WHITPAIN TOWNSHIP

ORDINANCE #370

AN ORDINANCE AMENDING CHAPTER 110 [PEDDLING AND SOLICITING] OF THE TOWNSHIP CODE AS FOLLOWS: 1) AMENDING SECTION 110-4 [LICENSE FEE; FORM OF LICENSE; DURATION; HOURS] TO CHANGE THE HOURS OF PERMITTED PEDDLING TO 9:00 A.M. TO 9:00 P.M.; 2) AMENDING SECTION 110-6 [RULES OF CONDUCT] TO PROHIBIT PEDDLING AT PROPERTIES WITH "NO SOLICITORS" SIGNS; AND 3) CREATING A NEW SECTION 110-11 [NO SOLICITATION LIST] TO CREATE A LIST OF RESIDENCES IN THE TOWNSHIP WHO WISH TO PROHIBIT PEDDLING.

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #370

Roman M. Pronczak, P.E., Township Manager

Nov. 7, 2018

ENACTED: 11-7-2018
WHITPAIN TOWNSHIP

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IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Ordinance shall be amended as follows:

SECTION 1. Amendment to Chapter 110 [Peddling and Soliciting], Section 110-4 [License Fee; Form of License; Duration; Hours] to change the hours of permitted peddling to 9:00 a.m. to 9:00 p.m.

Section 110-4 [License Fee; Form of License; Duration; Hours] is amended to change the hours of permitted peddling to all references to 9:00 a.m. to 9:00 p.m. This section, as amended, shall read as follows:

110-4. License fee; form of license; duration; hours.

In addition to providing the aforesaid information, the applicant shall pay for each permit such amount as is provided for in a schedule of fees as adopted and revised from time to time by resolution of the Board of Supervisors and on file in the office of the Township Manager, such amount to be made payable to the Township of Whitpain for the use of the said township. Upon submission of said application and supporting evidence of identification and the payment of the fee aforesaid to the Township Manager of said township and the approval thereof by said Township Manager, there shall be issued to the aforesaid applicant a license in the form supplied by the township, with one of the said pictures attached and the seal of the township impressed thereon for authenticity, which shall, until revoked, entitle the licensee to engage in the activities described in §§ 110-1 and 110-2 hereof from 9:00 a.m. to 9:00 p.m. daily for a period of six months from the date of the issuance of said license, after which the license shall become null and void. Said Township Manager shall also issue certified
copies of such permit to all agents or representatives listed on the application of their principal or employer.

SECTION 2. Amendment to Chapter 110 [Peddling and Soliciting], Section 110-6 [Rules of Conduct] to prohibit peddling at properties with “No Solicitors” signs or properties on the Township's No Solicitation List.

Section 110-6 [Rules of Conduct] is amended to add a new subsection “H” which prohibits peddling at properties with “No Solicitors” signs. This new subsection shall read as follows:


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H. It shall be unlawful for any person to ring the bell or knock on the door or otherwise attempt to gain attention of the occupant for the purpose of soliciting at a residence, dwelling, or apartment which is on the Township’s No Solicitation List or at which a sign bearing the words “No Solicitors” is affixed or otherwise exposed to public view, provided that this subsection shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof.

SECTION 3. Amendment to Chapter 110 [Peddling and Soliciting], to create a new Section 110-11 [No Solicitation List] to create a list of residences in the Township who wish to prohibit peddling and soliciting.

Chapter 110 [Peddling and Soliciting] is amended to create a new Section 110-11 [No Solicitation List] to create a list of residences in the Township who wish to prohibit peddling and soliciting. This new section shall read as follows:


A. Any owner or lawful occupant of any residence within the Township who wishes to prohibit door-to-door peddling or solicitation at his or her residence may be placed on a "no solicitation" list by registering his or her address with the Township by completing a form prepared by the Whitpain Township Police Department, which form may be submitted to the Police Department either in person or by mail or by e-mail.
B. The Whitpain Township Police Department will post those residences which have registered for the "no solicitation" list on the Police Department’s page on the Township website.

C. Neither the Township 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 no solicitation list.

SECTION 4. **Repeal and Ratification**

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. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 5. **Severability**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6. **Effective Date**

This Ordinance shall become effective 5 days after enactment.

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ORDAINED AND ENACTED this ____ day of __________ 2018, by the
Whitpain Township Board of Supervisors.

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS

[Seal]

ADAM D. ZUCKER, Chairman

Attested by:

ANTHONY F. GRECO
Secretary