

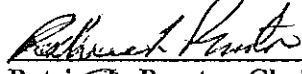
VALLEY TOWNSHIP BOARD OF SUPERVISORS
RESOLUTION NO. 2013-*26*

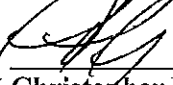
BE IT RESOLVED, this 16th day of April, 2013, by the Valley Township Board of Supervisors, that the following fees be, and hereby are, adopted with respect to the Application for Certificate of Registration - Peddling/Solicitation License, pursuant to Ordinance No. 2013-1, and the appeal from a decision of the Valley Township Chief of Police revoking a Certificate of Registration - Peddling or Solicitation License previously issued:

Application for Certificate of Registration - Peddling or Solicitation License (Includes Fee for one Peddler or Solicitor)	\$ 50.00
Fee for each Additional Peddler or Solicitor.....	\$ 20.00
Appeal from Revocation of Certificate of Registration - Peddling or Solicitation License.....	\$ 2,000.00.

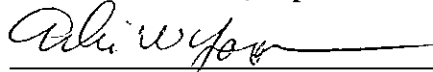
VALLEY TOWNSHIP BOARD OF SUPERVISORS

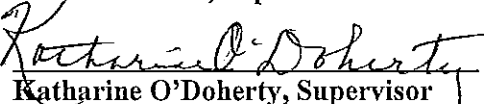
By:


Patrice D. Proctor, Chairperson


Christopher Lehenky, Supervisor

Yolanda R. Beattie, Supervisor


Arlin W. Yoder, Supervisor


Katharine O'Doherty, Supervisor

Attest:


Karen E. Chandler, Secretary

ORDINANCE NO. 2013 - 01
VALLEY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF VALLEY, CHESTER COUNTY, PENNSYLVANIA, RESCINDING CHAPTER 13, PART 3, SECTIONS 301-307 OF THE VALLEY TOWNSHIP CODE OF ORDINANCES AND SUBSTITUTING IN ITS PLACE A NEW CHAPTER 13, PART 3 REGULATING PEDDLERS AND SOLICITORS IN THE TOWNSHIP BY REQUIRING CERTIFICATES OF REGISTRATION FOR PEDDLING AND SOLICITING; BY LIMITING THE TIME AND PLACE OF PEDDLING AND SOLICITING; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS AND SOLICITORS; PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; AND ESTABLISHING AN APPEALS PROCESS FOR VIOLATORS CONFRONTED WITH SUSPENSION OR REVOCATIONS OF THEIR CERTIFICATES OF REGISTRATION.

WHEREAS, the Second Class Township Code empowers the Board of Supervisors of Valley Township to regulate peddling and soliciting within the Township; and

WHEREAS, the Board of Supervisors has been informed of problems within the Township concerning peddling and soliciting that are not adequately addressed by existing Township Ordinances.

NOW, THEREFORE, this 2nd day of April, 2013, it is hereby ENACTED AND ORDAINED by the Board of Supervisors of Valley Township, as follows:

Section 1. Chapter 13, Part 3, Sections 301-307 of the Valley Township Code of Ordinances is rescinded, in its entirety.

Section 2. The following Part 3 Peddlers and Solicitors shall be substituted in place of the previously rescinded Part B:

SECTION 301. Findings.

The Valley Township Board of Supervisors has determined that the safety and privacy of Township residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to Township residents, and that it is in the best interest of the Township to differentiate between certain categories of Peddlers and Solicitors.

SECTION 302. Purposes.

It is the purpose and intent of this Ordinance to provide the Township with standards defining and regulating Peddling and Soliciting. These standards are intended to maintain the safe travel along roads within the Township and protect the safety and privacy of the residents of Valley Township by regulating the behavior of Peddlers and Solicitors and by limiting Peddler's and Solicitor's access to residents who do not wish to interact with them.

SECTION 303. Definitions.

The following words shall have the following meanings when used in this Ordinance, unless the context requires otherwise:

CERTIFICATE OF REGISTRATION – A Peddler's or Solicitor's authority issued in accordance with the provisions of this Ordinance.

