

Cheltenham Township, believing that public input is appropriate on any items coming before the Commissioners, will recognize any citizen wishing to address a specific item prior to the vote on that issue. In order to be recognized, please raise your hand.



AGENDA

COMMISSIONERS' MEETING

Wednesday, October 21, 2015

Curtis Hall

7:30 p.m.

1. Pledge of Allegiance.
2. Roll Call.
3. Approval of the Board of Commissioners' Regular Meeting Minutes dated September 16, 2015.
4. Acceptance of the Executive Summary Financial Report of the Manager/Secretary for the month of September, 2015.
5. Acceptance of the Accounts Paid Report for the month of September, 2015.
6. Presentation of a Resolution to representatives of Wawa, Inc. recognizing the company's funding of the joint Township/School District car magnet public relations program, "I Choose Cheltenham".
7. Presentation of a Community Service Award to Amy Steffen recognizing her volunteer efforts as Chair of two High School Park Meadow Restoration Committees.
8. Presentation of a Community Service Award to members of the Old York Road Garden Club recognizing their efforts on creating a colonial herb garden at the Richard Wall House Museum, which received the Garden Club Federation of Pennsylvania award for historic preservation.
9. Presentation of a Community Service Award Corey Goulden Naitove recognizing his attainment of the rank of Eagle Scout and his project of renovating the Rose Garden at Keneseth Israel Congregation.

10. Swearing-in of the following Auxiliary Police Officers by the Board President:

Oronde Adereson
Jonathan Ferreira
Ronald Gray
Patricia Jones
Karl Schnitzer
Ryan Tyler

11. Review and acceptance of the Public Works Committee Regular Meeting Minutes dated October 14, 2015:

- a. Approve a Certificate of Appropriateness for Wyncote BHAR Application W15-152, 406 Greenwood Avenue, Wyncote, PA.
- b. Approve a Certificate of Appropriateness for La Mott BHAR Application L15-157, 1701 Erlen Road, La Mott, PA.
- c. Adoption of a Resolution authorizing the Township Manager to sign an "Application for Traffic Signal Approval" to the Pennsylvania Department of Transportation for Ashbourne Road (S.R. 2025) and Ashmead Road/Arbor Road/Front Street.
- d. Adoption of a Resolution authorizing the Township Manager to sign an "Application for Traffic Signal Approval" to the Pennsylvania Department of Transportation for Ashbourne Road (S.R. 2025) and Oak Lane Road (S.R. 2062)/Ashbourne Country Club Drive.
- e. Adoption of an amended Resolution authorizing the filing of a Multimodal Transportation Fund (MTF) PennDOT grant application.
- f. Award of a contract for disposal of recycling materials at the Consortium Recycling Transfer Facility.
- g. Authorization of a Settlement Agreement and Release for Mitra QSR KNE, LLC.
- h. Endorsement of and support for a Carbon Fee & Dividend.

12. Review and acceptance of the Public Safety Committee Regular Meeting Minutes dated October 7, 2015:

- a. Adoption of an Ordinance amending Chapter 285 of the Township Code, thereof, entitled "Vehicles and Traffic".
- b. Adoption of a Resolution honoring Sgt. James P. Slavin on the occasion of his retirement after 28-years of service to the Cheltenham Township Police Department.

13. Review and acceptance of the Public Affairs Committee Regular Meeting Minutes dated October 7, 2015:

- a. Adoption of a Resolution recognizing Wawa Inc. for its donation of funds to the "I Choose Cheltenham" car magnet public relations campaign.

14. Review and acceptance of the Building and Zoning Committee Regular Meeting Minutes dated October 7, 2015.

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15. Review and acceptance of the Finance Committee Regular Meeting Minutes dated October 14, 2015.
16. Old Business.
17. New Business.
 - a. Adoption of an Ordinance amending Chapter 251 of the Code pertaining to regulation of Transient Vendors, Transient Sales and Establishing Requirements for Peddlers and Solicitors' Permits and for Transient Sales Permits (see attached).
18. Citizens' Forum.
19. Adjournment.



