

VALLEY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 02 of 2024

AN ORDINANCE OF THE TOWNSHIP OF VALLEY, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE VALLEY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, AT CHAPTER 13, "LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS," IN PART 3, "PEDDLERS AND SOLICITORS", TO UPDATE THE REQUIREMENTS FOR PEDDLERS AND SOLICITORS IN THE TOWNSHIP AND OTHER MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, that Chapter 13 of the Code of Valley Township, titled, "Licenses, Permits and General Business Regulations," Part 3, "Peddlers and Solicitors," shall be amended as follows:

Section 1. Section 13-301, "Findings" is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

The Valley Township Board of Supervisors has determined it to be necessary to regulate the distribution of certain materials and services, peddling, soliciting, and related materials within the Township for the health, safety and welfare of the residents of the Township, to deter or prevent dishonest business practices and/or criminal activity, and to safeguard ~~that the safety and privacy of Township residents, particularly the elderly, may be jeopardized by fraudulent schemes to sell goods and services to Township residents, and that~~ Further, it is in the best interest of the Township to differentiate between certain categories of peddlers and solicitors.

Section 2. Section 13-303, "Definitions" is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

The following words shall have the following meanings when used in this Part, unless the context requires otherwise:

CERTIFICATE OF REGISTRATION

A peddler's or solicitor's authority issued in accordance with the provisions of this Part.

PEDDLE

To engage in the peddling, soliciting, hawking, vending, taking of orders (either by sample or otherwise), selling, or offering for sale any services, goods, wares, merchandise, printed matter, or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township. ~~Provided, the word "peddling" shall not apply to:~~

~~(1) Farmers selling their own produce; or~~

~~(2) The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or~~

~~(3) Any manufacturer or producer of bread and bakery products, meat and meat products, or milk or milk products.~~

PEDDLER

Any person engaged in peddling.

PERSON

Any individual, joint venture, association, partnership, trust, corporation, or other legal entity.

SOLICIT

To engage in the solicitation of any money or gift of any services, goods, wares, merchandise, or other articles of value by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township, whether or not accompanied by the dissemination of information. This action shall include visits from house to house, place to place, at a fixed location, or from street to street traveling by foot, vehicle or any type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not collecting advance payments, or who engages in these types of activities in any street or public place, and/or from a stationary location within the Township as prohibited by this law. ~~This term shall not apply to insurance companies or their agents or brokers authorized to transact business under the insurance laws of this commonwealth.~~

SOLICITOR

Any person engaged in soliciting.

STREET

Any street, road, highway, or alley (including the area of any right-of-way, whether improved or unimproved) and shall include the sidewalk within the lines of or alongside of the same.

TOWNSHIP

The Township of Valley, Chester County, Pennsylvania.

Section 3. New Section 13-304.1, “Do Not Solicit Registry,” is created to read as follows:

§13-304.1 Do Not Solicit Registry.

1. The Township shall hereby create and manage a “Do Not Solicit” registry for those landowners and residents of the Township who do not wish to be contacted by licensed peddlers and solicitors at their properties.

2. Any person in lawful possession and occupancy of any dwelling unit in the Township may request to have their address placed on the "Do Not Solicit" registry by submitting a request in writing to the Chief of Police or designee. The written submission shall include:

- A. The name and signature of the person completing the form;
- B. The complete address of the dwelling unit to be placed on the "Do Not Solicit" registry;
- C. The date the form was completed; and
- D. A statement that the individual, being authorized to do so by all occupants of the dwelling unit, requests that no licensed peddlers or solicitors enter the above referenced property or otherwise attempt to solicit, peddle thereon.

3. A resident's listing on the "Do Not Solicit" registry shall be effective 30 days from the date of the submission of the same to the Chief of Police or designee in writing. The listing shall remain on the "Do Not Solicit" registry unless and until a written request to remove the same is submitted to the Chief of Police or designee.