PEDDLE – To engage in the peddling, soliciting, hawking, vending, taking of orders (either by sample or otherwise), selling, or offering for sale any services, goods, wares, merchandise, printed matter, or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township. Provided, the word "Peddling" shall not apply to:

- Farmers selling their own produce; or
- The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or
- Any manufacturer or producer of bread and bakery products, meat and meat products, or milk or milk products.

PEDDLER – Any Person engaged in Peddling.

PERSON – Any individual, joint venture, association, partnership, trust, corporation, or other legal entity.

SOLICIT – To engage in the solicitation of any money or gift of any services, goods, wares, merchandise, or other articles of value by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township, whether or not accompanied by the dissemination of information. This action shall include visits from house to house, place to place, at a fixed location, or from street to street traveling by foot, vehicle or any type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not collecting advance payments, or who engages in these types of activities in any street or public place, and/or from a stationary location within the Township as prohibited by this law. This term shall not apply to insurance companies or their agents or brokers authorized to transact business under the insurance laws of this Commonwealth.

SOLICITOR – Any Person engaged in Soliciting.

STREET – Any street, road, highway, or alley (including the area of any right of way, whether improved or unimproved) and shall include the sidewalk within the lines of or alongside of the same.

TOWNSHIP – The Township of Valley, Chester County, Pennsylvania.

SECTION 304. Posting.

Any Person who is the owner or lawful occupant of private property within the Township may prohibit the practice of going in or upon the private property of such owner or occupant by Peddlers or Solicitors by posting upon such property a sign which reads "No Peddling or Soliciting" or substantially similar language in a location which is reasonably visible to Persons who intend to enter upon such property.

SECTION 305. Prohibition Against Entering Upon Posted Property.

Any and all Peddlers and Solicitors are prohibited from entering upon any property that is posted with a "No Peddling or Soliciting" sign and may be prosecuted for trespassing and/or a violation of this Ordinance. If such sign is posted, the Peddler or Solicitor, whether licensed in accordance with this Ordinance or not, shall immediately and peacefully depart from the property.

SECTION 306. Prohibition Against Use of Public Roads, Streets, Alleys and/or Highways.

No Peddler and/or Solicitor may use or occupy any portion of any street, highway, road, alley and/or any other public access way. This prohibition shall include any area located within the public highway, paved, improved and/or unimproved areas of the Township right of way.

SECTION 307. Conduct of Peddlers and Solicitors.

Every Peddler and Solicitor, whether licensed in accordance with this Ordinance or not, shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The Peddler or Solicitor shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the Peddler or Solicitor is attempting to Peddle or Solicit.
- B. The Peddler or Solicitor shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request. Failure or refusal to leave upon request may subject the Peddler/Solicitor to prosecution for Defiant Trespass, 18 Pa.C.S.A. 3503(b).
- C. The Peddler or Solicitor shall only engage in Peddling or Soliciting within the Township on Monday through Saturday from 9:00 a.m. to 5:00 p.m. No Peddling or Soliciting shall be allowed on Sundays or on any State or Federal Legal Holiday.
- D. The Peddler or Solicitor shall not call out or shout to sell his or her services or goods, nor shall the Peddler or Solicitor use any loudspeaker or horn or other device for announcing his or her presence by which the public is annoyed.
- E. The Peddler or Solicitor shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of Peddling or Soliciting, with or without any stand, counter, or cart.
- F. The Peddler or Solicitor shall not Peddle or Solicit in any Township Park without first acquiring a Permit from the Township, unless excused under Section 310 hereof.
- G. The Peddler or Solicitor shall not park any vehicle upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of sorting, rearranging, or cleaning any of his or her goods, wares, or merchandise or for the purpose of disposing of any carton, wrapping material, stock, wares or foodstuffs.

