

**TOWNSHIPOF MARPLE
ORDINANCE No. 2019-4**

**AN ORDINANCE OF TOWNSHIP OF MARPLE,
DELAWARE COUNTY, PENNSYLVANIA
AMENDING CHAPTER 200, PEDDLERS AND
SOLICITORS, BY REPEALING AND REPLACING
THE CURRENT CHAPTER 200 IN ITS ENTIRETY
AND REPLACING SAME WITH THE PROVISIONS
OF THE WITHIN ORDINANCE, CHAPTER 200 TO
BE KNOWN AS “PEDDLERS AND SOLICITORS”
AND REPEALING ANY ORDINANCES AND
RESOLUTIONS AND PARTS OF ORDINANCES
AND/OR RESOLUTIONS INCONSISTENT
HEREWITH**

WHEREAS, on July 12, 1971, the Commissioners of the Township of Marple adopted the “Peddlers and Solicitors” ordinance currently constituting Chapter 200 of the Code of the Township of Marple; and

WHEREAS, the provisions of the Peddlers and Solicitors ordinance, Chapter 200, have been amended from time to time; and

WHEREAS, after study, review and public comment, the Commissioners of the Township of Marple have determined that the regulation of peddling and soliciting within the Township is necessary in order protect the privacy of the citizens of the Township, to reduce and prevent crime within the Township and to reduce and prevent unlawful and unfair commercial practices; and

WHEREAS, after study, review and public comment, the Commissioners of the Township of Marple have determined that it is in the best interest of the public health, safety and welfare to update and amend the Code by repealing the existing Chapter 200 Peddlers and Solicitors and replacing it in its entirety with new Chapter 200 Peddlers and Solicitors.

NOW, THEREFORE,

BE IT ENACTED AND ORDANINED AS FOLLOWS:

SECTION 1 That existing Chapter 200 of the Code of the Township of Marple, Peddlers and Solicitors, and all amendments and supplements thereto, is hereby repealed.

SECTION 2 That new Chapter 200 of the Code of the Township of Marple, Peddlers and Solicitors, shall be and is hereby adopted and shall read as follows:

“CHAPTER 200 PEDDLERS AND SOLICITORS

CHAPTER 200. PEDDLERS AND SOLICITORS

§ 200-1. Definitions.

§ 200-2. License and Registration required.

§ 200-3. Application Procedure.

§ 200-4. Fees.

§ 200-5. Issuance of License, custody and display; grounds for denial .

§ 200-6. Daily registration required.

§ 200-7. Rules of conduct .

§ 200-8. License revocation procedure.

§ 200-9. Waiver of fee.

§ 200-10. Exemptions.

§ 200-11. Permitted hours of operation.

§ 200-12. Prohibited Acts.

§ 200-13. Violations and penalties.

§ 200-1 Definitions.

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

PEDDLER

Any person who shall engage in peddling, as herein defined.

PEDDLING

The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his or her possession or control or offers to immediately provide to any person, homeowner or business in the Township.

PERSON

Any natural person, association, partnership, firm or corporation.

SOLICITOR

Any person who shall engage in soliciting, as herein defined.

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 any person, homeowner, or business in the Township, either from house to house or from a fixed location.

TOWNSHIP

The Township of Marple, Delaware County, Pennsylvania.

B. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 200-2 License and Registration required.

No person shall engage in soliciting or peddling in the Township without first having registered and obtained a license from the Township Police Department.

§ 200-3 Application Procedure.

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

B. If any additional license or permit is also required from any state or county officer, including a license from the Commonwealth of Pennsylvania for the collection and distribution of sales tax on all taxable items, the applicant shall, when making such application, provide the Township with proof of the current and valid issuance of each such license and/or permit.

C. 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 peddle, solicit and/or deal with or the subscription, article, device, contribution, service or contract for which he desires to sell or for which he wishes to peddle or 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.

D. 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 such person, including required proof of identity, and an individual license shall be required for each such person to be engaged in peddling or soliciting.

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

F. 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.

§ 200-4 Fees.

No permit or license shall be issued under this chapter until the proper fees, are paid to the Township Treasurer, receipt for which may be given by the Township Treasurer, Township Manager or any authorized member of the Marple Township Police Department. 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

§ 200-5 Issuance of License, custody and display; grounds for denial

A. Upon receipt of such application and the prescribed fee, the Marple Township Police Department, or such other official as may be designated by the Board of Commissioners shall review the application. If such application is found by the applicable Township official to be complete and in proper order, said Township official 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. Such license shall include a picture of the applicant to whom the license is issued, if the Township elects to so require.

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

C. The Marple Township Police Department shall not issue a peddling or soliciting license to any applicant who, within 10 years prior to the date of the application, has either (i) been convicted of any felony, (ii) been convicted of any misdemeanor involving moral turpitude or (iii) served a sentence or period of probation for any felony or for any misdemeanor involving moral turpitude within 10 years prior to the date of the application.

§ 200-6 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 Marple Township Police Department by signing a registration book, indicating his name and license number.

§ 200-7 Rules of conduct

Every person to whom a license has been issued under this Chapter 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 Marple Township Police Department.

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 (or its agents, servants, workmen or employees) of such peddler or solicitor, his goods, the services of him or his employer nor the organization he may represent.

F. He shall immediately surrender his license to the Superintendent of the Marple Township Police Department, or their designee, upon expiration or 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 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 or horn or any other device for announcing his presence by which members of the public are annoyed.

J. 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 shall any such person place or deposit any refuse upon any such streets or alleys or sanitary or storm sewers; nor shall 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.

K. 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.

§ 200-8 License revocation procedure

Upon the failure of the licensee to comply with the rules of conduct established by §200-7 or any other provision of this Chapter or upon ascertainment that the licensee has made any false statement in his application for license hereunder, any license issued pursuant to this Chapter shall be revoked by the Superintendent of the Marple Township Police Department, or his designee,. 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.

§ 200-9 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 of and can exhibit satisfactory evidence of compliance with the Pennsylvania Solicitation of Funds for Charitable Purposes Act, 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 (and pictures if requested) 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 §200-5.C hereof. Such group registrations shall be exempt from the fee provided herein.

§ 200-10 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 §200-1 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 18 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 §200-9 of this Chapter.

§ 200-11 Permitted hours of operation

A. Commercial soliciting and peddling shall be limited to the hours of 9:00 a.m. to 6:00 p.m. 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 §200-10 of this Chapter shall be limited to the hours of 9:00 a.m. to 9:00 p.m. daily.

Comment [AM1]: ***current restrictions on weekend and holiday hours of operation would be deemed unconditional.***

§ 200-12 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's "Do Not Solicit" list, which shall be maintained by the Superintendent of the Marple Township Police Department and a copy provided to the applicant with the license.

§ 200-13 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for 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."

SECTION 3 The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof 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 Township Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included therein.

SECTION 4 The Commissioners hereby resolve that the fee for such license application pursuant to Section 200-4 of the ordinance adopted hereby shall be set, from time to time, by resolution of the Board.

SECTION 5 All Ordinances, Resolutions and parts of Ordinances or Resolutions inconsistent herewith are hereby repealed.

SECTION 6 This Ordinance shall become effective five (5) days after passage.

ENACTED AND ORDAINED this 13th day of May, 2019.

Township of Marple

By: _____
Joe Rufo, President
Board of Commissioners

Attest: _____
Sharon Angelaccio
Township Secretary