

ORDINANCE NO. 2014-7

**AN ORDINANCE OF THE BOROUGH OF DOYLESTOWN,
BUCKS COUNTY, PENNSYLVANIA AMENDING
CHAPTER 13, PART 1 OF THE BOROUGH'S CODE OF
ORDINANCES GOVERNING CANVASSING, SOLICITING,
AND PEDDLING**

WHEREAS, the Pennsylvania Borough Code provides that the corporate powers of the Borough Council of Doylestown Borough (the "Borough Council") include the ability to make regulations as may be necessary for the health, safety, and general welfare of the borough;

WHEREAS, Chapter 13 of the Doylestown Borough Code of Ordinances, regulates licensing, permitting, and general business regulations;

WHEREAS, Part 1 of Chapter 13 addresses canvassing, soliciting, and peddling;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with the Borough Code;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Borough Council of Doylestown Borough, Bucks County, Pennsylvania, as follows:

1. Chapter 13 of the Doylestown Borough Code of Ordinances is hereby AMENDED by STRIKING all of existing Part 1 and REPLACING it with the following:

Part 1. CANVASSING, SOLICITING AND PEDDLING

§ 101. Applicability; Definitions and Interpretation.

1. This Part 1 shall not apply to parades or street gatherings permitted under Part 2 of this Chapter, or any event or activity conducted pursuant to a license agreement with the Borough.
2. As used in this Part 1, the following terms shall have the meanings indicated, unless a different meaning appears from the context:

CANVASSER

Any person who engages in canvassing, as defined in this Part 1.

CANVASSING

Conduct, other than soliciting or peddling as defined in this Part 1, which involves the examination, discussion, requesting, distribution and/or accumulation of opinions, votes, support or any information or communication, whether or not protected under the Constitutions of the Commonwealth of Pennsylvania or the United States, upon any of the

streets or sidewalks or from house to house, or from or to persons in commercial, industrial, professional or any other sort of building whatsoever, within the Borough of Doylestown. Contributions sought in connection with or in support of the above-described conduct, including payments for books, pamphlets or other materials connected with or in support of the canvasser's message or mission, also qualify as canvassing and shall not be subject to solicitation requirements.

LICENSEE

Any person who has obtained a license for soliciting or peddling under this Part 1.

PEDDLER

Any person engages in peddling, as defined in this Part 1.

PEDDLING

The selling or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks or from house to house, or to persons in commercial, industrial, professional or any other sort of building whatsoever, within the Borough of Doylestown. This definition of peddling excludes canvassing, as defined in this Part 1.

PERSON

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

SOLICITING

The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery or for subscriptions or contributions, including the seeking or taking of contracts or orders for house or other building repairs, improvements and alterations and also including orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for house or other building improvements or repairs, upon any of the streets or sidewalks or from house to house or from persons in commercial, industrial, professional or any other sort of building whatsoever, within the Borough of Doylestown. This definition of soliciting excludes canvassing, as defined in this Part 1.

SOLICITOR

Any person who engages in soliciting, as defined in this Part 1.

3. For purposes of this Part 1, the singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 102. License Required to Engage in Soliciting or Peddling; Exceptions.

1. Except as provided in subsection (2) below, no person shall engage in soliciting or peddling in the Borough of Doylestown without first having applied for and received a license as hereinafter provided.

2. No license shall be required for:

- A. The sale, or offering for sale, of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose within the meaning of § 501(c)(3) of the Internal Revenue Code.
- B. The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- C. Farmers selling, or offering for sale, their own produce.
- D. The sale, or offering for sale, of bread and bakery products, meat and meat products or milk and milk products by any manufacturer or producer thereof.
- E. Any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 1990, December 19, P.L. 1200, No. 202 (10 P.S. § 162.1 et seq.)
- F. Children, under the age of 18 years, who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Girl Scouts of America or the Boy Scouts of America or similar organizations.
- G. Any recognized volunteer fire company or volunteer rescue unit.
- H. Persons seeking local, County, State or Federal elective office or persons engaged on behalf of a candidate for local, County, State or Federal elective offices.
- I. Persons engaged in the distribution, without cost or charge, of religious materials.
- J. Canvassing.

3. Any person engaged in one or more of the exempted categories set forth in subsection (2), above, who is also engaged in nonexempted activity, shall be fully subject to the licensing requirements of subsection (1) above with respect to such nonexempted activity.

4. A license shall be required for each natural person, association, partnership, firm or corporation engaged in soliciting or peddling and shall further be required, on an individual basis, for and in the name of each proposed solicitor or peddler engaged as an employee, helper, agent or representative and, except as otherwise provided, license fees shall be charged on the basis of each separate license so issued.

5. No license issued pursuant to the provisions of this Part 1 shall be transferable from one person or entity to another.

§ 103. Application for License.

1. Every person desiring to engage in soliciting or peddling within the Borough of Doylestown shall first make application to the Code Enforcement Officer of the Borough or his designee for a license. If such person shall also be required to obtain a license from any County officer, he shall, on making such application, exhibit a valid County license.

2. Every application shall be upon a form provided by the Code Enforcement Officer and shall contain, at a minimum, the following information and be verified by oath or affirmation.

A. The full name of the applicant and permanent address as well as any local address, if any.

B. The name and address of his employer or sponsor.

C. The purpose of the proposed soliciting and/or peddling as well as a description of the nature of any goods, wares, devices, articles, subscriptions, contributions, contracts or services to be offered for sale or provided or for which he wishes to solicit within the Borough of Doylestown.

D. A listing of all misdemeanors, felonies or violations of any municipal ordinances for which the applicant has been convicted, the factual nature of the offense and the punishment assessed therefor. Where the applicant is not a natural person, the provisions of this subsection shall apply to the officers, partners, managers or other persons in charge of such entity.

E. The place or places within the Borough of Doylestown where the applicant proposes to engage in soliciting and/or peddling and the length of time he proposes to do so.

F. The place or places, within or without the Borough of Doylestown, where he, within two years preceding the date of said application, did conduct soliciting and/or peddling.

G. A brief statement of the nature and character of any public advertising to be done in conjunction with the proposed soliciting and/or peddling.

H. Credentials showing that any individual applicant, acting as a representative of another, is authorized to act as such representative.

I. A photograph of the applicant, taken within 30 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. Where the applicant is not a natural person, the provisions of this subsection shall apply to the officers, partners, managers or other persons in charge of such entity.

J. If a vehicle is to be used, a description of same, together with the registration number. If the vehicle to be used is replaced after a person obtains a license, that licensee shall provide the Borough with updated vehicle information prior to use of such replacement vehicle.

K. A complete list of the names and address of all employees, agents, helpers or representatives to be engaged by the applicant in the proposed soliciting and/or peddling. Each person who engages in any activity requiring a license, shall obtain his or her own license.

L. Such other information as the Code Enforcement Officer may deem reasonably necessary to permit him to fulfill the purposes of this Part 1 and protect the public health, safety and welfare, including, upon request, the submission by the applicant to fingerprinting.

3. The Code Enforcement Officer or his designee shall hold each application for a five-day period during which the Chief of Police or his designee shall conduct a criminal background check on each applicant.

§ 104. Issuance, Denial, Suspension or Revocation of License.

1. Application for license shall be made at the office of the Code Enforcement Officer, Doylestown Borough Hall, between the hours of 9:00 a.m. and 4:00 p.m. on any day except Saturday and Sunday.

2. The Code Enforcement Officer, after approval of the Chief of Police, may deny the issuance of a license for cause in the case of any person not satisfying the provisions of this Part 1, or in the event that the conduct of the proposed soliciting and/or peddling would be injurious to the public health, safety or general welfare or in the event that the background check indicates that the applicant has been convicted of a crime involving moral turpitude, otherwise he shall issue a license to the applicant. Any license so issued shall contain the information required to be given upon the application therefor.

3. The Code Enforcement Officer, after approval by the Chief of Police, may suspend or revoke, at any time, any license issued under this Part 1 if the Code Enforcement Officer if there is a determination of any of the following:

A. the application for the license contained false information;

B. the licensee has been soliciting and/or peddling within the Borough of Doylestown in a manner which is injurious to the public health, safety or general welfare;

C. the licensee has been convicted of a crime involving moral turpitude; or

D. the licensee has otherwise violated any provision of this Part 1.

§ 105. License Fee; Duration of License; Exemptions.

