

West Brandywine Ordinance No. 5

ORDINANCE NO. 5

An Ordinance regulating and licensing persons engaged in selling or soliciting by visitation to private residences or on public streets: Providing identification, application, and licensing procedures: Establishing rules of conduct in selling and soliciting: Providing for certain exemptions, revocation of licenses under certain conditions and penalties for violations.

The Township of West Brandywine hereby ordains as follows:

SECTION 1. From and after the effective date hereof it shall be unlawful for any person, not exempted by Section 7 hereof, who is not the holder of a valid and unexpired license issued, pursuant to this ordinance to engage in selling 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 or on the public streets or highways of West Brandywine Township.

SECTION 2. Any person, not exempted by Section 7 hereof, desiring to obtain a license to engage in the activities described in Section 1 hereof, shall make application, in person, to the Chief of Police of West Brandywine Township. The applicant shall supply, over his signature, the following information: (1) name; (2) place and date of birth; (3) residence address; (4) temporary address; (5) address at which applicant will receive notices under this ordinance; (6) name and address of employer or principal, if any, and nature of business activity thereof; (7) nature of business or activity in which applicant wishes to engage in West Brandywine Township; (8) statement as to whether applicant has been convicted in any jurisdiction of any crime other than minor traffic violations and, if so, of what crime or crimes.

SECTION 3. No license shall be issued under this ordinance until the proper fee, as follows, shall be paid to the Chief of Police of West Brandywine Township or his deputy, for the use of the Township: \$5.00 per day; \$10.00 per week; \$25.00 per month; \$60.00 per year.

SECTION 4. Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to the

said applicant, PROVIDED that the Chief of Police may refuse to issue a license if he has reasonable grounds for believing the applicant to be of poor moral character, whereupon the applicant shall be required to apply in person to the Board of Supervisors, whose decision as to the granting or withholding of a license shall be final.

SECTION 5. Every person to whom a license has been issued hereunder shall, in the carrying on of his business or activities in the Township, comply with the following rules of conduct:

a. He shall carry his license at all times and exhibit it upon request to any peace officer or any person upon whom he shall call or with whom he shall talk in carrying on his licensed activities.

b. He shall not cause or allow his license to become altered, defaced, or transferred to another person.

c. He shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

d. He shall immediately surrender his license upon revocation of his license as hereinafter provided.

SECTION 6. Any license hereafter issued may be revoked by the Board of Supervisors upon the failure of the licensee to comply with the standards of conduct established by Section 5 hereof or upon ascertainment that the licensee has made any false statement to his application for license hereunder. 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 7. The following persons are exempted from the licensing requirements of this Ordinance:

(a) Persons soliciting contributions in behalf of organizations or non-profit corporations exempted from the provisions of, or duly registered pursuant to, the Act of 1925, May 13, P. L. 644, as amended; who, while soliciting are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.

(b) Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.

(c) Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in Section 1 hereof, when so engaged; including, without limitation, real estate, insurance or securities brokers and salesmen.

(d) Persons engaged in the sale of goods, wares and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

(d) Any honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this Commonwealth and who is unable to earn a livelihood by manual labor.

SECTION 8. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty or fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, together with costs of prosecution for each such violation, or in default of the payment thereof shall suffer imprisonment in the County Jail for a period of not more than thirty (30) days.

SECTION 9. If any section, provision or part of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts of this Ordinance. The Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this Ordinance if it had known that such sections, provisions or parts thereof would be declared unconstitutional.

Enacted into an ordinance this 5th day of September, 1963.

BOARD OF SUPERVISORS OF
WEST BRANDYWINE TOWNSHIP

By JOHN STAPLETON

GEORGE M. BAKER

THEODORE C. LANG

ATTEST:

WARREN A. KUHN, Secretary

735 Reeceville Road

Coatesville, Pa.