4. A written request for removal from the "Do Not Solicit" registry shall be in writing and include the same information set forth in § 13-304.1.2(A)-(C) and a statement that the individual, being authorized to do so by all occupants of the dwelling unit, requests that the property be removed from the "Do Not Solicit" registry.

5. A request for removal from the "Do Not Solicit" registry shall be effective 30 days from submission of the same to the Chief of Police or designee.

Section 4. Section 13-305, "Prohibition Against Entering Upon Posted Property", is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

§ 13-305. Prohibition Against Entering Upon Posted or "Do Not Solicit" Property.

~~Any and all p~~Peddlers and solicitors are prohibited from entering ~~upon~~ any property that is posted with a "No Peddling or Soliciting" sign. If such sign is posted, the peddler or solicitor, whether required to be licensed in accordance with this Part or not, shall immediately and peacefully depart from the property. Licensed peddlers and solicitors are prohibited from entering upon any property which is included in Township's "Do Not Solicit" registry. and Peddlers and solicitors who fail to comply with a posted sign or "Do Not Solicit" registry may be prosecuted for trespassing and/or a violation of this Part. If such sign is posted, the peddler or solicitor, whether required to be licensed in accordance with this Part or not, shall immediately and peacefully depart from the property.

Section 5. Section 13-306, "Prohibition Against Use of Public Roads, Streets, Alleys and/or Highways", is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

No peddler and/or solicitor may use or occupy any portion of any street, highway, road, alley and/or any other public accessway. This prohibition shall include any area located within the public highway, paved, improved and/or unimproved areas of the Township right-of-way.

Section 6. Section 13-307, "Conduct of Peddlers and Solicitors", is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

1. Every peddler and solicitor, whether or not exempt from registration under this Part, licensed in accordance with this Part or not, shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The peddler or solicitor shall carry official identification, such as a driver's license, and the certificate of registration, where applicable, upon his or her their person at all times and shall exhibit it upon request of any person to whom the peddler or solicitor is attempting to peddle or solicit.
- B. The peddler or solicitor shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request. ~~Failure or refusal to leave upon request may subject the peddler/solicitor to prosecution for defiant trespass, 18 Pa.C.S.A. § 3503(b).~~
- C. The peddler or solicitor shall only engage in peddling or soliciting within the Township ~~on Monday through Saturday from 9:00 a.m. to 5:00 p.m. No peddling or soliciting shall be allowed on Sundays or on any state or federal legal holiday.~~
- D. The peddler or solicitor shall not call out or shout to sell his or her services or goods, nor shall the peddler or solicitor use any loudspeaker or horn or other device for announcing his or her their presence ~~by which the public is annoyed.~~
- E. The peddler or solicitor shall not occupy any fixed location upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of peddling or soliciting, with or without any stand, counter, or cart.
- F. The peddler or solicitor shall not peddle or solicit in any Township park without first acquiring a permit from the Township, unless excused under § 13-309 hereof.
- G. The peddler or solicitor shall not park any vehicle upon or along any of the streets, alleys, or sidewalks of the Township for the purpose of sorting, rearranging, or cleaning any of his or her goods, wares, or merchandise or for the purpose of disposing of any carton, wrapping material, stock, wares or foodstuffs.
- H. ~~The peddler or solicitor shall not operate from or use in conjunction with his or her activities any vehicle with a gross vehicle weight of 10,000 pounds or larger.~~

