

**KENNETT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO.278

AN ORDINANCE OF KENNETT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE PROVISIONS OF THE CODE OF ORDINANCES OF KENNETT TOWNSHIP REGULATING "PEDDLING AND SOLICITING" TO ESTABLISH A "30 MINUTES AFTER SUNSET" CURFEW FOR PEDDLING AND SOLICITING ACTIVITIES, TO REQUIRE THE SUBMISSION OF A CRIMINAL RECORD CHECK AS A CONDITION FOR ACQUIRING A PEDDLING OR SOLICITING LICENSE, TO ESTABLISH A "DO NOT SOLICIT" REGISTRY, AND TO REMOVE CIVIL PENALTY PROVISIONS FROM THE EXISTING PEDDLING AND SOLICITING ORDINANCE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Board of Supervisors of Kennett Township has enacted the Code of Ordinances of Kennett Township which contains, *inter alia*, provisions regulating peddling and soliciting in Kennett Township; and

WHEREAS, the current 6:00 PM curfew for peddling and soliciting has been declared unconstitutional by courts across the United States including the Supreme Court of the United States; and

WHEREAS, the Board of Supervisors desires to establish a curfew for peddling and soliciting of "30 minutes after sunset" which will balance the protection required to be afforded to commercial speech with the best interests of the health, safety, and welfare of the residents of Kennett Township and their right to quiet enjoyment of their property; and

WHEREAS, in order to further protect the health, safety, and welfare of the residents of Kennett Township and to protect their right to quiet enjoyment of their property, the Board of Supervisors desires to establish a "Do Not Solicit" registry that would allow residents to express their desire not to be solicited by peddlers and solicitors, which registry will be provided to proposed peddlers and solicitor when they register with the Township to perform peddling and/or solicitor activities; and

WHEREAS, the current provisions regulating peddling and soliciting in Kennett Township contain both civil and criminal penalties for violation of the regulations; and

WHEREAS, the Board of Supervisors desires to remove the civil penalty provisions of the peddling and soliciting regulations as State law provides for the criminal enforcement of such ordinances; and

WHEREAS, in order to further protect the health, safety, and welfare of the residents of Kennett Township, the Board of Supervisors has determined that a criminal background record must be submitted as part of a peddling or soliciting license application to ensure that the persons peddling or soliciting do not have criminal backgrounds;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Kennett Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

- I. Section 160-5.A(8) is amended to read as follows:

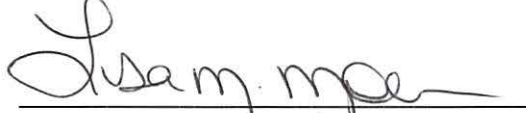
- “(8) Applicant shall provide a certified copy of a Pennsylvania Criminal Record Check. Record checks can be obtained via (<https://epatch.pa.us/RCStausSearch.jsp>)”
- II. Section 160-6.G. of the Code of Ordinances of Kennett Township is amended to read as follows:
- “G. Conduct business between the hours of 9:00 a.m. and 30 minutes after sunset;”
- III. Section 160-6. Of the Code of Ordinances of Kennett Township is amended to add a new subsection I. as follows:
- “I. Not attempt to enter any property listed on the Do Not Solicit Registry maintained by the Township. The licensee shall be provided a dated copy of the registry list at the time of the submission of their Application for License, and the licensee shall be required to consult with the Township website’s listing of the Do Not Solicit Registry prior to engaging in solicitation, peddling or distribution under this Chapter.”
- IV. Section 160-11 of the Code of Ordinances of Kennett Township is amended to read as follows:
- “160-11. Do Not Solicit Registry.**
- A. The Township shall hereby create and manage a “Do Not Solicit Registry” for those landowners and residents of the Township who do not wish to be contacted by non-exempt peddlers, solicitors and distributors at their properties.
- B. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling unit in the Township may request to have their address placed on the Do Not Solicit Registry by submitting a request in writing to the Township Secretary, or registering on-line, as provided by the Township. The written or on-line submission shall include:
- (1) The name and signature of the person completing the form;
 - (2) The complete address of the residence, house, apartment, or other dwelling to be placed on the Do Not Solicit registry;
 - (3) The date that the form was completed; and
 - (4) A statement that the individual, being authorized to do so by all occupants of the residence, requests that no Solicitors or Peddlers enter the above-referenced property or otherwise attempt to solicit, peddle, or distribute thereon.

A resident's listing on the Do Not Solicit Registry shall be effective thirty (30) days from the date of their submission of the same to the Township Secretary in writing or on-line. The listing shall remain on the Do Not Solicit Registry unless and until a request to remove the same is submitted pursuant to subsection C below.

- C. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling unit in the Township may request to have their address removed from the Do Not Solicit Registry by submitting a request in writing to the Township Secretary or on-line, as provided by the Township. Such request shall include all of the information set forth in subsection B. above, together with an affirmative statement that the individual, being authorized to do so, requests that the property be removed from the Do Not Solicit Registry.
- D. It is noted that the prohibition against non-exempt Solicitors, Peddlers or Distributors entering properties on the Do Not Solicit Registry shall be in addition to (not in place of) the prohibition against such individuals soliciting, peddling, or distributing on properties displaying "No Soliciting" or other similar sign or signs."
- V. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- VI. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or the provisions of the Code of Ordinances of Kennett Township.
- VII. This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and ORDAINED this 1st day of August, 2018.

ATTEST:



Lisa M. Moore, Manager/Secretary

BOARD OF SUPERVISORS OF KENNETT TOWNSHIP



Scudder G. Stevens, Chairman



Whitney S. Hoffman, Vice-Chair



Richard L. Leff, Member