

ORDINANCE NO. 592

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART II, GENERAL LEGISLATION, CHAPTER 148 (PEDDLING AND SOLICITING), TO THE EAST NORRITON TOWNSHIP CODE OF ORDINANCES; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, East Norriton Township (the “Township”) is a duly organized Township operating in accordance with the Pennsylvania Second Class Township Code (the “Code”); and

WHEREAS, the Pennsylvania Second Class Township Code, 53 Pa. C.S. § 1601, grants the Board of Supervisors the authority to adopt ordinances prescribing the manner in which powers of the Township shall be carried out; and

WHEREAS, The Board of Supervisors has enacted the Code of Ordinances of East Norriton Township which contains, *inter alia*, provisions regulating peddling, soliciting and canvassing in East Norriton Township; and

WHEREAS, the current 6:00 p.m. curfew for peddling and soliciting has been declared unconstitutional by courts across the United States including the Supreme Court of the United States; and

WHEREAS, the Board of Supervisors desires to establish a curfew for peddling and soliciting of 9:00 p.m. which will balance the protection required to be afforded to commercial speech with the best interests of the health, safety, and welfare of the residents of East Norriton Township and their right to quiet enjoyment of their property; and

WHEREAS, in order to further protect the health, safety, and welfare of the residents of East Norriton Township and to protect their right to quiet enjoyment of their property, the Board of Supervisors desires to establish a “Do Not Solicit” registry that would allow residents to express their desire not to be solicited by peddlers and solicitors, which registry will be provided to proposed peddlers and solicitors when they register with the Township to perform peddling and/or solicitor activities; and

WHEREAS, in order to further protect the health, safety, and welfare of the residents of East Norriton Township and to protect their right to quiet enjoyment of their property, the Board of Supervisors desires to codify regulations concerning peddling and solicitation license permit application procedures.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the East Norriton Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of same that Chapter 148 of the East Norriton Township Code of Ordinances is hereby repealed in its entirety and shall be replaced with the following regulations governing peddling and soliciting within East Norriton Township:

SECTION I: Amendment of the Code.

The East Norriton Township Code of Ordinances, Part II, General Legislation, Chapter 148 (Peddling and Soliciting), is hereby repealed in its entirety and is amended to create a new chapter 148; which shall read as follows:

Chapter 148 Peddling and Soliciting.

§ 148-1 Definitions.

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

CANVASSER

One who engages in the practice of canvassing, the practice of going from dwelling unit to dwelling unit:

- (1) To conduct surveys for research purposes (other than those conducted by an agency of the state or federal government);
- (2) To make analyses, to take opinion polls, to compile rating data;
- (3) To obtain or seek contributions or donations for any person or organization or cause;
- (4) To advance religious or political causes and proselytizing with regard thereto; and
- (5) To conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including distribution of circulars, but not for commercial activity of any kind.

DOOR-TO-DOOR SOLICITATION

The activity of going onto the premises of other persons, without prior arrangement with the owner or occupant of such premises, for the principal purpose of the sale or taking orders for future sales of any type of tangible goods, including, but not limited to, books, magazines or other periodicals, or to enter into any agreement for the provision of services, or any combination of the sale of goods or provision of services, or the distribution of advertising circulars relating to the sale of goods or provision of services.

DOOR-TO-DOOR SOLICITOR

A person engaging in the activity of door-to-door solicitation.

§ 148-2 License Required.

- A.** Any person or organization intending to engage or to cause persons to engage in selling, soliciting or canvassing of goods, wares or things of value or the receiving of services or things of value is forbidden to visit private places of business or residences, as defined in this chapter, prior to commencing such activity shall:
- (1)** Obtain a permit from the authorized representative of East Norriton Township a license permitting such selling, soliciting or canvassing. Such permit shall be issued only after the person seeking to obtain such permit shall have provided on the application form appropriate information as to the identities and current addresses of all persons that shall be engaged as door-to-door solicitors, which information shall be provided under the penalty of law as provided in 18 Pa.C.S.A. § 4904 and shall have completed such registration.
 - (2)** The applicant shall execute an acknowledgment of receipt of the terms of § 148-4 with respect to private "No Solicitors" signs and the Township "Do Not Solicit Registry" and shall provide notice to the Township of the approximate neighborhoods and locations in which the activity is to take place.
 - (3)** The applicant shall not attempt to enter any private property listed on the Do Not Solicit Registry maintained by the Township. The licensee shall be provided a dated copy of the registry list at the time of the submission of their application for license, and the licensee shall be required to consult with the Township website's listing of the Do Not Solicit Registry prior to engaging in solicitation, peddling or distribution under this Chapter.
 - (4)** Permit application packets shall be accepted for review and processing by the Township only when the application packet contains all permit requirements of this ordinance, a fully completed Permit Form and payment of fees in accordance with the fee schedules adopted by the Township and Section 148-2 of this Ordinance. The Township shall review the application packet within seven (7) calendar days to determine whether or not it is complete. If complete, the application packet shall be deemed "administratively complete" and said license permit shall be processed and issued by the Township in a timely manner. If the permit application packet is incomplete, then it shall be returned to the applicant with the missing information noted through written correspondence. Upon the resubmission of the missing information and a determination that the permit application packet is "administratively complete", the Township shall then process and issue said permit in a timely manner.
- B.** Any person engaging in door-to-door solicitation or any organization employing any door-to-door solicitors that shall engage in such activity without obtaining the said permit shall be in violation of this chapter and shall be liable for the penalty as provided in § 148-5.

