

Chapter 169. PEDDLING AND SOLICITING

169-1. License required.

From and after the effective date hereof it shall be unlawful for any person who is not the holder of a valid and unexpired license issued pursuant to this chapter to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description, or in soliciting contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences or on the public streets or highways of East Goshen Township.

169-2. Application.

Any person desiring to obtain a license to engage in the activities described in §169-1 hereof shall file an application with the Township Manager.

- A. The applicant shall supply, over his/her (hereinafter "his") signature, the following information:
- (1) His name.
  - (2) His place and date of birth.
  - (3) His temporary address and telephone number.
  - (4) His permanent residence address and permanent telephone number.
  - (5) The address at which he will receive notices issued pursuant to this chapter.
  - (6) The name, address and permanent telephone number of his employer or principal, if any, and the nature of the business activity thereof.
  - (7) The nature of the business or activity in which the applicant wishes to engage within the township.
  - (8) A statement as to whether the applicant has been convicted in any jurisdiction of any crime constituting a misdemeanor, felony or summary offense other than a traffic violation and, if so, the name of the jurisdiction and crime(s) or offense(s) of which convicted.
  - (9) Two 2 inch by 3 inch photographs of the applicant taken within six months of the application.
- B. Upon submission of the application, and the payment of a license fee and the fee charged for the Pennsylvania State Police background check, as set forth from time to time by resolution of the Board of Supervisors, the Township shall forward a copy of the application to the Pennsylvania State Police who shall determine and report to the Township Manager whether the applicant has ever been convicted of a crime constituting a misdemeanor, felony or a summary offense other than a traffic violation. The Township Manager shall not issue a license to any applicant convicted of any felony or misdemeanor who is still under court-ordered supervision of any kind as a result of said conviction(s). Otherwise, the Township Manager shall issue a license in the form of a card which

shall contain a photograph of the applicant and which shall, unless revoked, entitle the applicant as the licensee to engage in the business or activity specified on the application for a period of one year from the date of issuance. The Township Manager is authorized to reject the application of any applicant previously convicted of a misdemeanor or felony criminal offense or a non traffic summary offense.

- C. Licenses may be renewed annually, by the licensee, upon payment of the fee herein above provided for, amendment of the original application to reflect any changes necessary in the information therein contained, and determination by the Police Department that the applicant has not in the interim period been convicted of any felony or misdemeanor for which the licensee is still under court ordered supervision of any kind as a result of said conviction(s).
- D. The Township Manager is also authorized to deny renewal of any license previously issued to the applicant if he determines that the licensee has failed to comply with the standards of conduct established by § 169-3 or upon determination that the licensee has made any material false statement in his application for a license hereunder.

169-3. Rules of conduct.

Every person to whom a license has been issued herein shall, in the carrying on of his business or activities in the township, comply with the following rules of conduct:

- A. He shall display his license card with the photograph attached thereto at all times in conspicuous location on his body and exhibit it upon request to any police officer or any person upon whom he shall call or with whom he shall talk in carrying on his licensed activities.
- B. He shall not permit any other person to have possession of his license card and shall immediately report its loss to the Township Manager. He shall not cause or permit his license card to be altered or defaced.
- C. He shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. He shall not represent his license card to be an endorsement of himself or of his goods or services or of the goods or services of his principal or employer.
- E. He shall immediately surrender his license card upon revocation of his license as hereinafter provided.
- F. Activities which are licensed pursuant to this chapter of the Code shall only be conducted between the hours of 9:00 am to 8:00 pm

Monday through Friday, 9:00 am to 6:00 pm on Saturdays and 12:00 pm to 6:00 pm on Sundays.

169-4. Revocation.

Any license hereafter issued may be revoked by the Township Manager upon the failure of the licensee to comply with the standards of conduct established by § 169-3 hereof or upon ascertainment that the licensee has made any false statement in his application for license hereunder. Notice of revocation shall be given, by written notice, personally served or sent by registered mail, to the address designated for this purpose in the application for license.

169-5. Appeals.

Any person who has been refused a license by the Township Secretary or denied renewal thereof or any person whose license has been revoked shall be entitled to appeal to the East Goshen Township Board of Supervisors at a regular or special meeting for issuance or reinstatement of a license. The Board of Supervisors shall determine whether there exists substantial grounds under the provisions of this chapter to sustain denial or revocation of, or refusal to reissue, a license. In any such proceeding, the Township Secretary shall have the initial burden to establish the basis for his determination, and the applicant shall then have the burden to show why the Secretary's determination should not be affirmed. Proceedings shall be governed by the Pennsylvania Local Agency Law.

169-6. Exemptions.

The following persons are exempted from payment of the license fee otherwise required by § 169-2

- A. Persons soliciting contributions on behalf of charitable organizations exempted from the provisions of or duly registered pursuant to the Solicitation of Funds for Charitable Purposes Act, Act of December 19, 1990, P.L. 1200 No. 202, 10 P.S. Â§ 162.1 et seq., as amended.
- B. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.
- C. Persons who are currently licensed by the Commonwealth of Pennsylvania to engage in an activity specified in § 169-1 hereof, when so engaged, including, without limitation, real estate, insurance or securities salesmen/brokers.
- D. Persons engaged in the sale of goods, wares and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

169-7. Do Not Call Registry

- A. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Township may require the Township to place and maintain his or her residence, house, apartment or other dwelling on the Solicitors Do Not Call Registry by submitting a request on a form supplied by the Township. The form shall contain the following information:
1. The signature of the person completing the form(s);
  2. The complete address of the residence, house, apartment or other dwelling to be placed on the registry;
  3. The date the form was completed;
  4. A statement that No Solicitors Shall Call at this Address or words of similar import; and
  5. The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that Solicitors not call at his or her residence, house, apartment or other dwelling.
- B. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Township may require the Township to remove his or her residence, house, apartment or other dwelling from the Solicitors Do Not Call Registry by submitting a Notice of Removal from said registry on a form supplied by the Township. The form shall contain the following information:
1. The signature of the person completing the form(s);
  2. The complete address of the residence, house, apartment or other dwelling to be removed from each registry;
  3. The date the form was completed; and
  4. A statement that the residence, house apartment or other dwelling be removed from the Solicitors Do Not Call Registry.
- C. The decision whether or place a residence, house, apartment or other dwelling on the Solicitors Do Not Call Registry shall be solely that of the lawful possessor and occupant thereof and no official, agent, or employee of the Township shall interfere with said decision.
- D. A residence, house, apartment or other dwelling, after being lawfully placed on the Solicitors Do Not Call Registry shall remain on said registry until the earliest of any of the following:
1. The Township receives a Notice of Removal; or
  2. The Township receives notice that the person who submitted the form is not or is no longer a lawful possessor and

occupant of the premises.

- E. A copy of the Solicitors Do Not Call Registry shall be made available for public inspection at all times on the Internet website of the Township and during normal business at the Township office.
- F. Notwithstanding any other provision of this Chapter, no Solicitor, while soliciting, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the Township which is at that time on the Solicitors Do Not Call Registry established and maintained pursuant to the Chapter or upon which there is posted at the entrance a notice which reads No Solicitors Allowed, or words of similar import, which clearly prohibit Solicitors on the premises, unless such Solicitor has previously been invited upon the premises by the lawful possessor and occupant thereof.

169-8. Violations and penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600 plus all court costs, including reasonable attorneys fees, incurred by the township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure.