

**WEST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 212

**AN ORDINANCE AMENDING CHAPTER 239 OF THE WEST VINCENT CODE OF
ORDINANCES AMENDING THE PEDDLING AND SOLICITING PROVISIONS OF
THE CODE AND PROVIDING FOR A DO NOT KNOCK, LIST AND REGULATIONS**

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Vincent Township, Chester County, Commonwealth of Pennsylvania as follows:

Section 1. Chapter 239 is hereby deleted in its entirety and replaced with the following:

Chapter 239 Peddling and Soliciting

Section 239-1. Definitions

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

LICENSEE

A person who has obtained a license pursuant to this chapter.

PEDDLER

Any person who shall engage in peddling as herein defined.

PEDDLING

The selling, hawking, exchanging or transferring of goods, wares or merchandise of any kind or nature for a consideration from vehicles or temporary structures along the streets or highways within West Vincent Township, or by visits to the dwelling house, residence or places of business within West Vincent Township, except that the definition of "peddling" shall not include situations wherein a party within the Township of West Vincent has requested and/or consented to the foregoing described conduct constituting peddling.

PERSON

Any natural person, association, partnership, firm or corporation.

SOLICITING

The procuring or soliciting of orders for future deliveries of goods, wares or merchandise of any kind or nature from vehicles or temporary structures along the streets, roads and highways of West Vincent Township, or by visits to the dwelling houses, residences or places of business within West Vincent Township. In addition, "soliciting" shall be defined as procuring or soliciting of contributions, gifts or donation of money or any other item of any kind or nature. However, the definition of "soliciting" shall not include situations wherein a party within the Township of West Vincent has requested and/or consented to the foregoing described conduct constituting soliciting.

SOLICITOR

Any person who engages in soliciting as herein defined.

- B. In this chapter, the singular shall include the plural, and the masculine shall include the feminine.

Section 239-2. Permit Required

No person shall engage in soliciting or peddling in the Township of West Vincent without first obtaining a permit from the Township Police Department.

Section 239-3. Application Procedure

Every person desiring to engage in soliciting or peddling in the Township of West Vincent shall first obtain an FBI criminal history summary check (frequently referred to as an "FBI background check"). The summary check must be submitted at the time of application. The applicant must then make application, to the West Vincent Township Police Department.

Section 239-4. License application

The application for a license as required by this chapter shall be on a form provided by the Board of Supervisors and shall contain the following information:

- A. Full name of the applicant and local address, telephone number, and date of birth;
- B. Permanent address of applicant;
- C. Name of employer and address of the principal place of business of employer or statement that the applicant is self-employed;
- D. The nature of the goods, wares or merchandise to be peddled or solicited and/or, if applicable, the purpose for the soliciting of contributions, gifts or donations of money or any other item of any kind or nature;
- E. The type of vehicle to be used, if any;
- F. The applicant shall also submit to fingerprinting and furnish a two-inch-by- two-inch color photograph;
- G. If a license is required from any county officer, the applicant shall, upon making application, exhibit a valid license;
- H. Duration of peddling or soliciting to be conducted;
- I. A fee as established by resolution by the Board of Supervisors shall be paid for each representative of an organization before a license will be issued.

Section 239-5. Issuance of Permits

Within 14 days after registering and successfully meeting all application requirements with the Township Police Department, as foresaid, each solicitor or peddler shall be issued a permit. Unless he shall have been convicted of a crime involving moral turpitude, theft or other crime betraying public trust, he shall be permitted to solicit or peddle within the Township for the permitted period beginning on the date such permit is issued. Said permit period shall end on the expiration date thereof, not more than 30 days after issuance. A One-time thirty-day extension may be granted by the Chief of Police to solicitors deemed to have complied with all aspects of this chapter. Such permit shall not be transferable and shall be worn upon his person in plain view.

Section 239-6. Exhibition of License

- A. The peddling and soliciting license required by this chapter must be prominently

- displayed on any vehicle used by the licensee.
- B. A licensee under the chapter must exhibit the license required by this chapter to all persons contacted for the purpose of peddling or soliciting.
 - C. A licensee under this chapter must exhibit the license to all agents of the Township of West Vincent upon request.
 - D. A license obtained shall not be transferable to any other person. Each representative of an organization must complete an application form, pay the license fee provided in § 239-4 (I), above, and obtain a duplicate copy of the original license issued to the organization.