Bryan T. Havir
Township Manager

**BOARD OF COMMISSIONERS
CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. - _____

**AN ORDINANCE AMENDING CHAPTER 251 OF THE CODE OF
CHELTENHAM TOWNSHIP ENTITLED "PEDDLING, SOLICITING
AND TRANSIENT SALES" TO ADD TERMS AND PROVISIONS
REGULATING TRANSIENT VENDORS, TRANSIENT SALES AND
ESTABLISHING REQUIREMENTS FOR PEDDLERS AND SOLICITORS
PERMITS AND FOR TRANSIENT SALES PERMITS**

WHEREAS, the Township of Cheltenham ("Township") is a duly incorporated Township of the First Class; and

WHEREAS, the First Class Township Code authorizes the Township to make and adopt any and all ordinances as may be deemed expedient and necessary for the proper management, care and control of the Township and its finances, and the maintenance of peace, good government and welfare of the Township; and

WHEREAS, the Board of Commissioners of Cheltenham Township have already established Chapter 251 of the Cheltenham Township Code entitled "Peddling, Soliciting and Transient Sales" by Ordinance No. 2191-09 regulating Peddlers, Solicitors and Transient Sales within the Township; and

WHEREAS, the Board of Commissioners wishes to supplement the regulations concerning Transient Sales, to define a Transient Vendor, to impose additional requirements with regard to Transient Sales within the Township, to establish requirements for peddlers and solicitors' permits and for Transient Sales permits.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Commissioners of Cheltenham Township, duly assembled, as follows:

SECTION I.

The text underlined and bolded below shall be added to Chapter 251 and the text bolded and struck through shall be removed from the same Chapter:

Chapter 251 of the Cheltenham Township Code entitled "Peddling, Soliciting and Transient Sales" is hereby amended as follows:

§ 251-1 Definitions.

PEDDLER/SOLICITOR – Any person or any organization or company employing peddlers or solicitors who shall engage in peddling/soliciting as herein defined. The words "peddler" and "solicitor" shall include the words "vendor," "street vendor," "hawker" and "huckster," and other such words carrying or conveying the same meaning and understanding and addressing the same activities described thereby.

PEDDLER/SOLICITOR (NONPROFIT/EXEMPT) – Any person representing a governmental agency, charitable, educational, religious or political organization or any association incorporated in accordance with or subject to the provisions of the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, for the purpose of soliciting membership, money and/or property by or on behalf of a nonprofit/exempt organization, cause, candidate or viewpoint.

PEDDLING (COMMERCIAL) – The selling or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him/her in traveling or has in his/her possession or control upon any of the streets or sidewalks, from house-to-house within the Township of Cheltenham or from a fixed location within the Township of Cheltenham on a temporary basis.

SOLICITING (COMMERCIAL) – The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery or for services performed for the homeowner by a private individual or for-profit corporation, upon any of the streets or sidewalks, from house-to-house within the Township of Cheltenham, including the door-to-door delivery of business advertisements that do not require direct contact with residents.

TRANSIENT SALES, INSIDE – The selling, offering for sale, or taking orders for sale on a seasonal/temporary basis by a Transient Vendor with written permission of the property owner inside any mall or other nonresidential establishment within the Township's borders provided that said seasonal/temporary use complies with the requirements of Chapter 295, Zoning.

TRANSIENT SALES, OUTSIDE – The peddling, soliciting, selling, offering for sale or taking orders for sale by a Transient Vendor at any outdoor place, on a seasonal/temporary basis, within the limits of private property with permission of the property owner, provided that said private property is zoned for commercial use and that said seasonal/temporary use meets the requirements of Chapter 295, Zoning. Any permanent or temporary structures installed to conduct Transient Sales shall comply with the requirements of the Township's Building Code. Transient Sales are not permitted on residential properties.

TRANSIENT VENDOR – a person, group of persons, or entity engaged in Transient Sales at a single location, whether inside a mall, commercial or other permanent building within the Township's borders, or at an outdoor place within the Township's borders, on a seasonal/temporary basis. A Transient Vendor does not maintain a distribution house, sales house, warehouse, service enterprise or residence on the location where the Transient Sales take place.

§ 251-3 Conduct of peddlers, solicitors and Transient Vendors.

A. Peddlers/Solicitors shall carry the permit at all times and furnish it upon request of any person to whom the peddler/solicitor is attempting to peddle or solicit.

B. Peddlers/Solicitors shall not enter or attempt to enter any dwelling house or place of business without the invitation or permission of the occupant and shall immediately leave the premises upon request.

C. Peddlers/Solicitors shall only engage in peddling/soliciting within the Township between the hours of 10:00 a.m. and 9:00 p.m. Monday through Friday and 10:00 a.m. and 5:00 p.m. on Saturdays. No soliciting is permitted on Sundays and federal/state legal holidays.