1. Licenses may be issued for such periods as shall be established from time to time by resolution of Borough Council and shall be valid only for the period issued, unless sooner revoked or suspended for cause as hereinabove set forth. License fees shall be established from time to time by resolution of Borough Council.

2. The following are exempt from any license fees imposed by this Part 1:

A. Any honorably discharged member of any of the armed services of the United States who complies with the provisions of the Act of 1867, April 8, P.L. 50 (60 P.S. § 61).

B. Any natural person not receiving compensation and acting on behalf of an organization holding an exemption for Federal Income Tax purposes under § 501(c)(4) of the Internal Revenue Code.

C. Any organization holding an exemption for Federal Income Tax purposes under § 501(c)(4) of the Internal Revenue Code.

D. Any person who is exempt from payment of a license fee pursuant to this Section shall, nevertheless, be responsible to pay for the actual cost of the criminal background check required pursuant to § 103(3), above.

§ 106. License to be Carried and Produced Upon Request; Activities to Conform to Conditions of License.

Every licensee shall, at all times while engaged in soliciting and/or peddling in the Borough of Doylestown, carry such license upon his person and shall exhibit such license, upon request, to all police officers, Borough officials and citizens of the Borough of Doylestown. No solicitor or peddler shall engage in soliciting or peddling in any manner which is inconsistent with that mentioned and described upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.

§ 107. Canvassing, Soliciting and Peddling Certain Days and Hours Prohibited.

No person shall engage in soliciting and/or peddling at any time on Sunday, or upon any other day of the week before 9:00 a.m. or after 9:00 p.m. prevailing time. No person shall engage in canvassing before 9:00 a.m. or after 9:00 p.m. prevailing time on any day of the week.

§ 108. Hawking or Crying Wares; Use of Loudspeakers and Other Noise Making Devices Prohibited.

No person engaged in canvassing, soliciting and/or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts, services, solicitations, information and/or communications upon any of the streets or sidewalks of the Borough of Doylestown, nor shall he use any loudspeaker or horn or any other device for announcing his presence or conducting his canvassing, soliciting and/or peddling.

§ 109. Parking of Vehicles.

No person engaged in canvassing, soliciting and/or peddling shall park any vehicle upon any of the streets or alleys of the Borough of Doylestown in order to sort, arrange or clean any of his

goods, wares or merchandise, or samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor may any such 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 canvassing, solicitation and/or peddling office by parking any vehicle upon any such street or alley for longer than is necessary to canvass, solicit from or peddle to persons residing in the immediate vicinity.

§ 110. Use of Streets and Sidewalks.

1. No person engaged in soliciting and/or peddling shall occupy any fixed location upon any of the streets or alleys or sidewalks of the Borough of Doylestown for the purpose of soliciting and/or peddling, with or without any stand or counter.

2. No person engaged in canvassing shall occupy any fixed location upon any of the streets, alleys, or sidewalks of the Borough of Doylestown for the purpose of canvassing with any stand, counter, table, or similar device without advance approval of the Borough. A person who wishes to canvass in this manner must apply for approval at least two (2) business days in advance on a form provided by the Code Enforcement Officer, which shall contain the following information and be verified by oath or affirmation:

A. The full name of the applicant and permanent address as well as any local address, if any.

B. The name and address of his employer or sponsor.

C. The place or places within the Borough of Doylestown where the applicant proposes to engage in canvassing and the length of time he proposes to do so.

D. A brief description of any proposed device (e.g. stand, counter, table) to be used as part of the proposed canvassing, including dimensions and placement.

E. Credentials showing that any individual applicant, acting as a representative of another, is authorized to act as such representative.

F. A complete list of the names and address of all employees, agents, or representatives to be engaged by the applicant in the proposed canvassing.

G. Such other information as the Code Enforcement Officer may deem reasonably necessary to permit him to assess whether the proposed canvassing will threaten the public health, safety and welfare by interfering with emergency access and free movement on streets, alleys, or sidewalks of the Borough of Doylestown.

