in the conduct of his activities, comply with the following rules of conduct:

- A. He shall carry his license at all times and exhibit it, upon request, to any police officer or Township official or to any person on whom he shall call or with whom he shall talk.
- B. He shall not permit any person to have possession of his license and shall immediately report its loss to the Department of Code Enforcement.
- C. He shall not cause or permit his license to be defaced or altered in any way.
- D. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupants and shall immediately leave any premises upon request of the occupant.
- E. He shall not be guilty of any false pretense or misrepresentation, and, particularly, he shall not represent his license to be an endorsement by the Township of himself, his goods, the services of him or his employer nor the organization he may represent.
- F. He shall immediately surrender his license to the Department of Code Enforcement or Chief of Police, or their designee, upon revocation thereof.
- G. He shall not engage in selling or offering for sale, or in seeking or taking of orders or contracts for, any goods, wares, merchandise, article, device, subscription, contribution, service or contract not stated in the application for which a license has been issued, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.
- H. No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, except when the street is closed for a special event and a license for the said soliciting or peddling has been duly issued by the Township.
- I. No person engaged in soliciting or peddling shall park any vehicle upon any of the streets or alleys of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise or samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor may any such person place or deposit any refuse upon any such streets or alleys or sanitary or storm sewers; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to solicit from or peddle to persons residing or businesses located in the immediate vicinity.
- J. No person engaged in soliciting or peddling shall occupy any fixed location upon any of the streets or alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter.

§ 130-8 License revocation procedure.

Any license issued shall be revoked by the Chief of Police, or his designee, upon the failure of the licensee to comply with the rules of conduct established by § 130-7 or any other provision of this chapter or upon ascertainment that the licensee has made any false statement in his application for license hereunder. Notice of revocation shall be given by written notice, personally served or sent by certified mail, to the address designated for this purpose in the application for a license.

§ 130-9 Waiver of fee.

Any other provisions of this chapter to the contrary notwithstanding, any person, corporation, partnership or association, and the agents and employees thereof, who or which has complied with the provisions and can exhibit satisfactory evidence of compliance with the same, the Act of Assembly of the Commonwealth of Pennsylvania of 1963, August 9, Act 337,

Editor's Note: See 10 P.S. § 162.1 et seq. as amended, or Section 501(c), 501(d) and/or 509(a) of the Internal Revenue Code or any other statute of like nature of the Commonwealth of Pennsylvania or the United States governing solicitation for charitable, benevolent, patriotic or any purposes or who or which is soliciting for any civic, religious or charitable organizations representative of any public school, student, church, fire company, veterans' organization or similar institution shall be permitted, in lieu of the registration heretofore required, to register his or its solicitors and peddlers acting for and on behalf of such organization or association by the submission of the names and addresses of all persons acting for and on behalf of such organization, together with a certification by the person submitting such list that all of the persons whose names appear on such lists are members of such organization and/or are acting on its behalf and have no criminal record as provided in § 130-5C. hereof. Such group registrations shall be exempt from the fee provided herein.

§ 130-10 Exemptions.

The following organizations and activities shall not be required to register or pay the fee set forth herein. All other provisions of this chapter shall apply to said persons, organizations and activities:

- A. The terms of this chapter shall not be held to include the acts of merchants or their employees or agents in delivering goods or services in the regular course of business.
- B. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 130-1 hereof, when so engaged, including, without limitation, real estate, insurance or securities brokers and salesmen.
- C. Persons soliciting funds or canvassing for purposes permitted under the Act of 1937, June 3, P.L. 1333 (25 P.S. § 2601 et seq.), as amended (Pennsylvania Election Code).
- D. Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county or Township government, or any agency thereof.
- E. Residents of the Township under 16 years of age who take orders for and deliver newspapers, greeting cards, magazines, candy and other items on behalf of an organization of a type listed in § 130-9 of this chapter.

§ 130-11 Permitted hours of operation.

A. Commercial soliciting and peddling shall be limited to the hours of 9:00 a.m. to sundown Monday through Friday in residential areas and during regular business hours in commercial areas.

B. Charitable soliciting, and soliciting, peddling and other activities by the organizations and individuals exempt from registration under § 130-10 of this chapter shall be limited to the hours of 9:00 a.m. to dusk daily.

§ 130-12 Prohibited acts.

It is hereby declared to be unlawful and a public nuisance for any person, company, corporation or organization to enter upon the premises of a private residence or business at any time of the day or night for the purpose of conducting any form of soliciting or peddling where the owner or occupant of the residence or business has posted a "No Trespassing" sign or a "No Soliciting" sign, or upon any property duly registered by the occupant/possessor thereof on the Township "Do Not Solicit" list, which shall be provided to the applicant with the license.

§ 130-13 Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon summary conviction before any District Justice of the Peace, pay a fine not exceeding \$600 and costs of prosecution; and, in default of one payment of the fine and costs, the violator may be sentenced to the county jail for a term of not more than 30 days. Each and every day in which any person, firm or corporation shall be in violation of this chapter shall constitute a separate offense.