

ORDINANCE NO. 609

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOWER MORELAND BY ADDING CHAPTER 140 ENTITLED " PEDDLING AND SOLICITING" PROVIDING FOR CERTAIN LIMITATIONS ON THE CONDUCT OF PEDDLING AND SOLICITING, POSTING AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Board of Commissioners of Lower Moreland Township, Montgomery County, Pennsylvania that the Township Code is amended as follows:

Section 1. Chapter 140 of the Lower Moreland Township Code entitled "Peddling and Soliciting" is added as follows:

§ 140-1. Purposes.

It is the purpose and intent of this chapter to provide the Township with standards defining and regulating peddling and soliciting. These standards are intended to protect the safety and privacy of the residents of Lower Moreland Township by regulating the behavior of peddlers and limiting peddlers' access to residents who do not wish to interact with them.

§ 140-2. Definitions.

The following words shall have the following meanings when used in this chapter, unless the context requires otherwise:

PEDDLER — Any person who shall engage in peddling or soliciting.

PEDDLING or SOLICITING — Engaging in the peddling, canvassing, soliciting, hawking, vending, taking of orders, selling, or offering for sale of any commercial services, goods, wares, merchandise, printed matter or food products by visitation to private homes or residences without the direct invitation of the inhabitants thereof, or on the public streets or highways of the Township.

§ 140-3. Posting of property.

Any person, firm or corporation who is the owner or lawful occupant of private property within Lower Moreland Township may prohibit the practice of going in or upon the private

property of such owner or occupant by peddlers by posting upon such property a sign which reads "No Peddling or Soliciting" in a location which is reasonably visible to persons who intend to enter upon such property.

§ 140-4. Entering upon posted property prohibited.

Any and all peddlers are prohibited from entering upon any property that is posted with a "No Peddling or Soliciting" sign and may be prosecuted for trespassing.

§ 140-5. Conduct of peddlers.

Every peddler shall, in the carrying on of his or her business or activities in the Township, comply with the following rules of conduct:

- A. The peddler shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the peddler is attempting to peddle to.
- B. The peddler shall not enter or attempt to enter any dwelling house or place of business without invitation or permission of the occupant and shall immediately leave the premises upon request.
- C. The peddler shall only engage in peddling or soliciting within the Township on Monday through Saturday during daylight hours. No peddling shall be allowed on Sundays or on any state or federal legal holidays.
- D. The peddler shall not call out or shout to sell his or her services or goods, nor shall the peddler use any loudspeaker or horn or other device for announcing his or her presence by which the public is annoyed.
- E. The peddler shall not occupy any fixed location upon or along any of the streets, alleys or sidewalks of the Township for the purpose of peddling or soliciting, with or without any stand, counter or cart.
- F. The peddler shall not park any vehicle upon or along any of the streets, alleys or sidewalks of the Township for the purpose of sorting, rearranging or cleaning any of his or her goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs that have become unsalable through handling, age or otherwise.

§ 140-6. Exemptions for noncommercial peddlers.

Persons or organizations engaged in door-to-door canvassing on religious or political

subjects, or distributing religious or political handbills, shall be exempt from requirements of this Chapter. All such persons, however, shall carry official identification, such as a driver's license, upon his or her person at all times and shall exhibit it upon request of any person to whom the peddler is attempting to solicit.

§ 140-7. Violations and penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon conviction before a District Justice, be subject to a penalty of not less than \$200 nor more than \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment not to exceed 30 days, or both such fine and imprisonment. Each day that a violation continues may be regarded as a separate offense and punishable as such.

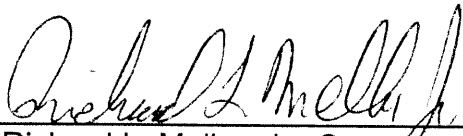
Section 2. Severability. The provisions of this Ordinance are severable, and if any portion thereof is found to be invalid, the decision of the court shall not effect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Commissioners of the Township of Lower Moreland that this Ordinance would have been adopted if the invalid portion had not been included herein.

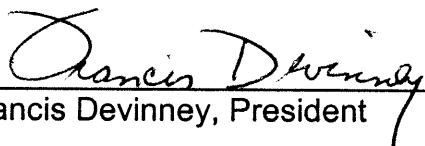
Section 3. Effective Date. The provisions of this Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED by the Board of Commissioners of Lower Moreland Township this 15th day of October, 2008.

(Township Seal)

**LOWER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

Attest: 
Richard L. Mellor, Jr., Secretary

By: 
Francis Devinney, President