- ~~I H.~~ The peddler or solicitor shall not engage in any activity that creates a public nuisance, disrupts traffic, and/or disturbs the peace and tranquility of the Township.
- ~~J I.~~ The peddler or solicitor ~~must~~ shall comply with all Township ordinances, including, but not limited to, any requirements for signs within the Township, ~~now or hereafter enacted or adopted.~~
- ~~K.~~ Every peddler or solicitor ~~must provide a certificate for proof of general liability insurance with limits of not less than \$1,000,000 coverage per person from a recognized and licensed insurance company having a rating of not less than "A" from the Best Company or similar rating entity. Additionally, any peddler or solicitor operating or being transported in a motor vehicle during the course of his/her/its activities in the Township shall be required to provide evidence of insurance for such motor vehicle(s) in a minimum amount of \$25,000 for property damage and \$1,000,000 for personal injury or death, or a combined single limit of \$1,250,000. If serving as an employee, the peddler's/solicitor's employer shall also provide proof of worker's compensation insurance in limits as may be required by the Commonwealth of Pennsylvania.~~
- ~~L.~~ No person or legal entity may attempt to peddle, solicit or distribute materials or printed material without providing identification identifying the approved certificate of registration from the Township.
- ~~M J.~~ No person issued a certificate of registration under this Part shall represent that he/she they or the entity so ~~licensed~~ they represent is in any way sponsored or endorsed by the Township.

Section 7. Section 13-308, "Application Procedures", is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

1. The Board of Supervisors shall set by resolution, as may be amended from time to time, a registration fee to engage in soliciting or peddling in the Township.

2. No person, other than those exempt under Section 13-309, shall engage in peddling or soliciting in the Township of Valley without first having obtained a certificate of registration to peddle or solicit. The application must be submitted not less than 30 days prior to the proposed activities.

A. Application Procedure. Every applicant for a certificate under this Part shall file with the Valley Township Chief of Police or his designees a sworn statement on a form furnished by the Township, which shall give or be accompanied by the following information:

(1) The applicant's full name, date of birth, local address, permanent address, telephone number, and proof of identification.

- (2) A current photograph of the applicant.
- (3) The address to which notices under this Part shall be directed.
- (4) The name, address, telephone number and tax ID of employer or principal, if any.
- (5) Nature of the business or activity in which the applicant wishes to engage while in the Township, including a description of the merchandise or services to be sold/performed.
- (6) If a vehicle is to be utilized, a description of the vehicle, the vehicle license number and expiration date and the operator's drivers' license number and expiration date.
- (7) A statement as to whether the applicant has been convicted in any jurisdiction of any crimes other than minor traffic violations, and if so, of what crime or crimes, the penalty or punishment imposed, the date and place of the offense and other pertinent details.
- (8) Proof or possession of any license or permit which the applicant is required to have under federal, state, county or other local law in order to conduct the proposed activity.
- (9) An acknowledgement that the applicant is aware of and understands the regulations set forth in this Part.
- (10) If the applicant intends to utilize assistant, all applicable information shall also be supplied for each assistant and each assistant shall obtain their own license.

~~The name and description of the applicant. If other than a person, proof of current status of its authority under the Commonwealth of Pennsylvania, together with a certificate of good standing.~~

- ~~(2) The permanent home address and full local address of the applicant.~~
- ~~(3) The names and addresses of all individuals who will perform activities under this Part (all persons and/or entities must satisfy the terms of this Part).~~
- ~~(4) The relationship of those individuals to the applicant, which must include the employment status of those individuals. In the event the applicant is not the employer, the employer must submit and satisfy a separate application. Applicant, and/or employer must provide proof of worker's compensation insurance for any person engaged in the activities described herein, unless excluded by exemption~~

~~under the Worker's Compensation Law. The applicant must establish the applicability of the exemption to Township's satisfaction.~~

~~(5) A certificate of insurance providing coverage for general liability of not less than \$1,000,000 per person covering all actions described in the application, from a recognized insurance company, authorized to do business in the Commonwealth of Pennsylvania, with a rating of not less than "A" from the Best Company, or similar recognized rating company. In the event that a motor vehicle is to be used in the course of the peddling or solicitation activities, or in transporting peddler(s) or solicitor(s) to those activities within the Township, a certificate of motor vehicle insurance in an amount not less than \$25,000 for property damage, \$1,000,000 for personal injury or death, or a combined single limit of \$1,250,000. Any applicant engaging the services of paid peddler(s) or solicitor(s) shall also be required to present evidence of worker's compensation insurance in amounts not less than those required by the Commonwealth of Pennsylvania.~~