- H. The Peddler or Solicitor shall not operate from or use in conjunction with his or her activities any vehicle with a gross vehicle weight of 10,000 lbs. or larger.
- I. The Peddler or Solicitor shall not engage in any activity that creates a public nuisance, disrupts traffic, and/or disturbs the peace and tranquility of the Township.
- J. The Peddler or Solicitor must comply with all Township Ordinances, including but not limited to any requirements for signs within the Township, now or hereafter enacted or adopted.
- K. Every Peddler or Solicitor must provide a certificate for proof of general liability insurance with limits of not less than \$1,000,000.00 coverage per person from a recognized and licensed insurance company having a rating of not less than "A" from the Best Company or similar rating entity. Additionally, any Peddler or Solicitor operating or being transported in a motor vehicle during the course of his/her/its activities in the Township shall be required to provide evidence of insurance for such motor vehicle(s) in a minimum amount of \$25,000.00 for property damage and \$1,000,000.00 for personal injury or death, or a combined single limit of \$1,250,000.00. If serving as an employee, the Peddler's/Solicitor's employer shall also provide proof of Worker's Compensation Insurance in limits as may be required by the Commonwealth of Pennsylvania.
- L. No person or legal entity may attempt to peddle, solicit or distribute materials or printed material without providing identification identifying the approved certificate of registration from the Township.
- M. No person issued a Certificate of Registration under this Ordinance shall represent that he/she or the entity so licensed is in any way sponsored or endorsed by the Township.

SECTION 308. Application Procedures.

No person shall engage in Peddling or Soliciting in the Township of Valley without first having obtained a Certificate of Registration to Peddle or Solicit. The application must be submitted not less than thirty (30) days prior to the proposed activities.

A. Application Procedure. Every applicant for a certificate under this Ordinance shall file with the Valley Township Chief of Police or his designees a sworn statement on a form furnished by the Township, which shall give or be accompanied by the following information:

- 1. The name and description of the applicant. If other than a person, proof of current status of its authority under the Commonwealth of Pennsylvania, together with a Certificate of Good Standing.
- 2. The permanent home address and full local address of the applicant.
- 3. The names and addresses of all individuals who will perform activities under this Ordinance (all persons and/or entities must satisfy the terms of this Ordinance).

4. The relationship of those individuals to the applicant, which must include the employment status of those individuals. In the event the applicant is not the employer, the employer must submit and satisfy a separate application. Applicant, and/or employer must provide proof of Worker's Compensation Insurance for any person engaged in the activities described herein, unless excluded by exemption under the Worker's Compensation Law. The applicant must establish the applicability of the exemption to Township's satisfaction.
5. A certificate of insurance providing coverage for general liability of not less than \$1,000,000.00 per person covering all actions described in the application, from a recognized insurance company, authorized to do business in the Commonwealth of Pennsylvania, with a rating of not less than "A" from the Best Company, or similar recognized rating company. In the event that a motor vehicle is to be used in the course of the peddling or solicitation activities, or in transporting Peddler(s) or Solicitor(s) to those activities within the Township, a certificate of motor vehicle insurance in an amount not less than \$25,000.00 for property damage, \$1,000,000.00 for personal injury or death, or a combined single limit of \$1,250,000.00. Any applicant engaging the services of paid Peddler(s) or Solicitor(s) shall also be required to present evidence of Worker's Compensation Insurance in amounts not less than those required by the Commonwealth of Pennsylvania.
6. The length of time (which may not exceed thirty (30) days for each application) requested; location of activities.
7. Type and ownership of vehicle; license number and location of activities described in the application.
8. A statement as to whether the applicant and/or any individual associated with the applicant's activities has been convicted of any crime or ordinance, the nature of the offense and punishment and/or penalty assessed.
9. The name, address and telephone number of the organization or legal entity represented and the names, telephone numbers and addresses of its legal officers/representatives.
10. The names and addresses of all sponsors, promoters, and solicitors connected with the activities.
11. A specific outline and description of proposed activities.
12. A statement as to whether or not any commission, fee, wage, or other compensation is to be paid in connection with the activities described, and, if so, details as to the amount to be expended from the funds.

