


I, Amanda J. Sundquist, Esquire, hereby certify that the attached document is a copy of the full text of the proposed Ordinance which amends Chapter 150 of the Pocopson Township Code, titled "Peddling and Soliciting".

UNRUH, TURNER, BURKE & FREES, P.C.

A handwritten signature in cursive script, appearing to read "Amanda Sundquist".

Date: July 8, 2024

By:

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Amanda J. Sundquist, Esquire  
Solicitor for Pocopson Township

**POCOPSON TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. \_\_\_ of 2024**

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE POCOPSON TOWNSHIP CODE OF ORDINANCES, AS AMENDED, AT CHAPTER 150, "PEDDLING AND SOLICITING," 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 Pocopson Township, Chester County, Pennsylvania, that Chapter 150 of the Code of Pocopson Township, titled, "Peddling and Soliciting," shall be amended as follows:

**Section 1.** Chapter 150, "Peddling and Soliciting," shall be deleted in its entirety and replaced with new Chapter 150 "Peddling and Soliciting," to read as follows:

**§ 150-1. Title.**

This chapter shall be known as the "Peddling and Soliciting Ordinance."

**§ 150-2. Purpose.**

The purpose of this chapter is to regulate the distribution of certain materials and services, peddling, soliciting and related activities within Pocopson 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.

**§ 150-3. Definitions.**

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

**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.

**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 engaging 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.

SOLICITOR -- Any person engaged in soliciting.

STREET -- Any Township 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 Pocopson, Chester County, Pennsylvania.

**§ 150-4. Posting.**

Any person who is the owner or lawful occupant of property within the Township may prohibit the practice of going in or upon the property of such owner or lawful occupant by peddlers or solicitors by posting upon such property a sign that reads "No Peddling" "No Soliciting," and/or substantially similar language thereto ("No Peddling/Soliciting Sign") in a location that is reasonably visible to persons who intend to enter upon such property.

**§ 150-5. Prohibition Against Entering Upon Posted Property.**

Peddlers and solicitors are prohibited from entering upon any property that is posted with a No Peddling/Soliciting Sign and may be prosecuted for trespassing and/or a violation of this chapter. If such sign is posted, the peddler or solicitor, whether registered in accordance with this chapter or not, shall immediately and peacefully depart from the property.

**§ 150-6. Prohibition Against Use of Public Roads, Streets, Alleys and/or Highways.**

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

**§ 150-7. Conduct of Peddlers and Solicitors.**

Every peddler or solicitor, whether or not exempt from registration under this chapter, shall, in the carrying on of peddling or soliciting 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 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 or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request;
- C. The peddler or solicitor shall only engage in peddling or soliciting within the Township from 9:00 a.m. to 9:00 p.m.;
- D. The peddler or solicitor shall not call out or shout to sell services or goods, nor shall the peddler or solicitor use any loudspeaker or horn or other device for announcing their presence;
- 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 Section 150-9 hereof;
- G. The peddler or solicitor shall not engage in any activity that creates a public nuisance, disrupts traffic, and/or disturbs the peace of the Township;
- H. The peddler or solicitor shall comply with all Township ordinances, including, but not limited to, any requirements for signs within the Township; and
- I. No peddler or solicitor shall represent that they, or the entity they so represent, is in any way sponsored or endorsed by the Township.

**§ 150-8. Application Procedures.**

- A. 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.
- B. No person, other than those exempt under Section 150-9, shall engage in peddling or soliciting in the Township without first having obtained a certificate of registration to peddle or solicit. The application to peddle or solicit shall be submitted not less than 20 days prior to the proposed peddling or soliciting activities.
- C. Every applicant for a certificate under this chapter shall file with the Township Codes Enforcement Officer or 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 chapter shall be directed;
  4. The name, address, telephone number and tax identification of the applicant's 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 plate number, vehicle registration 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 that the applicant is required to have under federal, state, county or other local law to conduct the proposed activity;
  9. An acknowledgement that the applicant is aware of and understands the regulations set forth in this chapter; and
  10. If the applicant intends to utilize assistants, each assistant shall obtain their own license.
- B. Upon receipt of such application and prescribed fee, the Codes Enforcement Officer or designee shall have 20 days to review and verify the information provided.
- C. If the Codes Enforcement Officer or designee finds such application in order, a certificate of registration shall be issued to the applicant.
- D. The Codes Enforcement Officer 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 or ordinance 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.
- E. No certificate of registration issued under this chapter shall be transferable.
- 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 such certificate shall not be altered by any person or used by any other person except the applicant.
- G. All certificates of registration shall expire after 60 days but may be renewed for additional thirty-day periods by payment of a renewal fee, as set by the Board of Supervisors by resolution, from time to time, and written request to the Code Enforcement Officer or designee 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 certificate of registration grants the applicant the privilege of conducting the permitted activity described in the application within the Township under the terms of this Chapter. The issuance of such certificate does not confer any property right upon the applicant.

**§ 150-9. Exemptions.**

- A. The following persons, although subject to all other provisions of the chapter, are exempt from the registration and application requirements for engaging in activities described herein:
  1. 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, shall possess 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, political speech, or religious activities, as protected under the First Amendment of the United States Constitution, or engaged in the distribution of handbills;
  3. 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;
  4. Any common carrier, courier service, manufacturer's or vendor's representative, or other persons engaged in regular services and deliveries associated therewith.
  5. Persons who are currently licensed by the Commonwealth of Pennsylvania to engage in soliciting/peddling activities, including, without limitation, insurance companies or their agents or insurance brokers and salespersons;

6. Farmers primarily selling their own produce;
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 soliciting information when such information is pursuant to a legislative mandate, such as a census; and
9. Persons soliciting political petitions pursuant to the Pennsylvania Election Code.

**§ 150-10. Certificate of Registration.**

- A. The Township's Code Enforcement Officer or designee is hereby authorized to suspend or revoke any certification of registration issued under this chapter for:
  1. Any violation of any of the provisions of this chapter;
  2. Giving false information in any application for a certificate of registration;
  3. 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/or
  4. Peddling or soliciting in a manner as to create a public nuisance or a breach of the peace.
- B. 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.
- C. No part of the fee shall be refunded to any person whose certificate of registration has been denied, suspended or revoked.

**§ 150-10. Enforcement Remedies.**

Any person violating or permitting the violation of any of the provisions of this chapter shall, upon being found liable therefor in a criminal enforcement proceeding, pay a fine of 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 or portion of a day that a violation continues shall constitute a separate violation. Each section of subsection of this chapter, which is violated, shall also constitute a separate offense.

**§ 150-11. Interpretation.**

This chapter shall not be applied so as to place any undue burden on interstate commerce regarding any business or activity referred to herein. It is the intent of this chapter 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. The chapter has been adopted in order to allow the Township to meet its obligations under federal and state law to permit solicitation and peddling.

**Section 2. 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 3. 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 4. General Code.** General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Township ordinances and/or codification and to bring the Ordinance into conformity with the Township ordinances/codification.



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

**ATTEST:**

**BOARD OF SUPERVISORS  
POCOPSON TOWNSHIP**

\_\_\_\_\_  
Susan Simone, Secretary

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Elaine DiMonte, Chair

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Ricki Stumpo, Vice-Chair

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Ray McKay, Supervisor