~~(6) The length of time (which may not exceed 30 days for each application) requested; location of activities.~~

~~(7) Type and ownership of vehicle; license number and location of activities described in the application.~~

~~(8) A statement as to whether the applicant and/or any individual associated with the applicant's activities has been convicted of any crime or ordinance, the nature of the offense and punishment and/or penalty assessed.~~

~~(9) The name, address and telephone number of the organization or legal entity represented and the names, telephone numbers and addresses of its legal officers/representatives.~~

~~(10) The names and addresses of all sponsors, promoters, and solicitors connected with the activities.~~

~~(11) A specific outline and description of proposed activities.~~

~~(12) A statement as to whether or not any commission, fee, wage, or other compensation is to be paid in connection with the activities described, and, if so, details as to the amount to be expended from the funds.~~

~~B. Every individual and/or entity actually performing any of the activities described; every legal entity and/or organization utilizing another person or entity must obtain a certificate of registration before conducting any activities in the Township.~~

~~C. The applicant expressly authorizes the Township to request information concerning his/her/its criminal and/or civil history, and that an executed copy of the application shall constitute sufficient affirmation for any reporting agency to provide such information.~~

- B. Upon receipt of such application and prescribed fee, the Chief of Police or designee shall have 30 days to review and verify the information provided.
- C. If the Chief of Police or designee finds such application in order, they shall issue the certificate of registration to the applicant.
- D. The Chief of Police or designee may deny a certificate of registration if:
- (1) The application is incomplete;
 - (2) The application contains inaccurate or misrepresented information;
 - (3) The applicant has a prior failure to comply with any law concerning soliciting or peddling;
 - (4) The applicant is offering for sale illegal merchandise or services; or
 - (5) The application contains information that provides a reasonable basis for determining that the public health, safety or welfare will be threatened by the issuance of the certificate of registration to the applicant.
- ~~D~~E. No certificate of registration issued under this Part shall be transferable.
- ~~E. All fees shall be set by resolution of the Valley Township Board of Supervisors.~~
- F. All certificates of registration issued by the Township shall be exhibited in clear view by the person peddling or soliciting at all times, and it shall not be altered by any person or used by any other person except the applicant.
- G. All certificates of registration shall expire after 30 days but may be renewed for additional thirty-day periods by written request to the Township's Chief of Police accompanied by a statement that the information supplied on the original application remains true and correct or that the information supplied on the original application should be amended to reflect any changes since the original application.
- H. The issuance of a certification of registration grants the applicant the privilege of conducting the permitted activity described in the application under the terms of this Part within the Township. The issuance of a certificate does not confer any property right upon the applicant.

Section 8. Section 13-309, "Exemptions", is deleted in its entirety and replaced with a new Section 13-1309, "Exemptions", to read as follows:

§ 13-309. Exemptions.

1. The following persons, although subject to all other provisions of the Part, are exempt from the registration and application requirements ~~which~~ for engaging in activities described herein:
 - A. Persons soliciting contributions on behalf of charitable organizations exempted from the provisions of, or duly registered pursuant to, the Solicitations of Funds for Charitable Purposes Act (10 P.S. 162.1 et seq.), as amended, who while soliciting, must possess a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
 - B. Any person engaged in door-to-door canvassing, political speech, or religious activities, as protected under the First Amendment of the United States Constitution or engaged in the distribution of handbills.
 - C. Minors who take orders for and deliver newspapers, greeting cards, candy and the like or who are involved in school-sanctioned activities or who represent a civic organization such as the Boy Scouts, Girl Scouts, or similar organization and take orders for and deliver cookies and the like.
 - D. Any common carrier, courier service, manufacturer's or vendor's representative, or other persons engaged in regular services and deliveries associated therewith.
 - E. Persons who are currently licensed by the Commonwealth of Pennsylvania to engage in soliciting/peddling activity, including, without limitations, real estate, insurance or securities brokers and salesmen.
 - F. Farmers primarily selling the produce of their own farms.
 - G. Persons selling goods, wares or merchandise donated by the owners, all proceeds of which are to be applied to any charitable or philanthropic purpose.
 - H. Persons soliciting information when such information is pursuant to a legislative mandate, such as a census.
 - I. Persons soliciting political petitions pursuant to the Pennsylvania Election Code.
 - J. Manufacturers or producers of bread or bakery products, meats or meat products, or milk or milk products.