B. Every individual and/or entity actually performing any of the activities described; every legal entity and/or organization utilizing another person or entity must obtain a certificate of registration before conducting any activities in the Township.

C. The applicant expressly authorizes the Township to request information concerning his/her/its criminal and/or civil history, and that an executed copy of the application shall constitute sufficient affirmation for any reporting agency to provide such information.

D. No Certificate of Registration issued under this Ordinance shall be transferable.

E. All fees shall be set by Resolution of the Valley Township Board of Supervisors.

F. All Certificates of Registration issued by the Township shall be exhibited in clear view by the Person Peddling or Soliciting at all times, and it shall not be altered by any person or used by any other Person except the applicant.

G. All Certificates of Registration shall expire after thirty (30) days but may be renewed for additional thirty (30) day periods by request to the Township's Chief of Police.

H. The issuance of a Certification of Registration grants the applicant the privilege of conducting the permitted activity described in the application under the terms of the Ordinance within the Township. The issuance of a Certificate does not confer any property right upon the applicant.

SECTION 309. Exemptions.

A. Persons engaged in door-to-door canvassing on religious or political subjects, or distributing religious or political handbills shall be exempt from the Certificate requirements of this Ordinance. All such Persons, however, shall carry official identification, such as a driver's license, upon his/her person and shall exhibit it upon request to any person whom the Peddler or Solicitor is Peddling or Soliciting.

B. The application and Certificate of Registration requirements may be waived by the Township's Board of Supervisors for Persons Soliciting or Peddling on behalf of organizations of purely public charities, such as local churches, scout troops, civic and service organizations, fire companies, athletic organizations, and the like, provided however, that any such group must notify the Township in writing in advance of any such Peddling or Solicitation setting forth the dates of such Peddling or Solicitation will take place within the Township.

C. Any person who is required to register with the Commonwealth of Pennsylvania in connection with Peddling or Soliciting for any charitable organization, shall carry proof of this registration upon his/her person at all times and shall exhibit it upon request to any person whom the Peddler or Solicitor is Peddling or Soliciting. Such person shall be exempt from the Certificate requirements of this Ordinance.

SECTION 310. Certificate of Registration, Suspension or Revocation.

A. The Township's Chief of Police is hereby authorized to suspend or revoke any Certification of Registration issued under this Ordinance for any violation of any of the provisions of this Ordinance, or for giving false information in any Application for Certificate for License filed under Section 308 hereof. The Township's Chief of Police is further authorized to refuse a Certificate of Registration to any Person with a prior criminal record and to any other Person who may, in his opinion, present a threat of harm or danger to the residents of the Township.

B. Any Peddler/Solicitor whose Certificate of Registration is suspended, revoked or denied may appeal such decision to the Township Board of Supervisors. Any such appeal shall be in writing, which shall be accompanied by such fee as shall, from time to time, be established by the Board of Supervisors. A hearing on such appeal shall take place within thirty (30) days

after receipt of the written appeal by the Township Secretary. The application shall not be considered complete until the required fee is paid in full.

SECTION 311. Violations and Penalties. Noncompliance With Any Provision of This Ordinance Constitutes a Violation.

A. Any Person who or which has violated, facilitated the violation, or permitted the violation of the provisions of this Ordinance (hereinafter the "Violator") shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Six Hundred Dollars (\$600.00) plus all court costs, including reasonable attorneys fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation.

B. Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of Valley Township against a Violator under this Ordinance shall in no way constitute an election of remedies, and the Township, and any other person having a cause of action against this Violator, shall be entitled to pursue any such remedies against this Violator as provided by law or in equity.

SECTION 312. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein.

Section 3. This Ordinance shall become effective five (5) days after enactment.

VALLEY TOWNSHIP BOARD OF SUPERVISORS

By:

Patrice L. Proctor, Chairperson

Christopher Lehenky, Supervisor

Yolanda R. Beattie, Supervisor

Arlin W. Yoder, Supervisor

Katharine O'Doherty

Attest:

Karen E. Chandler, Secretary