- C. Permit fees will be \$40 per week per solicitor or such other fees as are as set from time to time by resolution of the Board of Supervisors.
- D. The Board of Supervisors of East Norriton Township shall be empowered to make and provide such rules and regulations from time to time as may be necessary to supervise any such transient merchant, peddler or solicitor concerning the manner in which such person may engage in selling, soliciting and canvassing, the information required to obtain a license, the cost of such license fee and any other proper and necessary regulation to protect the health, safety, welfare and morals of the citizens of East Norriton Township.

§ 148-3 Hours.

It shall be a violation of this chapter for any person to engage in peddling or soliciting before 10:00 a.m. or after 9:00 p.m.

§ 148-4. Enforcement of “No Solicitation” Signs and Do Not Solicit Registry.

- A. The owners or lawful occupants of any premises within the Township not desiring to have persons enter onto their premises may post on such premises a legible sign stating either "No Solicitors" or "No Solicitations." Any door-to-door solicitor or canvasser who shall enter upon the premises in defiance of such sign shall be in violation of this section and shall be liable to the penalty as provided in § 148-5.
- B. 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 non-exempt peddlers and solicitors at their properties.
 - (2) Any person in lawful possession and occupancy of any business, residence, house, apartment, or other 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 Township Secretary, or registering on-line, as provided by the Township. The written or on-line submission shall include:
 - (a) The name and signature of the person completing the form;
 - (b) The complete address of the business, residence, house, apartment, or other dwelling to be placed on the Do Not Solicit registry;
 - (c) The date that the form was completed; and
 - (d) A statement that the individual, being authorized to do so by all occupants of the residence, requests that no solicitors or peddlers enter the above-referenced property or otherwise attempt to solicit, peddle, or distribute thereon.

- (3) A resident's listing on the Do Not Solicit Registry shall be effective thirty (30) days from the date of their submission of the same to the Township Secretary in writing or on-line. The listing shall remain on the Do Not Solicit Registry unless and until a request to remove the same is submitted pursuant to subsection 4 below.
- (4) Any person in lawful possession and occupancy of any business, residence, house, apartment, or other dwelling unit in the Township may request to have their address removed from the Do Not Solicit Registry by submitting a request in writing to the Township Secretary or on-line, as provided by the Township. Such request shall include all of the information set forth in subsection 2 above, together with an affirmative statement that the individual, being authorized to do so, requests that the property be removed from the Do Not Solicit Registry.
- (5) It is noted that the prohibition against non-exempt solicitors, peddlers or distributors entering properties on the Do Not Solicit Registry shall be in addition to (not in place of) the prohibition against such individuals soliciting, peddling, or distributing on properties displaying "No Soliciting" or other similar sign or signs.

§ 148-5 Violations and Penalties.

Any person, corporation or other entity who shall violate any of the provisions of this chapter or who should fail to comply with any notice of violation herein, upon conviction before a District Justice within the magisterial district within which the Township of East Norriton is a part, shall be fined not more than \$600 plus costs of prosecution after a summary proceeding brought in the name of the Township before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of the payment of any fine imposed and the costs, the person or persons that are charged may be sentenced to be committed to the county jail for a period not exceeding 30 days.

SECTION II. Severability.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the East Norriton Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION III. Repealer.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.


SECTION X. Effective Date.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 24th day of August, 2021.

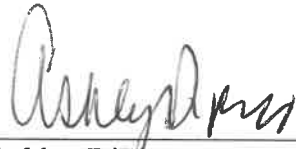
Attest:





Robert R. Hart, Esq.,
Secretary

**EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS**



Ashley DiPiero,
Chairwoman