

Township of East Whiteland, PA
Monday, October 28, 2013

Chapter 136. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Supervisors of the Township of East Whiteland 11-5-1958 by Ord. No. 15. Amendments noted where applicable.]

GENERAL REFERENCES

Soliciting in parks — See Ch. **128**.

Streets and sidewalks — See Ch. **171**.

§ 136-1. License required.

From and after the enactment hereof, it shall be unlawful for any persons, not exempted by § **136-6** hereof, who is not the holder of a valid and unexpired license issued pursuant to this chapter to engage in selling, purchasing 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 or money or any other thing of value by visitation to private homes or residences or on the public streets or highways of the Township of East Whiteland.

§ 136-2. License application; fee.

A. Application for license.

- (1) Any person not exempted by § **136-6** hereof desiring to obtain a license to engage in the activities described in § **136-1** hereof shall make application therefor, in person, to the East Whiteland Police Department.
- (2) The applicant shall supply, over his signature, the following information:
 - (a) His name;
 - (b) His place and date of birth;
 - (c) His temporary address;
 - (d) His residence address;
 - (e) The address at which he will receive notices under this chapter;
 - (f) The name and address of his employer or principal, if any, and the nature of the business activity thereof;

- (g) The nature of the business or activity in which the applicant wishes to engage within the Township; and
 - (h) A statement as to whether the applicant has been convicted in any jurisdiction of any crime other than of minor traffic violations, and, if so, of what crime or crimes.
- (3) The applicant shall, together with his application, submit to the East Whiteland Police Department, his photograph, the fingerprints of his two hands, and a written description of himself, all recorded by the East Whiteland police, and shall pay a fee to process the application. This fee will be applied to the license cost if approved. The application fee and license cost will be as set from time to time by resolution of the Board of Supervisors. **[Amended 9-12-1983; 9-11-1995; 11-21-2000 by Ord. No. 132-2000; 4-10-2013 by Ord. No. 247-2013]**
- (4) The applicant shall submit a clearance result from an FBI criminal history records check. **[Added 4-10-2013 by Ord. No. 247-2013]**
- B. Upon submission of said application and supporting evidence of identification, and the payment of the 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 § 136-1 hereof, for a period of one year from the date of issuance.
- C. Licenses may be renewed annually, upon payment of the fee hereinabove provided for and amendment of the original application to reflect any changes necessary in the information contained therein.
- D. A license will not be issued to any person who has been convicted of a felony, misdemeanor, or a crime involving moral turpitude or trust. **[Added 4-10-2013 by Ord. No. 247-2013]**

§ 136-3. Rules of conduct.

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

- A. He shall carry his license card at all times, and exhibit it upon request, to any peace officer or any person upon whom he shall call, or with whom he shall talk in carrying on his licensed activities.
- B. He shall not permit any person to have possession of his license card, and shall immediately report its loss to the East Whiteland Police Department. He shall not cause or permit his license card to be altered or defaced.
- C. He shall not enter any property conspicuously posted against soliciting; nor shall he enter any dwelling, house, or structure, without invitation or permission of the occupant, and shall immediately leave any premises upon request. **[Amended 4-10-2013 by Ord. No. 247-2013]**

- D. He shall not represent his license card to be an endorsement of himself or of his goods or services of his principal or employer.
- E. He shall immediately surrender his license card upon revocation of his license as hereinafter provided.
- F. He shall cease soliciting and vacate the area if deemed unsafe by the Township, based on conditions at the time. **[Added 4-10-2013 by Ord. No. 247-2013]**

§ 136-4. Revocation of license.

Any license hereafter issued may be revoked by the Supervisors of East Whiteland Township, upon the failure of the licensee to comply with the standards of conduct established by § 136-3 hereof 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 registered mail to the address designated for this purpose in the application for license.

§ 136-5. Appeal for reinstatement of license.

Any person whose license has been revoked shall be entitled to appear, with counsel, if he so desires, before the Supervisors of East Whiteland Township at a regular special meeting, and be heard on behalf of a request for reinstatement of his license.

§ 136-6. Exemptions.

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

- A. Persons soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of or duly registered pursuant to 10 Pa.C.S.A. § 162.1, who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation. **[Amended 11-21-2000 by Ord. No. 132-2000]**
- B. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.
- C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 136-1 hereof, when so engaged; including without limitation real estate, insurance or securities brokers and salesmen.

§ 136-7. Violations and penalties.

[Amended 9-12-1983; 7-2-1996 by Ord. No. 111-96; 4-10-2013 by Ord. No. 247-2013]

- A. Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Judge, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township. No judgment shall be imposed until the date of the

determination of a violation by the District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

- B. Whenever any such person shall have been officially notified that he is in violation, each day's continuance of such violation after such notification shall constitute a further and separate offense, and said person shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Judge, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.