

TOWNSHIP OF EAST DONEGAL
Lancaster County, Pennsylvania

ORDINANCE NO. 2017- 4

AN ORDINANCE OF THE TOWNSHIP OF EAST DONEGAL, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13, (LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS) OF THE CODE OF ORDINANCES OF EAST DONEGAL TOWNSHIP BY THE ADDITION OF PART 5, PEDDLING AND SOLICITING, PROVIDING FOR THE REGULATION OF THE DISTRIBUTION OF CERTAIN MATERIALS, PEDDLING, SOLICITING AND RELATED ACTIVITIES WITHIN EAST DONEGAL TOWNSHIP.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of East Donegal Township, Lancaster County, Pennsylvania, that Code of Ordinances, Township of East Donegal shall be amended in the following respects:

SECTION 1. The Code of Ordinances of East Donegal Township, Chapter 13, Licenses, Permits and General Business Regulations, is hereby amended by the addition of a new Part 5, Peddling and Soliciting, which shall provide as follows:

Part 5
Peddling and Soliciting

§501. SHORT TITLE

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

§502. Definitions.

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

CHIEF OF POLICE

The Chief of the Police Department or his designee.

PEDDLER OR SOLICITOR

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

PEDDLING

- A. 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 possession or control upon any of the streets or sidewalks or from house to house within the township; or
- B. The seeking or taking of contracts or orders for any goods, wares, merchandise

or services for future delivery or for subscriptions or contributions upon any streets or sidewalks within the township.

POLICE DEPARTMENT

The Susquehanna Regional Police Department or any successor municipal or multi-municipal police department having jurisdiction within the corporate boundaries of the Township.

SOLICITING

Going door to door within the township to distribute information to township residents, request contributions or donations from township residents or request that township residents take certain actions (including but not limited to signing petitions, writing letters to the state or federal representatives and/or engaging in forms of demonstration of support or opposition to a public issue) or otherwise exercising free speech rights in a noncommercial and not-for-profit fashion.

TRANSIENT MERCHANT

A person who engages or proposes to engage temporarily in merchandising business in the township and occupies a room, building, tent, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares or merchandise.

§503. License required.

It shall be unlawful for any person to engage in peddling or soliciting or to act as a transient merchant upon any street, alley, sidewalk or public place or from house to house in East Donegal 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. School children 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 person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

§504. Application requirements; investigation; duration of license; revocation.

- A. Every individual desiring to engage in those acts for which a license is required in §503 of this chapter and not exempted thereby must obtain a license from the Police Department.
- B. To obtain a license, individuals must complete a written application which shall contain such information as is reasonably required by the Police Department and shall permit the Police Department to photograph the individual for the purpose of identification, if requested to do so.
- C. Following the completion of such application, the Police Department shall have 72 hours to investigate the applicant and to grant or deny the license.
- D. The Chief of Police 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 refusal to issue a license shall be made within 10 days to the Board of Supervisors of East Donegal Township by filing written notice of the appeal to 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 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 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.

§505. Persons to be individually licensed.

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.

§506. License renewal.

- A. The license granted pursuant to this chapter shall be valid for thirty (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.
- B. Such licenses may be issued in advance for consecutive thirty-day periods not exceeding six (6) in number.

§507. Unlawful acts.

No person engaged in peddling or 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.
- 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.

§508. 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 as set by resolution of the Board of Supervisors from time to time, for each period for which the license is valid as set forth in §504 herein.

§509. Registration required.

All persons desiring to canvass or solicit door to door within the Township who are not required to obtain a license by this Chapter shall register with the Police Department. Individuals desiring to canvass or solicit within the Township shall provide the Police

Department with such information as may be reasonably required by the Police Department and shall permit the 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 without having first registered with the Police Department.

§510. General regulations.

No person shall:

- A. Peddle, solicit or distribute merchandise except between the hours of 9:00 a.m. and 6:00 p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
- B. Attempt to peddle, solicit or distribute merchandise or printed material without first having identifies herself/himself as a peddler, solicitor or distributor registered with the Township and having displayed her/his License or credentials in the case of solicitation of funds.
- C. Have exclusive right to any location in the public streets or operate in any congested area where operations might impede or inconvenience the public.
- D. Enter or attempt to enter the residence of any person in the Township without an express invitation from the occupant of such residence.
- E. Conduct herself/himself in such a manner as to become objectionable to or annoy an occupant of any residence.
- F. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- G. Litter the street, public places or properties within the Township with any merchandise or printed material.

§511. Violations and penalties.

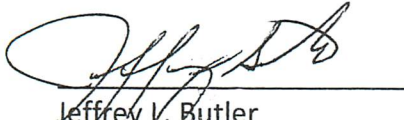
For each violation of the provisions of this chapter, any person who commits, takes part in, or assists in any such violation shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$200 nor more than \$1,000 for each offense, together with the costs of prosecution. 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.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3: This Ordinance shall become effective five (5) days after its passage or adoption.

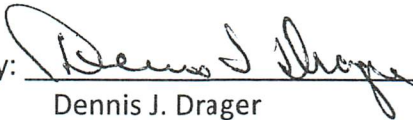
DULY ADOPTED on August 3, 2017, by the Supervisors of East Donegal Township, Lancaster County, Pennsylvania, in lawful session assembled.

ATTEST:

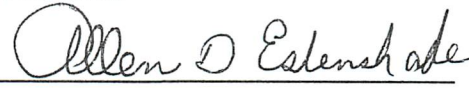


Jeffrey L. Butler
Secretary

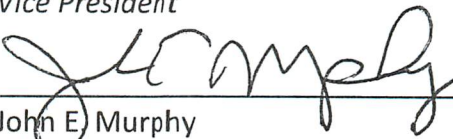
**EAST DONEGAL TOWNSHIP
BOARD OF SUPERVISORS**

By: 

Dennis J. Drager
President

By: 

Allen D. Esbenshade
Vice President

By: 

John E. Murphy
Member