Section 239-7. Limitation of goods to be sold; vehicle use

No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders of contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such permit, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his permit.

Section 239-8. Hours solicitation prohibited.

No person shall engage in soliciting or peddling on Sunday before noon or after 5:00 p.m. or upon any other day of the week before 9:00 a.m. or after 9:00 p.m., except upon invitation from or an appointment with the resident.

Section 239-9. Crying of merchandise; use of loudspeakers

No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or service upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker or horn or any other device for announcing their presence.

Section 239-10. Use of streets for purposes other than peddling

No person engaged in soliciting or peddling shall park any vehicle upon any of the streets of the Township in order to sort, rearrange or clean any of his goods, wares or merchandise or samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor may any person place or deposit any refuse upon any such streets or alleys; nor may any such person maintain or keep a street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the Township for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.

Section 239-11. Use of stand/counter

No person engaged in soliciting or peddling shall occupy any fixed location upon any of the streets or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter.

Section 239-12. Record and supervision of peddling activities; do-not-knock regulations

- A. No activity described in §239-1 through 239-11 of this chapter shall be done on any private property posted with “No Solicitation” signs or listed on the do-not-knock list, and any such violation will be considered trespass subject to criminal laws of the Commonwealth.
- B. The Chief of Police shall keep a record of all registrations made under this chapter and the Chief of Police shall supervise the activities of all holders of such permits. The Chief of Police shall maintain and annually update a list of Township residents who

do not wish to have any person, firm, corporation, or association sell or offer for sale any goods, commodity, or services at their place of residence at any time.

- C. The Chief of Police shall promulgate regulations for the management of the do-not-knock list, the distribution of the do-not-knock list to permittees; notice and access of the do-not-knock regulations on the Township website; and enforcement procedures for violations of the do-not-knock regulations.
- D. Permittees who are notified of the do-not-knock list and who violate the list by selling or offering for sale, any goods, commodity or services at an address on the do-not-knock list shall, in addition to the violations and penalties set forth in this chapter, have the permit immediately revoked. Permittees who believe that the permit has been improperly revoked under this section may appeal said revocation pursuant to §239-15.

Section 239-13. Exemption and interpretation.

- A. A license as specified in this chapter shall not be required where:
 - (1) Any person or individual is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost or exercising the right to anonymous /religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions;
 - (2) Peddling or soliciting is conducted by a person who is a member of a local fire department, fire police, or ambulance services;
 - (3) A farmer is selling food products which have been produced by him or his employees.
- B. Nevertheless, the Township Board of Supervisors shall make the determination as to whether an applicant falls within any of the specified exemptions set forth in Subsection A hereof, and, therefore, any person seeking to fit within one or more of the exclusions set forth above shall first make application to the Board of Supervisors.

Section 239-14. Revocation of permit by chief of Police

Any permit hereinafter issued may be revoked by the Chief of Police of West Vincent Township upon the failure of the permittee to comply with the standards of conduct established in §239-1 through §239-12 of this chapter, or upon ascertainment that the permittee has made any false statements in the application for permit hereunder, or upon such permittee being arrested and convicted of any crime involving moral turpitude.

Section 239-15. Hearing

Any person whose permit has been revoked shall be entitled to appear, with counsel if desired, before the Board of Supervisors of West Vincent Township at a regular or special meeting and be heard pursuant to a request for reinstatement of said permit.

Section 239-16. Contents of permit

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued, and shall contain the following: number of permits, fee paid, date of issue, expiration date, name, age, height, weight, name of employer, address and signature of holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

Section 239-17. Violations and penalties

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or to imprisonment to the extent allowed by law for the punishment of summary offenses. Enforcement shall be by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Section 2. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

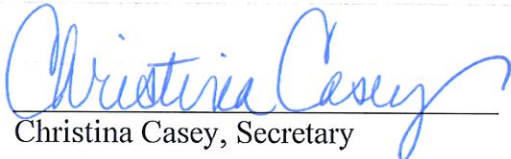
Section 3. Repealer. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 4. Effective date. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of West Vincent this 18th day of February, 2025.

ATTEST:

**WEST VINCENT TOWNSHIP,
BOARD OF SUPERVISORS**


Christina Casey, Secretary


Dana Alan, Chair


Bernie Couris, Vice Chair

Charlene Briggs, Member