

**EAST COVENTRY
BOARD OF SUPERVISORS**

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 222

“Soliciting and Peddling Ordinance”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, CHAPTER 13 (LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS), TO DELETE PART 1 (LICENSE AND REGULATION FOR SOLICITING OR PEDDLING) IN ITS ENTIRETY AND TO REPLACE IT WITH A NEW PART 1 TITLED “REGULATION OF TRANSIENT RETAIL BUSINESS ACTIVITY” AND CONTAINING THE FOLLOWING SECTIONS: DEFINITIONS; PERMIT REQUIRED; APPLICATION FOR PERMIT; PERMIT FEES; TERM OF PERMIT; RENEWALS; DISPLAY OF PERMIT; SUSPENSION OR REVOCATION OF PERMIT; TIME FOR GRANTING OR DENYING PERMIT; RULES OF CONDUCT; PERMIT EXEMPTIONS; REGISTRATION REQUIRED; ENTERING UPON POSTED PROPERTY PROHIBITED; AND VIOLATIONS AND PENALTIES.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 13 (Licenses, Permits, and General Business Regulations), is hereby amended to delete Part 1 (License and Regulation for Soliciting or Peddling) in its entirety, and to replace it with the following:

PART 1

REGULATION OF TRANSIENT RETAIL BUSINESS ACTIVITY

§13-101. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated:

PERSON: Any natural person, association, partnership, firm, organization or corporation.

TRANSIENT RETAIL BUSINESS ACTIVITY: Includes the following separate classifications:

- A. **SOLICITING** – The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery; the seeking or taking of subscriptions or contributions on any of the streets or sidewalks or from house to house or by visitation to private residences or by entering in or upon private property within East Coventry Township; or the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations, including orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for house or other building improvements or repairs, upon or from the places aforesaid within the Township.
- B. **PEDDLING** – The selling or offering for sale of any goods, wares, services and/or merchandise, including but not limited to flowers, shrubs and shrubbery, farm products and produce, for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house or by visitation to private residences or by entering in or upon private property within the Township.
- C. **DISTRIBUTION OF ADVERTISING MATERIALS** – The distribution of advertising materials for any goods, wares, services or merchandise on public or private property shall be subject to the regulations and requirements specified under this Part pertaining to peddling and soliciting.
- D. **TRANSIENT VENDOR**. A person who is engaged in the selling or offering for sale of any goods, wares, services and/or merchandise, including but not limited to flowers, shrubs and shrubbery, farm products and produce, for immediate delivery, or taking orders for sale for future delivery, at any fixed outdoor location, on a seasonal or temporary basis, not in conjunction with or operating simultaneously with a Township authorized special event, within the limits of private property with the permission of the property owner, provided that the use of such private property complies with the provisions of this Part and the requirements of the East Coventry Township Zoning Ordinance. Unless otherwise specified in this Part, transient vendors shall be subject to the regulations and requirements pertaining to transient retail business activity as set forth in this Part.
- E. **SPECIAL EVENTS VENDOR** – A person who is engaged in the selling or offering for sale of any goods, wares, services and/or merchandise, including but not limited to flowers, shrubs and shrubbery, farm products and produce, for immediate delivery, or taking orders for sale for future delivery, at any fixed outdoor location in conjunction with and operating simultaneously with a Township authorized special event such as, but not

limited to, a car show, parade, farmer's market, race, benefit, block party or other Township authorized special event.

2. The following are excluded from the definition of transient retail business activity:
 - A. Farmers selling or taking orders for the sale of their own products.
 - B. The sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
3. As used in this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§13-102. Permit Required.

No person shall engage in any transient retail business activity within East Coventry Township without first having obtained a permit as provided in this Part.

§13-103. Application for Permit.

1. Every person desiring to engage in any transient retail business activity in East Coventry Township shall first make application to the Township for a permit. If a license or permit is required from any Commonwealth or county officer, the applicant shall, on making such application, exhibit a valid Commonwealth and/or county license or permit. Said application shall be upon a form provided by the Township and shall contain at least the following information verified by oath or affirmation:
 - A. Full name of the applicant and local address, if any;
 - B. Permanent address of the applicant;
 - C. Name of the employer or organization with whom the applicant is affiliated and the address of its principal place of business or a statement that such applicant is self-employed and/or is not affiliated with any organization in engaging in the activity for which a permit is being sought;
 - D. The nature of the goods, wares, services or merchandise to be solicited or offered for sale; if applicable, the purpose for the soliciting of contributions, gifts or donations of money or any other item of any kind or nature;
 - E. A statement as to whether or not the applicant has ever been convicted of a crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed therefor;
 - F. The type, make and model of the vehicle to be used, if any;

- G. The dates when the transient retail business activity is to take place and the locations within the Township where the transient retail business activity will occur; and
 - H. Upon request, the applicant shall also submit to fingerprints and furnish a photograph.
2. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified by oath or affirmation by him, and an individual permit shall be required for each helper. No permit under this Part shall be transferable from one person to another.

