

**EAST MARLBOROUGH TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2013-02**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST MARLBOROUGH, AS AMENDED, TO ESTABLISH AN ORDINANCE REGULATING PEDDLING AND SOLICITING AS CONTAINED HEREIN.**

**UNDER AND BY VIRTUE OF THE AUTHORITY OF THE SECOND CLASS TOWNSHIP CODE, INCLUDING, BUT NOT LIMITED TO SECTIONS 1506, 1527, 1532 AND 1601 OF THE SECOND CLASS TOWNSHIP CODE, THE BOARD OF SUPERVISORS OF EAST MARLBOROUGH TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:**

Section 1. Short Title.

This Ordinance shall be known as the "Peddling and Soliciting Ordinance of East Marlborough Township."

Section 2. Purpose.

To regulate the distribution of certain materials and services, peddling, soliciting, canvassing and related activities within East Marlborough Township for the protection and maintenance of the health, safety and welfare of the inhabitants of the Township, to deter or prevent dishonest business practices and/or criminal activity in the Township, and to safeguard the privacy of residents.

Section 3. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

**DISTRIBUTOR**

Any person, whether a resident of the Township or not, who distributes or causes to be distributed any samples of merchandise, handbill, advertisement, circular, card, pamphlet or printed material of any kind other than a regularly delivered newspaper, magazine, periodical or similar publication, including, without limitation, by delivering by hand or by distributing or throwing upon doorsteps or into doorways or vestibules, placing upon doorknobs or fences, casting into yards or anywhere else, handbills, advertising and printed matter of any nature whatsoever.

**MERCHANDISE**

All goods, wares, food, beverages, magazines, periodicals, printed materials, farm products, services and orders, or contracts for orders, home improvements or alterations and anything that may be sold or distributed by peddlers, solicitors or distributors as defined herein.

#### PEDDLER

Any person, whether a resident of the Township or not, who goes from house to house, from place to place or from street to street traveling by foot, automotive vehicle or any other form of conveyance, carrying or transporting merchandise for the purpose of selling or delivering the merchandise to customers, or who engages in these types of activities in any street, sidewalk or other publicly owned property or right of way in the Township.

#### PERSON

Includes both male and female; the plural as well as the singular; and any association, partnership, corporation, firm, joint venture or any other entity whatsoever.

#### SOLICITOR

Any person, whether a resident of the Township or not, who goes from house to house or from place to place traveling by foot, automotive vehicle or any other form of conveyance, soliciting, taking or attempting to take orders for the sale or purchase of merchandise or services of any kind for future performance or delivery or soliciting or attempting to secure contributions to various causes, whether or not he/she be collecting advance payments of such sales, orders or contributions, or who engages in these types of activities in any street, sidewalk or other publicly owned property or right of way in the Township. The word "solicitor" shall include "canvasser," "transient merchant" or any person who goes from door to door or place to place as described herein for the purpose of soliciting in any form.

#### Section 4. Restrictions.

- A. No person shall act or attempt to act as a peddler, solicitor or distributor at any time within the Township, with the exception of:
- (1) Persons soliciting contributions on behalf of charitable organizations duly registered pursuant to the provisions of, or expressly exempted from, the Solicitations of Funds for Charitable Purposes Act (10 P.S. 162.1 et. seq.), as amended; provided that, while soliciting, such persons must possess and present upon request a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
  - (2) Any person engaged in door-to-door canvassing or religious activities, as protected under the First Amendment of the United States Constitution, or engaged in the distribution of informational materials circulated in connection with matters appearing on the ballot in an upcoming election for national, state, county or local office.
  - (3) Minors who take orders for and deliver newspapers, greeting cards, candy and the like and who are involved in activities sanctioned by a local school or church or who represent a charitable or civic organization that offers services, programs or other activities to minors, such as the Boy Scouts, Girl Scouts or similar organization that takes orders for and deliver cookies and the like.

- (4) Any common carrier, courier service, manufacturer's or vendor's representative or other persons engaged in regular services and deliveries associated therewith.
- (5) Insurance or securities salesmen/brokers who are currently licensed by the Commonwealth of Pennsylvania to engage in soliciting/peddling activity.
- (6) Farmers primarily selling the produce of their own farms from a truck or other vehicle.
- (7) Persons selling goods, wares or merchandise donated by the owners, all proceeds of which are to be applied to any charitable or philanthropic purpose.
- (8) Persons granted approval by the Board of Supervisors to act as a distributor at a specified event.

B. Any person exempted under Section 4A. above shall comply with the following:

- (1) Shall not enter or attempt to enter any dwelling, residence, apartment or business without invitation or permission of the owner or the occupant and shall immediately leave any premises when requested to do so by the owner or the occupant.
- (2) Shall not conduct any activities except between the hours of 9:00 AM and 7:00 PM, prevailing time, Monday through Saturday, inclusive, and 1:00 PM to 6:00 PM, prevailing time, Sunday. Such activities at any other time are hereby expressly declared unlawful.
- (3) Shall not conduct any activities in any geographic location within the Township where such activity would present an unsafe condition to the public.
- (4) Shall not represent that he or his organization is endorsed by the Township.

C. Nothing in this Ordinance is intended to or shall:

- (1) Restrict the selling, soliciting or taking orders for any agricultural products upon the property on which such products have been produced or from a farm stand otherwise permitted by other ordinances of the Township.
- (2) Restrict the selling, soliciting or taking orders for any merchandise from a fixed location with the Township at which activities permitted under the Township's Temporary Outdoor Activities Ordinance are being conducted.
- (3) Extinguish or modify any rights and obligations created by other ordinances of the Township, including, without limitation, the requirements placed on persons engaged in refuse collection or the service of sewer, septic or similar systems.

Section 5. Interpretations.

This Ordinance shall not be applied so as to place any undue burden upon interstate commerce with respect to any business or activity referred to herein. It is the purpose of this Ordinance to protect the health, safety and welfare of the inhabitants of the

Township but not to unduly regulate or control the proper conduct of any person, business or commercial property.

Section 6. Enforcement remedies.

Any person violating or permitting the violation of any of the provisions of this Ordinance shall, upon being found liable therefor in a summary offense enforcement proceeding, pay a fine of not less than \$50.00 and not more than \$1,000.00, per violation together with court costs and reasonable attorneys' fees.

- A. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge.
- B. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment by any means available within law or equity.
- C. Each day that a violation continues shall constitute a separate violation.

Section 7. The provisions of this Ordinance shall be severable, and if any provision or phrase shall be held to be unconstitutional or otherwise invalid, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of any of the remaining provisions or phrases hereof, it being the express intention of the Supervisors to enact and adopt each section independently of every other section.

Section 8. All ordinances or parts of ordinances are hereby repealed insofar as they may be inconsistent herewith.

Section 9. This Ordinance shall become effective five (5) days after the adoption and enactment hereof.

ENACTED AND ORDAINED this 4<sup>th</sup> day of February, 2013.

**BOARD OF SUPERVISORS  
EAST MARLBOROUGH TOWNSHIP**

Arthur H. Walker

[Signature]

Edouard G. Campill

Robert F. Weer

[Signature]

Attest:

Jane R. Laslo  
Jane R. Laslo, Secretary