

TOWNSHIP OF LONDON BRITAIN
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 102

AN ORDINANCE OF LONDON BRITAIN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA,
REGULATING TRANSIENT MERCHANTS AND SOLICITORS

AND NOW, this 27 day of September 2010, the Board of Supervisors of London Britain Township hereby enacts and ordains as follows:

Section 1. License required.

From and after the effective date of this Ordinance, it shall be unlawful for any person, not exempted by Section 6 hereof, who is not the holder of a valid and unexpired license issued pursuant to this Ordinance to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise of any description, or in soliciting contributions, gifts or pledges of money or any other thing of value, by visitation to private homes or residences, business establishments, or on public streets or highways within the legal boundaries of the Township of London Britain.

Section 2. Application requirements.

- A. Any person, not exempted under Section 6 hereof, desiring to obtain a license to engage in the activities described in Section 1 hereof, shall make application therefor, in person, to the Township Secretary. The applicant shall supply, over his/her signature, the following information on the application form:
- (1) Full name;
 - (2) Place and date of birth;
 - (3) Temporary address if any;
 - (4) Residence address;
 - (5) The address at which the person will receive notices under this Ordinance;
 - (6) The name and address of the applicant's employer or principal, if any, and the nature of the business activity thereof;
 - (7) The nature of the goods to be sold, and the business or activity in which the applicant wishes to engage within the Township;
 - (8) A statement sufficient to show that the funds solicited will be used for a bona fide charitable purpose, when applicable; and
 - (9) A statement verified by oath or affirmation as to whether the applicant has been convicted in any jurisdiction of any crime other than summary traffic violations, and if so, of what crime or crimes, in what jurisdiction(s), and the date(s) of such conviction(s).
- B. The applicant shall, together with the application, submit to the Township Secretary a photograph of the applicant, and a written physical description of the applicant, and shall pay a fee in the amount of \$100.00 to defray the cost of administering this Ordinance.
- C. Between the date of application and the date of issuance of the permit, if in fact such a permit is issued, the Township shall have 10 working weekdays to verify the information as given on the application form.
- D. Upon submission of said application, the payment of the fee as referred to in Subsection B of this

section, and verification of the information provided on the application form (if applicable) as referred, the Township Secretary may issue to the applicant a license to engage in the activities specified, for a period of one (1) year from the date of issuance, provided that the Township Secretary may refuse to issue a license if he or she has reason to believe that false information has been provided on the application.

- E. Licenses may be renewed annually, upon a payment of a fee of \$50 and amendment of the original application to reflect any changes necessary in the information therein contained.

Section 3. Rules of Conduct.

Every person to whom a license has been issued (the "Licensee") shall, in the carrying on of the licensed activities in the Township, comply with the following rules of conduct:

- A. The approved Licensee shall carry the license card at all times and exhibit it upon request to any police officer, Township official or any person upon whom the Licensee shall call or contact in carrying on the licensed activities.
- B. The approved Licensee shall not permit any other person to have possession of the license card and shall immediately report its loss to the Township Secretary. The Licensee shall not cause or permit the license card to be altered or defaced.
- C. The approved Licensee shall not enter, or attempt to enter, any private residence, dwelling house or business establishment without invitation or permission of the occupant or posted with a "no solicitation" sign, and shall immediately leave any such premises upon request.
- D. The approved Licensee shall not represent the license card to be an endorsement of the Licensee, the goods or services being offered or the beneficiary of the solicited contributions.
- E. The approved Licensee shall not engage in any business or activity authorized under this Ordinance except between the hours of 8:00 a.m., current prevailing time, and 8:00 p.m., current prevailing time, or sunset, whichever occurs earlier.
- F. The approved Licensee shall not permit the throwing or discarding of any papers, debris or trash upon the public streets or public or private property in the Township.
- G. The approved Licensee shall not conduct his/her activity at any geographical location within the Township that is deemed to be unsafe, due to traffic hazards or other similar situations, by the Township Secretary.
- H. The approved Licensee shall immediately surrender the license card upon revocation of said license as hereinafter provided.

Section 4. Revocation of license.

Any license hereinafter issued may be revoked by the Board of Supervisors of London Britain Township upon the failure of the Licensee to comply with the standards of conduct established by Section 3 herein or upon ascertainment that the Licensee has made any false statement in the application for the license. Notice of revocation shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

Section 5. Right to appeal revocation.

Any person whose license has been revoked shall be entitled to appear, before the Township Board of Supervisors at a regular or special meeting and be heard in behalf of a request for reinstatement of said license.

Section 6. Exemptions from fees and licensing.

The following exemptions from fees and licensing may be granted by the Township Secretary upon verification of compliance with one of the following criteria.

- A. Persons soliciting funds on behalf of charitable organizations exempted from the provisions of, or duly registered under the Solicitation of Funds for Charitable Purposes Act who while soliciting are possessors of a card or other written evidence of their appointment or authority to solicit for said charitable organization.
- B. Persons engaged in the sale of goods, wares and merchandise donated by the owner thereof, the proceeds thereof to be applied to recognizable charitable or philanthropic purposes.
- C. The provisions of this section are only partially applicable to charitable, religious or philanthropic organizations (e.g. churches, schools, boy and girl scouts) engaged in the same or similar types of activities described in Section 1. Such charitable, religious or philanthropic organizations are not required to pay a license fee but are required to obtain a license from the Township.
- D. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in the sale of real estate, insurance, or securities.

Section 7. Violations and penalties.

Any person who violates or permits the violation of any provision of this Ordinance shall be subject to a fine in the amount of at least \$25, but not to exceed \$600, plus all court costs, including reasonable attorney fees incurred by the Township. Each sale, or offer to sell, shall constitute a separate violation of this Ordinance. Each intentionally falsified application form submitted shall constitute a separate violation of this Ordinance. Upon a finding of liability for committing said violation or permitting said violation, in a civil enforcement proceeding commenced by the Township, the defendant shall pay the fine, plus all court costs, including attorney fees. No judgment shall be imposed until the date of determination of a violation by a District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

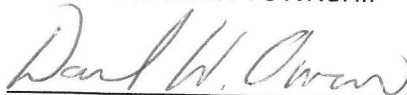
ENACTED AND ORDAINED This 27 day of September, 2010

Attest:



Carolyn Matalon, Secretary

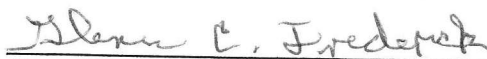
BOARD OF SUPERVISORS
LONDON BRITAIN TOWNSHIP



David Owens, Chairman



Aileen Parrish, Vice-Chair



Glenn Frederick, Member