§13-105. Permit Fees.

No permit shall be issued under this Part until the fee, as set forth in the fee schedule adopted from time to time by resolution of the Board of Supervisors of East Coventry Township, is paid to East Coventry Township for the general use of the Township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct transient retail business activity and shall apply where an organization or employer desires to secure permits for its employees, agents or representatives.

§13-106. Term of Permit; Renewals.

Any permit issued for the purpose of engaging in soliciting, peddling or the distribution of advertising material shall be valid and remain in effect for a period of thirty (30) days after the date of issuance. Any permit issued to a transient vendor shall be valid and remain in effect for a period of two (2) weeks after the date of issuance. A permit may be renewed at expiration by the payment of an additional permit fee as provided in §13-105. At the time of permit renewal, the permittee shall file an amendment to the original application to reflect any changes necessary in the information therein contained.

§13-107. Display of Permit.

- 1. The permit required by this Part, when issued, shall:
 - A. State the goods, wares, services or merchandise to be solicited or offered for sale by the permittee;
 - B. Be prominently displayed on any vehicle used by the permittee;
 - C. Be carried by every permittee at all times when engaged in transient retail business activity in East Coventry Township; and
 - D. Be exhibited, upon request, to all police officers, Township officials and citizens.
- 2. No person shall engage in any transient retail business activity not stated on the permit issued by the Township.

§13-108. Suspension or Revocation of Permit.

1. The permit required by this Part may be denied, suspended or revoked at any time if the Township determines that:
 - A. The application for the permit contains false information;
 - B. The permittee has been convicted of a felony or a crime of fraud or involving moral turpitude;
 - C. The permittee has been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of East Coventry Township; or
 - D. The permittee has failed to comply with any rules of conduct or other requirements described in this Part.

§13-109. Time for Granting or Denying Permit.

Any application to the Township for a permit shall be granted or denied within ten (10) business days of having submitted a complete application, including all supporting documentation required by this Part.

§13-110. Rules of Conduct.

Each person to whom a permit has been issued hereunder shall comply with the following rules of conduct:

1. A permittee shall carry in his possession at all times the permit issued to him and shall exhibit it upon request.
2. A permittee shall not engage in any transient retail business involving a product or service not set forth in the permit application.
3. A permittee shall not allow any other person or individual to have possession of the permit issued to him and shall immediately report the loss of any permit to the Township.
4. A permittee shall not allow the permit to be altered or defaced.
5. No permittee shall engage in any transient retail business activity before 9:00 a.m. or after 9:00 p.m. Monday through Friday and before 10:00 a.m. and after 5:00 p.m. on Saturdays. No soliciting is permitted on Sundays and federal/state legal holidays.
6. No permittee shall occupy any fixed location upon or along any sidewalk, street, alley, roadway or public right-of-way within the Township for the purpose of engaging in transient retail business activity.

7. No permittee shall park any vehicle upon any street, alley or roadway within the Township for a period of time longer than is reasonably necessary to sell therefrom to persons residing in the immediate vicinity.
8. No transient retail business activity shall be permitted in Township parks or playgrounds. [Transient retail business activity is only permitted at certain Township parks on a contracted basis with the Township. If a transient vendor operates on Township property, the transient vendor shall provide the Township with a certificate of insurance that complies with the Township's requirements for such certificates at the time of application for a permit Part. The certificate of insurance shall list the Township as additional insured.]
9. No permittee shall enter or attempt to enter any dwelling or place of business without invitation or permission of the occupant, and the permittee shall immediately leave the premises upon request.
10. No permittee shall represent that the permit issued to him is in any way an endorsement by East Coventry Township of the permittee or the goods or services which he sells, solicits or peddles.
11. All notices posted in accordance with §13-112 of this Part shall be strictly obeyed.
12. A permittee shall at all times comply with the Township's noise ordinance.
13. All advertising materials distributed by a permittee upon private property shall be securely placed on a porch or doorway (without the use of tape, tacks, nails or other materials which could damage property) so that the materials will not be carried away by the elements.
14. No advertising materials shall be placed upon any parked motor vehicle within the Township in order to prevent the accumulation of litter upon private and public properties within the Township.
15. No advertising materials shall be thrown, dropped, placed, posted or deposited upon any of the streets, sidewalks, parks, playgrounds, parking lots or other public properties within the Township.
16. No permittee shall engage in soliciting or peddling at a place of residence at any entrance other than the main entrance to the residence.
17. Transient vendors shall be permitted to conduct business only in those zoning districts in East Coventry Township that permit retail sales. Additional conditions may be attached to permits issued to transient vendors at the discretion of the Township for the protection of the public health, safety and welfare.

§13-111. Permit Exemptions; Registration Required.