Section 9. Section 13-310, "Certificate of Registration, Suspension or Revocation", is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

1. The Township's Chief of Police is hereby authorized to suspend or revoke any certification of registration issued under this Part for:

- A. Any violation of any of the provisions of this Part;
- B. For giving false information in any application for a certificate of registration;
- C. Peddling or soliciting in a manner that violates federal, state, or local law, regulation, ordinance or the terms of any other license involved in the peddling or soliciting; and
- D. Peddling or soliciting in a manner as to create a public nuisance or a breach of the peace.

~~for license filed under § 13-308 hereof. The Township's Chief of Police is further authorized to refuse a certificate of registration to any person with a prior criminal record and to any other person who may, in his opinion, present a threat of harm or danger to the residents of the Township.~~

2. Any peddler/solicitor whose certificate of registration is suspended, revoked, or denied may appeal such decision to the Township Board of Supervisors within ten (10) days after such denial, suspension, or revocation. Any such appeal shall be in writing, which shall be accompanied by such fee as shall, from time to time, be established by the Board of Supervisors by resolution. A hearing on such appeal shall take place within 30 days after receipt of the written appeal by the Township Secretary. The application shall not be considered complete until the required fee is paid in full. Following the appellant's presentation of their position, the Board of Supervisors may decide to reinstate or issue the certificate, affirm the denial, suspension or revocation of the certificate, or modify the suspension of the certificate. The decision of the Board of Supervisors shall be final and binding on all parties.

3. No part of the fee shall be refunded to any person whose certificate of registration has been denied, suspended or revoked.

Section 10. Section 13-311, "Violations and Penalties," is amended as follows, with strike through interlineations denoting deletion of language and underlined interlineations denoting addition of language:

1. Any person who or which has violated, facilitated the violation, or permitted the violation of the provisions of this Part (hereinafter the "violation") shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. Each day or portion thereof that a violation continues shall constitute a separate violation. Each section of this Part that is violated shall also constitute a separate offense.

2. Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of Valley Township against a violator under this Part shall in no way constitute an election of remedies, ~~and the Township;~~ The Township; and any other person having a cause of action against this violator, shall be entitled to pursue any such remedies against this violator as provided by law or in equity.

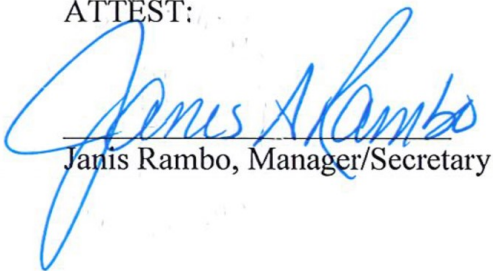
Section 11. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 12. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance. Notwithstanding the foregoing, the adoption of this amendment and the repeal of ordinances shall not affect the any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

Section 13. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Valley Township ordinances and/or codification and to bring the Ordinance into conformity with the Valley Township ordinances/codification.

Section 14. Effective Date. This Ordinance shall be effective five (5) days after enactment.

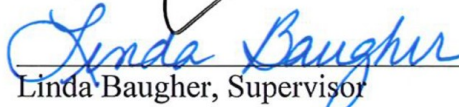
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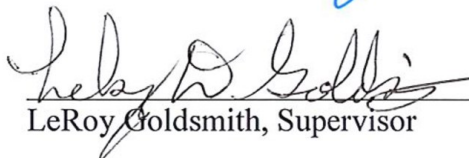

Janis Rambo, Manager/Secretary

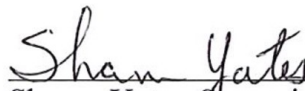
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