3. The Borough Code Enforcement Officer shall grant the approval sought under 110.2, if:

A. the applicant provides all information required under this section;

B. the proposed canvassing does not threaten the public health, safety and welfare by interfering with emergency access and free movement on streets, alleys, or sidewalks of the Borough of Doylestown; and

C. the applicant agrees to comply with any modifications or conditions requested by the Borough Code Enforcement Officer to ensure emergency access and free movement on streets, alleys, or sidewalks of the Borough of Doylestown.

4. Any person engaged in canvassing who occupies any fixed location upon any of the streets or alleys or sidewalks of the Borough of Doylestown for the purpose of canvassing and does so without any stand, counter, table, or similar device does not require advance approval of the Borough, but shall not threaten the public health, safety and welfare by interfering with emergency access and free movement on streets, alleys, or sidewalks of the Borough of Doylestown.

§ 111. Records; Supervision of Activities.

The Code Enforcement Officer shall keep a complete record of all licenses issued under this Part 1, and he shall monitor the activities of all licensees within the Borough of Doylestown during the period that such license remains in effect.

§ 111-1. Residential Do-Not-Sell List for Licensed Solicitors and Peddlers.

1. Any owner or lawful occupant of any residence within the Borough of Doylestown who wishes to prohibit soliciting or peddling by a licensee at his or her residence may register the address of such residence on a Do-Not-Sell list with the Code Enforcement Officer or his designee.

2. As of the date of the registration of a residential address on the Do-Not-Sell list, all soliciting and peddling by a licensee at such address shall be prohibited until such time, if at all, that the address has been deleted from the Do-Not-Sell list.

3. The Code Enforcement Officer shall maintain a current copy of the Do-Not-Sell list and provide the most current copy of the list to licensees.

4. Neither the Borough nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the Do-Not-Sell list.

5. This section shall not prevent any owner or lawful occupant of any property in the Borough, residential or otherwise, from posting a sign that states "No Peddlers," "No Solicitors," "No Canvassers," or words of similar import.

§ 111-2. Entry Upon Signed Premises Unlawful.

It shall be unlawful for any person while peddling, soliciting, or canvassing to knock, ring the doorbell, or otherwise attempt to gain the attention of the occupant(s) of a residence in the Borough where the owner, occupant, or person legally in charge of the premises has posted at the primary entrance to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," "No Canvassers," or words of similar import.

§ 112. Certain Acts Constitute Nuisance.

The following activities are hereby prohibited, unlawful and declared to be a nuisance:

1. Entering a private residence or place of business within the Borough of Doylestown by a canvasser, solicitor and/or peddler under false pretenses, for the purpose of canvassing, soliciting and/or peddling;
2. Remaining in a private residence or upon the grounds thereof, or in any place of business or upon the grounds thereof, after the owner or person lawfully in possession thereof shall have requested him to leave;
3. Going in and upon the premises of a private residence or place of business by a canvasser, solicitor and/or peddler for the purpose of canvassing, soliciting and/or peddling, when the owner or person lawfully in possession thereof has posted, displayed, and consistently enforced a "No Soliciting" sign, or similarly-worded sign, upon such premises in a manner and at such location it is reasonably visible to and can be read by any potential canvasser, solicitor or peddler;
4. Soliciting or peddling at a residence on the Do-Not-Sell list;
5. Fraud or misrepresentation;
6. Conducting soliciting or peddling contrary to the terms of the license;
7. Conducting soliciting or peddling without obtaining a license, when a license is required; and/or
8. Conducting canvassing in a manner that threatens the public health, safety and welfare by interfering with emergency access and free movement on streets, alleys, or sidewalks of the Borough of Doylestown.

§ 113. Penalties; Enforcement.

A. Any person who violates any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine to the Central Bucks Regional Police Department of not more than \$600 and/or imprisonment for a term not to exceed 30 days.

B. Any person who solicits or peddles contrary to the terms of a license or any provision of this Part 1; or who solicits or peddles without first obtaining a license under this Part

1 may be required by the Borough or the Central Bucks Regional Police Department to cease activities immediately.

C. Both the Borough and the Central Bucks Regional Police Department are authorized to enforce the provisions of this Part 1.

II. Partial Repealer

All other provisions of the Borough's Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Borough's Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this 19th day of May, 2014.

DOYLESTOWN BOROUGH COUNCIL
By:



Det Ansinn, Council President

Approved:


Ron Strouse, Mayor

Attest:


Borough Secretary