

**TOWNSHIP OF EDMONT
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 181 of 2003

**AN ORDINANCE OF EDMONT TOWNSHIP DELAWARE COUNTY,
REPEALING TOWNSHIP ORDINANCES NOS. 28 AND 58 REGULATING
PEDDLING WITHIN THE TOWNSHIP AND ESTABLISHING NEW
REGULATIONS AND STANDARDS FOR PEDDLING WITHIN THE TOWNSHIP
AND REQUIRING PERMITS THEREFORE AND ESTABLISHING PENALTIES
FOR THE VIOLATION THEREOF.**

WHEREAS, Edgmont Township desires to protect its residents from solicitations for the sale and purchase of commercial products and services or solicitations for monetary or property donations at the homes of Township residents; and

WHEREAS, in particular, Edgmont Township desires to protect the privacy of its residents and in addition protect its residents from fraud, burglary, injury or other criminal activity which may occur in connection with or under the guise of the solicitation for the sale and purchase of commercial products and services or solicitations for monetary or property donations at the homes of Township residents; and

WHEREAS, Edgmont Township is at the same time cognizant of the protection of legitimate First Amendment rights to disseminate information on a door-to-door basis; and

WHEREAS, it is not the intent of Edgmont Township nor the purpose of this Ordinance to intrude on the legitimate exercise of First Amendment Rights within Edgmont Township.

NOW THEREFORE IT IS HEREBY ENACTED AN ORDANIED by the Board of Supervisors of the Township of Edgmont, Delaware County, Pennsylvania, as follows:

Section 1. Definitions.

A) The word "peddling", as used in this Ordinance, shall mean engaging in any form of sale, solicitation or order taking for any good or service or the solicitation of any payment or donation of money or property or any commitment for the payment or donation of money or property from any resident of Edgmont Township at the home or property of such resident of Edgmont Township.

B) The word "peddler" shall include any person or entity which engages in or intends to engage in peddling within Edgmont Township.

Section 2. Prohibition without Permit.

Peddling within Edgmont Township shall be prohibited unless the peddler has first applied for and obtained a peddling permit from the Township in accordance with the provisions of this Ordinance.

Section 3. Permit Requirements.

A) All peddlers shall, prior to the commencement of any peddling activity, submit an application to Edgmont Township, on a form provided by Edgmont Township, for a peddling permit and in connection with said application provide the following information:

- 1) Full names, addresses and telephone numbers of those persons to be engaged in the peddling activity.
- 2) The name of any company, organization or similar entity for which or on whose behalf the peddling activity will be conducted.
- 3) The nature or description of the good or service to be offered, or the recipient of the donation of money or property sought.
- 4) The make, model and year of each vehicle used or intended to be used in connection with the peddling activity. A copy of the registration for all such vehicles shall be provided at the time of application.
- 5) Whether the applicant or any persons proposed to be engaged in the peddling activity have ever been convicted of a crime other than a violation of the Motor Vehicle Code, and if so, the date and nature of the offense.
- 6) Names of other municipalities in Delaware County in which the applicant and/or the persons to be engaged in the peddling activity have worked as peddlers in the past two (2) years.
- 7) The respective dates and times and areas of Edgmont Township in which the applicant intends to conduct the peddling activity.

B) Upon satisfactory compliance with the requirements of this Ordinance, Edgmont Township shall issue a peddling permit to the applicant in accordance with the application.

Section 4. Permit Fee; Expiration.

A) All applicants shall pay to Edgmont Township, at the time of application, a permit fee as established by resolution of the Board of Supervisors, from time to time.

B) All permits issued pursuant to this Ordinance shall expire on the last day of the peddling activity as stated by the applicant in its application for a permit. In no event shall the permit expire later than December 31st of the year in which the permit was issued. Upon the expiration of the permit, a new application shall be filed with Edgmont Township, in accordance with the provisions of this Ordinance.

Section 5. No Solicitation List; Posted Properties.

A) No peddler shall attempt to peddle to any resident who has registered on Edgmont Township's No Peddling Registry. Edgmont Township shall maintain a copy of said Registry at its offices and also shall provide a copy to the applicant at the time of issuance of the peddling permit.

B) No peddler shall attempt to peddle to any resident who has posted upon the resident's property signs such as "No Solicitation", "No Peddling", "No Trespassing" or such similar signs indicating a prohibition of entry upon the resident's property.

C) Any peddler entering upon a resident's property shall immediately leave said property when asked or instructed to do so by anyone present on the property.

Section 6. Hours of Operation.

No peddling activity shall occur between the hours of 6:30 p.m. and 9:30 a.m.

Section 7. Exemptions.

The terms of this Ordinance shall not apply to the following when a peddler is seeking donations of money or property when conducted as part of an officially sponsored fund raising program: Volunteer Fire and Emergency Medical Services and members of little league and petty-coat leagues and boy scouts and girl scouts when: 1) accompanied by a coach or leader and 2) in uniform.

Section 8. Miscellaneous Requirements.

A) Notwithstanding the issuance of a permit, no person shall engage in any form of peddling or other activity which threatens the health, safety or welfare of Edgmont Township or its residents.

B) Any permit issued pursuant to this Ordinance shall be prominently displayed by all peddlers at all times when peddling activity is being conducted within Edgmont Township.

- C) Permits shall not be transferable to any other person or entity.
- D) Peddling conducted following the issuance of a permit shall be strictly limited to the terms of the permit.

Section 9. Violation of Ordinance.

Violation of this Ordinance shall constitute a summary offense and shall result in the revocation of any issued permit or the denial of any pending permit application. In addition, the Board of Supervisors may prescribe a fine not to exceed \$1,000.00 per violation and may also prescribe imprisonment to the extent allowed by law for the punishment of summary offenses.

Section 10. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency, including without limitation Edgmont Township Ordinances No. 28 and 58.

Section 11. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

Section 12. Effective Date.

This Ordinance shall take effect and be in force five (5) days after its enactment.

ENACTED AND ORDAINED this 21st day of May, A.D., 2003

**BOARD OF SUPERVISORS OF
TOWNSHIP OF EDMONT**



RONALD GRAVINA, Chairman



JOSEPH CONAN, Vice-Chairman


WILLIAM C. MACKRIDES, Supervisor

Attest:


SAMANTHA REINER, Township Manager
(Township Seal)

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April 23, 2003