D. Transient Sales requirements:

1. Transient Vendors shall provide the Township with the written authority of the property owner where Transient Sales are intended to take place that the Transient Vendor is authorized to operate from such location.
2. Transient Sales shall start no earlier than 7:30 a.m. and end no later than 9:30 p.m.
3. Transient Sales permits shall be valid for no longer than 10 days, unless otherwise approved by the Township Manager.
4. If a Transient Vendor operates on Township property or within the public right-of-way, the Transient Vendor shall provide the Township with a certificate of insurance complying with the Township's standards for such certificates at the time of application for a permit pursuant to this section. The certificate of insurance must list the Township and/or other applicable public agencies as additional insured(s).
5. Transient Vendors who erect a tent shall meet the following requirements:
 - a) Such tents shall meet all requirements for tent installations in accordance with Section 2403 of the International Fire Code, as amended.
 - b) Such tents shall bear a tag which verifies the fire rating of the tent material.
 - c) The tent stakes of all such tents shall have protective caps installed.
 - d) Any and all holes dug or otherwise used for tent stakes for such tents must be filled in and surface returned to original condition.

6. Any and all tents and other temporary or permanent structures used for Transient Sales shall:
 - a) be installed to withstand wind, rain and snow loads in accordance with the standards set forth in the International Fire Code.
 - b) have minimum number of fire extinguishers provided in accordance with the International Fire Code.
 - c) have egress pathways provided in accordance with the International Building Code and International Fire Code.
 - d) be in compliance with the accessibility requirements of the Americans with Disabilities Act of 1968, as amended.
 - e) not have combustibles stored or located within 30 feet of the tent or other structure used for Transient Sales.
 - f) have No Smoking signs posted in accordance with the International Fire Code.
 - g) not adversely impact the parking requirements for the underlying use of the property where the Transient Sales take place.
 - h) not adversely impact the parking requirements for neighboring properties near where the Transient Sales take place.
 - i) tents or other temporary structures intended for Transient Sales shall cover not more than 900 sq. ft. in area. No more than one (1) tent or temporary or permanent structure used for Transient Sales shall be permitted per premises.
 - j) Comply in any other applicable ways with the International Fire Code and International Building Code, as amended from time-to-time.
7. Any permanent structure used for Transient Sales shall also be in compliance with all applicable requirements of the Township's Zoning Ordinance.
8. All merchandise, vehicles, storage containers, tents and other temporary structures utilized for Outside Transient Sales shall be removed by 9:30 p.m. each night and may not be set up before 7:30 a.m. Merchandise, vehicles, storage containers, tents and other temporary structures utilized for Outside Transient Sales may be left on site, with the approval of the Township Manager, provided the Transient Vendor provides a written

plan which demonstrates to the approval of the Township Manager that any such objects left on site will be secure and will not be a nuisance to the property owners of the premises or neighboring properties. The Transient Vendor shall obtain such approval from the Township Manager prior to leaving any such objects on site between 9:30 p.m. and 7:30 a.m.

9. Any and all generators used in connection with Transient Sales shall be shut off between the hours of 9:30 p.m. and 10 a.m. each day.

10. Transient Vendors shall not remain, loiter, "sleepover" on, or be present on Transient Sales sites between the hours of 10 p.m. and 7:30 a.m.

E. Peddlers/Solicitors/Transient Vendors shall not call out or shout to sell services or goods, nor shall they use any loudspeaker, horn, music or other device or vehicle that uses such devices.

F. Peddlers/Solicitors/Transient Vendors shall not occupy by standing in person, with or without a stand, cart, or similar fixtures, upon any fixed location or along any of the alleys, sidewalks, streets or any other public rights-of-way in the Township, unless permitted to do so by the Township.

G. Peddlers/Solicitors/Transient Vendors shall not park any vehicle upon or along any of the streets or sidewalks of the Township for the sole purpose of advertising, displaying and selling of merchandise.

H. Outside Transient Vendors may display two (2) signs per tent or structure, not more than eight (8) square feet each. The signs must be attached to the tent or structure. Sandwich board signs are prohibited, unless the Transient Vendor does not utilize a tent or structure. No more than one (1) sandwich board sign, not more than sixteen (16) square feet, shall be displayed for vendors who are not utilizing a tent or structure. A plan for each sign shall be submitted to the Planning and Zoning Department with the Transient Vendor permit application for review and approval.

