

## Chapter 129

### PEDDLING AND SOLICITING

**[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 11-8-1993 by Ord. No. 102. Amendments noted where applicable.]**

#### **§ 129-1. Title.**

This chapter shall be known and may be cited as the "West Earl Township Peddling and Soliciting Ordinance."

#### **§ 129-2. License required.**

It shall be unlawful for any individual to solicit funds, peddle, canvass or take orders for any goods, wares or merchandise upon any street, alley, sidewalk or public place or from house to house in West Earl Township without first obtaining a license as provided herein, except that no license shall be required for the following:

- A. Farmers selling their own products.
- B. Persons soliciting funds or selling goods, wares or merchandise donated by the owner thereof, where the funds or proceeds of the sale are to be applied exclusively for a charitable or philanthropic purpose.
- C. Representatives and members of Boy Scouts of America, Girl Scouts of America, Lions, Kiwanis, American Association of Retired Persons, Disabled American Veterans, YWCA and YMCA, YWHA and YMHA, Red Cross, Salvation Army and other national and international service organizations and associations existing for the benefit of young, aged, handicapped or stricken persons and soliciting or selling for the purpose of self-perpetuation and which may be registered as charitable organizations with the state or federal government.
- D. Manufacturers or producers of bread and baking products, meat and meat products or milk or milk products who sell their own products.
- E. Insurance and real estate agents and brokers licensed by the Commonwealth of Pennsylvania.
- F. Schoolchildren selling goods, wares or merchandise where the funds or proceeds of the sale are to be applied exclusively for a function or organization sponsored or approved by the school where such children attend.
- G. Any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended, who procures from the Prothonotary of any court in this commonwealth a certificate in compliance with said Act of Assembly.

- H. Any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

**§ 129-3. Application requirements; investigation; terms of license; revocation.**

- A. Every individual desiring to engage in those acts for which a license is required in § 129-2 of this chapter and not exempted thereby must obtain a license from the township.
- B. To obtain a license, individuals must complete a written application which shall contain such information as is reasonably required by the township and shall permit the Township Police Department to photograph the individual for the purpose of identification, if requested to do so.
- C. Following the completion of such application, the Township Police Department or such other representative designated by the Board of Supervisors shall have 72 hours to investigate the applicant and to grant or deny the license.
- D. The Chief of Police of West Earl Township or his authorized deputy or a representative designated by the Board of Supervisors may refuse to issue a license in cases where investigation shall disclose a criminal record or any false or misleading statement on the application. The appeal on a refusal to issue a license shall be made within 10 days to the Board of Supervisors of West Earl Township by filing written notice of the appeal with the Secretary of the Township. The Board of Supervisors shall thereafter hold a hearing and render a decision on the refusal to issue a license pursuant to the provisions of the Local Agency Law, Section 5, 2 Pa.C.S.A. § 551 et seq.
- E. The Chief of Police or his authorized deputy is hereby authorized to suspend or revoke any license issued under this chapter when he deems such suspension or revocation to be in the interest of the public health, safety or morals or for the violation of any of the provisions of this chapter or for giving false information upon any application for a license. Appeals from any suspension or revocation may be made in the manner outlined in Subsection D of this section.
- F. The license shall be dated and signed by the Chief of Police or his authorized deputy or a representative designated by the Board of Supervisors and shall be valid for the period of time desired by the applicant, not to exceed 30 days. The license shall be in the individual's possession while engaged in solicitation and shall be exhibited upon request to all police officers, township officials and residents of the township.
- G. No license issued under this chapter shall be transferable from one person to another.

**§ 129-4. Separate applications required.**

A separate application shall be filed by each person who shall actually conduct the soliciting or peddling. This requirement shall apply where an employer desires to secure licenses for his employees, agents or servants.

**§ 129-5. License renewal.**

The license granted pursuant to this chapter shall be valid for 30 days after the date such license is issued and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a license. Such licenses may be issued in advance for consecutive thirty-day periods not exceeding six in number.

**§ 129-6. Prohibited acts.**

No person engaged in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license;
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the township;
- C. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity; or
- D. Park any vehicle upon any of the streets or alleys in the township for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton or wrapping material or of any stock or wares or foodstuffs which shall have become unsalable through handling, age or otherwise.

**§ 129-7. License required to engage in transient retail business; fee.**

No person shall engage in any transient retail business within the township without first having obtained a license as set forth herein. The license fee shall be established by ordinance or resolution by the Board of Supervisors.<sup>1</sup>

**§ 129-8. Registration required.**

All persons desiring to canvass or solicit door-to-door within the Township of West Earl who are not required to obtain a license by this chapter shall register with the Township Police Department. Individuals desiring to canvass or solicit within the township shall provide the Township Police Department with such information as may be reasonably required by the Township Police Department and shall permit the Township Police Department to photograph the individual for the purpose of identification if requested to do so. It shall be unlawful for any individual to solicit funds, canvass or otherwise go door-to-door within the Township of West Earl without having first registered with the Township Police Department.

**§ 129-9. Permitted hours.**

Soliciting funds, canvassing, peddling or taking orders, whether by sample or otherwise, for any goods, wares or merchandise from house to house in the Township of West Earl

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1. Editor's Note: See Ch. A190, Fees.

shall be permitted only between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday.

**§ 129-10. Violations and penalties.** [Amended 6-24-1996 by Ord. No. 116; 4-28-1997 by Ord. No. 129]

For each violation of the provisions of this chapter, any person who commits, takes part in or assists in any such violation shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter, and each section of this chapter which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding 30 days.

**§ 129-11. Effect of legislation.**

Nothing in this chapter shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any permit issued or approval granted or any cause or causes of action existing prior to the enactment of this chapter.