

BOROUGH OF CHALFONT  
BUCK COUNTY, PENNSYLVANIA

ORDINANCE NO. 423

AN ORDINANCE REGULATING DOOR-TO-DOOR SOLICITATION AND  
CANVASSING BY REQUIRING PERMITS FOR DOOR-TO-DOOR  
SOLICITATION; PROVIDING FOR A REGISTRY OF THOSE  
PROPERTY OWNERS WHO DO NOT WISH TO RECEIVE DOOR-TO-DOOR  
SOLICITORS; PROVIDING THAT ENGAGING IN DOOR-TO-DOOR SOLICITATION  
ON POSTED PROPERTIES AND/OR PROPERTIES ON THE REGISTRY  
CONSTITUTES AN OFFENSE UNDER THE ORDINANCE; LIMITING THE TIME  
FOR DOOR-TO-DOOR SOLICITATION, PEDDLING, AND CANVASSING;  
PROVIDING FOR A  
FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN THREE  
HUNDRED DOLLARS FOR EACH OFFENSE; AND SPECIFICALLY REPEALING  
AND REPLACING CHAPTER 13-101 THROUGH 13-115 OF THE CHALFONT  
BOROUGH CODE OF ORDINANCES

WHEREAS, Section 2901 of the Pennsylvania Borough Code specifically authorizes the regulation and licensing of transient retail merchants, subject to certain limitations; and

WHEREAS, the Borough Council finds that it is in the public interest to provide for the licensing of door-to-door solicitors as herein defined, and to regulate to the extent possible consistent with current constitutional jurisprudence the activities of door-to-door solicitation and canvassing, as herein defined.

NOW, THEREFORE, the Council Members of the Borough of Chalfont do hereby ENACT and ORDAIN as follows:

**Section 1. Definitions.**

A. As used in this Ordinance, the following terms shall have these meanings:

**CANVASSER**

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

- a) Conduct surveys for research purposes (other than those conducted by an agency of the state or federal government);
- b) to make analyses, to take opinion polls, to compile rating data;
- c) to obtain or seek contributions for any person or organization or cause;
- d) to advance religious or political causes and proselytizing with regard thereto; or
- e) 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 of 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.

#### PEDDLER

Any person who shall engage in peddling as herein defined.

#### PEDDLING

The selling or offering for sale of any goods, wares, services, or merchandise, products for immediate delivery or the taking of orders or the execution of an Application for goods, wares, services or merchandise to be delivered at a later time which the person is selling or offering for sale and may carry with him or her or has in his/her possession or control upon any of the streets or sidewalks or from house to house or by the visitation to private residences or by entering in or upon private property within said Borough. For the purpose of this definition, a carrying of a written contract for the purchase of goods, wares, services or merchandise or similar product shall also constitute peddling.

#### STREET SALES

The activity of a person selling any goods from any type of portable stand or table or in a vehicle located on any street, roadway or public right-of-way, except a sidewalk abutting a property of which such person is the owner or a lawful occupant thereof.

### Section 2. Permit required for door-to-door solicitations.

- A. Any person or organization intending to engage or to cause persons to engage in the activity of door-to-door solicitation, or peddling, as defined in this Ordinance, prior to commencing such activity shall obtain a permit from the Central Bucks Regional Police Department. In the case of an organization, each person engaging in door-to-door solicitation, or peddling, shall be required to obtain an individual permit; the organization may not simply obtain one permit applicable to all persons engaging in door-to-door solicitation, or peddling, on its behalf. Such permit or permits shall be issued only after the person or persons 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, or peddlers, 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. In addition, the applicant shall execute an acknowledgement of receipt of the terms of Section 6 of this Ordinance with respect to private "No Solicitors" or "No Solicitation" or similar signs, and shall provide notice to the Central Bucks Regional Police Department of the approximate neighborhoods and locations in which the activity is to take place.

- B. Every person to whom a permit shall have been issued under this Ordinance shall display the permit on his or her person at all times and exhibit it, upon request, to any police officer or to any person on whom he or she shall call or with whom he or she shall talk.
- C. Any person engaging in door-to-door solicitation, or peddling, or any organization employing any door-to-door solicitors, or peddlers, that shall engage in such activity without obtaining the required permit shall be in violation of this Ordinance and shall be liable for the penalty provided for in section 8.
- D. The application process shall be performed by the Central Bucks Regional Police Department. As part of the application process the Central Bucks Regional Police Department shall obtain the applicant's criminal history/record Pennsylvania State Police. The applicant shall pay a non-refundable application fee to the Central Bucks Regional Police Department for obtaining the applicant's criminal history/record. Alternatively, the applicant may obtain his or her criminal history/record directly from the Pennsylvania State Police and present it to the Central Bucks Regional Police Department as part of the application process provided it is dated within 90 days of permit application.
- E. The permit fee for each person engaging in door-to-door solicitation or peddling shall be in line with the current Borough of Chalfont Fee Schedule.
- F. The terms of this section shall not apply to:
  - 1) Boys or girls under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scouts and Girl Scouts or similar organizations and take orders for and deliver cookies and the like.
  - 2) Persons defined as "canvassers" herein.
  - 3) Bona fide candidates for elective office.