I. Peddling/Soliciting is not permitted in Township parks. Peddling/Soliciting is permitted at Township pools and certain playgrounds only on a contracted basis with the Parks and Recreation Department and as approved by the Director of Parks and Recreation.

J. Peddlers/Solicitors/Transient Vendors shall not peddle/solicit on private property without permission of the property owner.

K. Peddlers/Solicitors/Transient Vendors shall not cut across or walk upon any front lawn, back yard or courtyard except upon sidewalks, walkways or private driveways, if such sidewalks, walkways or driveways are provided.

L. It shall be unlawful for any person to peddle or solicit or attempt to peddle or solicit at a place of residence at any entrance other than the main entrance of the residence.

M. Peddlers/Solicitors/Transient Vendors who are offering any food for sale or using any mobile food unit that requires a permit from the Montgomery County Health Department must provide said permit when applying for a Township permit.

N. Peddlers/Solicitors of home improvements services who are required to comply with any state legislation must provide proof of compliance with said legislation when applying for a Township permit.

§ 251-4 Permits; waiver of fees.

A. Peddlers and Solicitors Permits.

1. Any person or business desiring to engage in peddling/soliciting within the Township must first obtain an application from the Township's Accounting Department for a Permit. All peddling/soliciting permits shall be reviewed by the Cheltenham Township Police Department before approval by the Accounting Department.
2. Approved permits shall be exhibited in clear view by the peddler/solicitor at all times. Permits shall not be altered. No permit may be transferred from one person to another.
3. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the peddling/soliciting and shall apply where an employer desires to secure permits for his employees, agents or representatives. Each person applying to engage in peddling/soliciting activities shall submit a State Police background check with their application.
4. Permit fees may be waived by the Township Manger for any person or business whose primary place of business is in the Township and who pays a business privilege and/or mercantile tax to the Township and are current on all such taxes.
5. All peddlers and solicitors must file and pay a business privilege and/or mercantile tax to the Township for the year(s) in which they operate in the Township. Permit fees will not be waived for persons or businesses whose primary place of business is located outside the Township.

B. Transient Sales Permits.

1. Transient Vendors must file an application with the Township's Planning and Zoning Department for review and approval. The application shall include a State Police background check for each individual applying to engage in Transient Sales and all Transient Sales permits shall be

reviewed by the Cheltenham Township Police Department before approval.

2. All approved Transient Vendor permits shall be exhibited in clear view by the Transient Vendor at all times. Permits shall not be altered and cannot be transferred from one Transient Vendor to another.
3. If a Transient Vendor desires to set up in more than one location, a permit shall be filed for each location.
4. Permit fees may be waived by the Township Manager for any person or business who/which applies for a Transient Vendor permit on a commercial property which they own or have a long-term commercial lease, provided they pay a business privilege and/or mercantile tax to the Township and are current on all such taxes.
5. All Transient Vendors must file and pay a business privilege tax and/or mercantile tax to the Township for the year(s) in which they operate in the Township. Permit fees will not be waived for persons or businesses whose primary place of business is located outside the Township.
6. Any variance to the Transient Sales permit requirements must be approved by the Township Manager, at his or her discretion.

§ 251-6 Revocation and suspension of permits; appeals.

A. The Chief of Police, and/or his/her designee, is hereby authorized to revoke or suspend any permit issued under this chapter for any violation of any of the provisions of this chapter, or for giving false information upon any application for a permit. The Chief of Police and/or designee is further authorized to refuse a permit to any person whom the Chief and/or designee deems could present a threat of harm or danger to the citizens of Cheltenham Township. When a permit is revoked, no other permit shall be issued to the same applicant within one year of the date of revocation and operation by the permit holder shall cease immediately upon revocation. In case of a suspension, operation shall cease immediately but may recommence at the end of the suspension if the term of the permit is still in effect.

SECTION II. DISCLAIMER

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION III. SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION IV. SAVINGS/REPEALER

Chapter 251, entitled Peddling, Soliciting and Transient Sales, of the Cheltenham Township Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION V. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

ORDAINED AND ENACTED into an Ordinance this 21st day of October, 2015.

CHELtenham TOWNSHIP

By: _____

Harvey Portner, President
Board of Commissioners

Attest: _____

Bryan Havar, Township Manager/Secretary