

ORDINANCE NO. 336

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

AN ORDINANCE REGULATING SOLICITATION ON PRIVATE PROPERTY IN THE BOROUGH OF ROSE VALLEY.

THE COUNCIL OF THE BOROUGH OF ROSE VALLEY DOES HEREBY ORDAIN:

SECTION 1. DEFINITIONS.

As used in this ordinance, in addition to any definitions found in a standard unabridged dictionary, the following words and terms shall have the meanings set forth herein, as follows:

- A. INDIVIDUAL. Any natural person.
- B. PEDDLER. Any person who shall engage in peddling.
- C. 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, or has in his possession or control, or offers to provide to any person, homeowner or business in the Borough.
- D. PERSON. Any natural person, or association, partnership, firm or corporation, or any employee or agent thereof.
- E. SOLICITOR. Any person who shall engage in soliciting as herein defined.
- F. SOLICITING :
 - 1. COMMERCIAL SOLICITATION. 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 Borough of Rose Valley.
 - 2. CHARITABLE SOLICITATION. The soliciting of membership, money and/or property by or on behalf of a charitable organization from any person, homeowner or business in the Borough of Rose Valley, either by soliciting from house-to-house, or from a fixed or moveable location.

SECTION 2. UNINVITED PEDDLING OR SOLICITING ON PRIVATE PROPERTY.

It is unlawful for any peddler or solicitor to go in or enter upon any private property in the Borough of Rose Valley if a sign, sticker, poster or other label or notice is conspicuously posted on the front portion of the main dwelling house of such premises, or along the driveway or walkway or other main entrance of such premises, which states "NO SOLICITING" in letters at least two (2) inches high. The total area of any such sign or notice shall not be larger than two square feet.

SECTION 3. BOROUGH NOTIFICATION

No person shall engage in soliciting or peddling in the Borough of Rose Valley without first notifying the Borough Office, either in person or by mail, fax, or telephone, and providing the following information:

- A. The name, address and telephone number of the individual who intends to engage in peddling or soliciting.
- B. The name, address and telephone number of the person, if any, that employs the aforesaid individual or which this individual represents.
- C. The type of goods, services or contributions the individual intends to peddle or solicit.
- D. The dates and times the individual intends to engage in peddling or soliciting.
- E. The make, model, year and license plate number of the vehicle, if any, the individual intends to use while peddling or soliciting.
- F. Affirmation that the individual who intends to engage in peddling or soliciting has not been convicted of any felony or been convicted of a misdemeanor involving moral turpitude within the last ten (10) years.

SECTION 4. RULES OF CONDUCT.

No person engaged in peddling or soliciting shall:

- A. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon the request of the occupant.
- B. Be guilty of any false pretense or misrepresentation, and shall not represent that his goods, services, employer, or the organization he

represents are in any way endorsed by the Borough.

- C. Offer goods or services or solicit contributions for an organization other than those stated in their notification to the Borough Office, not shall they use any vehicle other than that identified in their notification.
- D. Occupy any fixed location with or without any stand or counter or structure of any kind.
- E. Have been convicted of any felony or been convicted of a misdemeanor involving moral turpitude within the past ten (10) years.

SECTION 5. EXEMPTIONS.

The following persons, organizations and activities shall be exempt from provisions of this Ordinance and it shall not shall apply to said persons and activities:

- A. Merchants or their employees or agents, which business includes the delivery of goods or services requested by the homeowner or occupant.
- B. Persons soliciting funds or canvassing for purposes permitted under the Act of 1937, June 3, PL1333 (25 P.S. 2601, et seq.), as amended, known as the Pennsylvania Election Code.
- C. Authorized individuals, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county or borough government, or any agency thereof.
- E. Any person, and the agents, servants, workmen and employees thereof, who have complied with the provisions of the Pennsylvania Solicitation of Funds for Charitable Purposes Act, found at 10 PS 162.1 et seq., as amended, or Section 501(c), 501(d) and/or 501(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, or patriotic purposes, or who or which is soliciting for any civic, religious or charitable organization representative of any public school, student, church, fire company, veteran's organization or similar institution.

SECTION 6. PROHIBITED ACTS.

It is hereby declared to be unlawful and a public nuisance for any person to enter upon any private premises 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 property has posted a "no soliciting" sign.

SECTION 7. VIOLATIONS AND PENALTIES.

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00, plus the 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 shall be in violation of this Ordinance shall constitute a separate offense.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

SECTION 9. REPEALER.

All ordinances, or parts of ordinances, previously enacted, which are inconsistent herewith, and all of Ordinance 249, are hereby repealed.

ENACTED AND ORDAINED this 11th day of April, 2012.

BOROUGH OF ROSE VALLEY

s/

William C. Ha

ATTESTED:

s/
Paula W. Healy, Secretary

APPROVED this 11th day of April, 2012.

s/
Thomas F. Plummer, Mayor