**Section 3. Time Limitations.**

No person licensed as a peddler, a door-to-door solicitor, or canvasser, under this Part shall engage in those activities within the Borough on Sundays or State or Federal legal holidays or other than between the hours of 9:00 a.m. and 5:00 p.m. on other days. The license shall not entitle its holder to engage in selling product within any Borough park without first acquiring an additional permit from the Borough

**Section 4. Street sales prohibited.**

No person shall engage in any "street sales" as defined in this Ordinance except as provided in § 1 A above.

**Section 5. License for Soliciting in Parks.**

No person licensed as a peddler under this Part shall engage in selling product within any Borough park without first acquiring an addition permit from the Borough.

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**Section 6. Enforcement of "no solicitors" or "no solicitation" signs.**

The owner or lawful occupant of any premises within the Borough not desiring to have persons enter onto their premises may post on such premises a legible sign stating "No Solicitors," "No Solicitation," or words of similar meaning, including peddling. Any door-to-door solicitor, peddler, or canvasser who shall enter upon the premises in defiance of such sign shall be in violation of this section and shall be liable for the penalty provided for in Section 8.

**Section 7. No Solicitors or No Solicitation Registry.**

The owner or lawful occupant of any premises within the Borough not desiring to have persons enter onto their premises may, in addition to posting their premises according to Section 5, register with the Central Bucks Regional Police Department to have their address placed on a registry to be distributed to those door-to-door solicitors required to obtain a permit under section 2. Door-to-door solicitors who enter onto premises appearing on the registry shall be subject to the penalty provided for in Section 8.

**Section 8. Grounds for denial of permit; revocation of permit.**

- A. A door-to-door solicitation permit shall not be issued to any person who:
- 1) Has previously been found guilty of violating any provision of this Ordinance.
  - 2) Has been convicted, within the seven years preceding the date of the application for a permit, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.
  - 3) Who has been convicted of any felony.
- B. A door-to-door solicitation permit shall be revoked for any of the following reasons:
- 1) Conduct by any permit-holder that constitutes a violation of this Ordinance.
  - 2) A permit-holder going upon premises either posted "no solicitors" or "no solicitation", or appearing on the No Solicitors or No Solicitation Registry provided for in Section 6 of this Ordinance, or both.
  - 3) Conduct by any permit-holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.
- C. If a company or other entity has more than one person engaging in door-to-door solicitation in Chalfont Borough, and the permit issued to any one such person is revoked under paragraph B, above, the permits for all door-to-door solicitors working for that company shall be revoked.
- D. In the event that a door-to-door solicitation permit is revoked under this section, no administrative or other fees shall be refunded to the permit holder.

**Section 9. Penalty.**

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

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**Section 10. Severability.**

In the event that any section, sentence, clause 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 the validity of the remaining portions of this ordinance.

**Section 11. 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. **Chapter 13-101 through 13-115 of the Chalfont Borough Code of Ordinances is specifically repealed and replaced hereby.**

**Section 12. Effective date.**

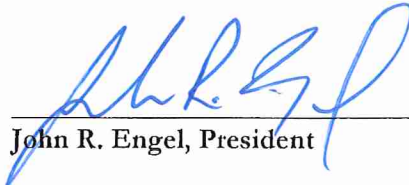
This Ordinance shall be effective upon enactment.

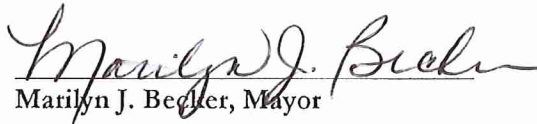
ENACTED and ORDAINED this 14<sup>TH</sup> day of JUNE, 2016.

ATTEST:

  
~~Sandra B. Zadel, Manager~~  
AMY KELLER, SECRETARY

CHALFONT BOROUGH COUNCIL

  
John R. Engel, President

  
Marilyn J. Becker, Mayor