1. The following persons shall be exempt from the obligation to apply for and receive a permit as otherwise required by this Part:

- A. Persons, groups, their employees, agents and representatives who engage in door-to-door soliciting and/or peddling on behalf of nonprofit and/or exempt organizations and causes that are in compliance with the provisions set forth by the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations.
 - B. Persons operating a roadside stand for the sale of farm products, foodstuffs and produce by the producers or growers of such items or for the taking of orders for the sale of such farm products, foodstuffs and produce grown or produced on their own land in East Coventry Township.
 - C. Persons who have prior invitation of the property owner to come upon the owner's property for the purpose of seeking or taking orders by any manufacturer, producer or distributor for the sale of bread and bakery products, meat and meat products or milk and milk products as part of an established and recognized delivery route.
 - D. Persons who have prior invitation to obtain orders for merchandise for business use from dealers, merchants and manufacturers at their regular place of business.
 - E. Special events vendors operating a stand or vendor booth who are duly registered vendors in conjunction with and during the hours specified and approved by East Coventry Township for the purpose of operating and promoting a special event such as but not limited to a car show, parade, farmer's market, race, benefit, block party or other duly authorized special event in the Township at the time, location and in the manner prescribed by East Coventry Township. The Board of Supervisors may establish, from time to time by resolution, rules and regulations for the sale of farm products, foodstuffs, produce and any other goods or wares sold by a special events vendor for the protection of the public health, safety and welfare.
2. Notwithstanding the provisions of Subsection 1 above, the following shall be required to register with East Coventry Township prior to commencing any transient retail business activity within the Township:
- A. Persons, groups, their employees, agents and representatives who engage in door-to-door soliciting and/or peddling on behalf of nonprofit and/or exempt organizations and causes that are in compliance with the provisions set forth by the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations. The foregoing shall be required to provide proof of their nonprofit and/or exempt status if requested by the Township. If a person is registering on behalf of one or more other individuals within the organization, names shall be provided for each day that activities are to take place.

- B. Insurance agents or brokers who are authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania and are selling or taking orders for the selling of insurance.

§13-112. Entering Upon Posted Property Prohibited.

1. Any Township resident or occupant desiring to limit door-to-door soliciting, peddling or other transient retail business activity may do so by posting a notice on the premises that states one of the following:
 - A. NO SOLICITORS OR PEDDLERS
 - B. NO SOLICITORS OR PEDDLERS AFTER _____ P.M.
2. No solicitor, peddler or transient vendor shall enter upon any property that is posted with a “No Peddling” or “No Soliciting” sign or remain upon the property after the time restriction posted. Violators may be prosecuted for trespassing.
3. It shall be the duty of every solicitor, peddler or transient vendor to look for and comply with the notice posted, if any, pursuant to Subsection 1 above.
4. In any residential development where there exists a lawfully constituted homeowners' association whose membership consists of all owners of dwelling units within the development, it shall be lawful for the association, in lieu of posting notices at each residence, to post the notice authorized under Subsection 1 upon signs posted conspicuously at all entrances to the development, subject to the signage requirements of §27-1314 of Chapter 27. It shall be the duty of every solicitor, peddler and/or transient vendor, upon entering a development, to look for such notice at the entrance thereto and to comply therewith.
5. It shall be a violation of this Part if any solicitor, peddler or transient vendor refuses or fails to comply with any notice so posted in accordance with this Part.

§13-113. Violations and Penalties.

1. Any person who shall violate any provision of this Part shall, upon conviction of a summary offense before a District Justice, be sentenced to pay a fine not to exceed \$1,000 per violation with costs of prosecution and, in default of the payment of such fine and costs, be sentenced to undergo imprisonment to the extent allowed by law for the punishment of summary criminal offenses. A separate offense under this Part shall be deemed to occur for each day or portion thereof in which a violation is found to exist or for each section of this Part which is found to have been violated. All fines and penalties collected for the violation of this Part shall be paid to the Township Treasurer.
2. In addition to the foregoing penalty provisions, the Township Manager or his or her designee may institute an action in equity to compel compliance with this Part.

SECTION II. – Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. – Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

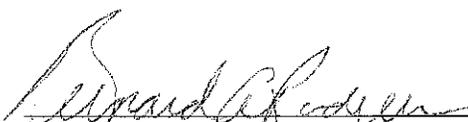
SECTION IV. – Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. – Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 12th day of March, 2018.

Attest: 
Bernard A. Rodgers, Secretary

EAST COVENTRY TOWNSHIP
By 
Atlee Rinehart, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on March 12, 2018 at the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will consider and could vote to adopt an ordinance amending the Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 13 (Licenses, Permits, and General Business Regulations), to delete Part 1 (License and Regulation for Soliciting and Peddling) in its entirety and to replace it with a new Part 1 titled "Regulation of Transient Retail Business Activity" and containing the following sections: Definitions; Permit Required; Application for Permit; Permit Fees; Term of Permit; Renewals; Display of Permit; Time for Granting or Denying Permit; Rules of Conduct; Permit Exemptions; Registration Required; Entering Upon Posted Property Prohibited; and Violations and Penalties.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitor for East Coventry Township