

July 1, 2015
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Holland, McKeown, Norris, Rappoport, and Sharkey. Also present was Ex-Officio Member Portner.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 8:15 p.m.

1. The Committee reviewed the Zoning Hearing Board Agenda items for July 18 and July 21, 2015 as follows:

APPEAL NO. 15-3521: Appeal of Hansen-Lloyd, L.P., owners of the premises known as 1777 E. Willow Grove Avenue, Laverock, PA 19038 from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the construction of eight (8) buildings each four (4) stories, for Age-Restricted Housing and one (1) Clubhouse on approximately 9.8 acres in the R-3 Residential Zoning and Age Restricted Overlay Districts:

- a.) A Special Exception from Section 295-242.B.1., use regulations, to allow for an age-restricted development.
- b.) A Special Exception from Section 295-242.B.3., use regulations, to allow for a clubhouse.
- c.) A determination that the Township boundary line is not a property line subject to setback requirements, and in the alternate, a variance from Section 295-244, performance standards, to allow for a rear yard setback of 38' instead of the required 50'.
- d.) A determination that the Township boundary line is not a property line subject to parking setback requirements, and in the alternate, a variance from Section 295-244, performance standards, to allow for a parking setback of 0' instead of the required 50'.
- e.) A determination that the Preservation Overlay District does not apply to this development per section 295-187B District established, of Article XXIV of the Preservation Overlay District.
- f.) A determination that no additional parking spaces are required for the employees & clubhouse use and that no variance is required for resident amenities.

Speaking for the applicant was Ross Weiss, Esq. who reviewed the history of the previous appeal, and the relief being sought for the current appeal of age-restricted housing of eight (8) four (4) storey buildings; properties located in Springfield Township will have access through Ranch House Lane and properties in Cheltenham Township will have access through Willow Grove Avenue, which was not a part of the previous appeal; rear yard setbacks; and boundary line setbacks.

Mr. Bagley asked if there were any members of the public present opposing said appeal. He asked that the meeting minutes reflect that there were approximately 10 individuals who raised their hands in positive response.

Public Comments

Leonard Eisenman stated that the applicant went back to his original plan because there is no other alternative when there is an alternative to build 18 houses.

Martina Johnson lives on Newbold Lane next to Ranch House Lane and was concerned about the traffic using that street. Mr. Simon advised that Ranch House Lane is in Springfield Township, and Cheltenham Township cannot control the issue of using Ranch House Lane. He suggested that she attend a Springfield Township meeting.

Judy Benson addressed the committee. She was told that all Commissioners received her well-stated email and are aware of her concerns. She stated that Mr. Hansen threatened to do this last year. According to her, Mr. Hansen is doing this because another community is not doing what he wants. She felt this was a disservice to the community.

Ms. Rappoport asked Mr. Bagley if he would be applying the Preservation Overlay District argument when he addresses the Zoning Hearing Board. It was Mr. Sharkey's opinion that Mr. Bagley should not be divulging his legal position publically prior to the Zoning Hearing Board meeting.

Upon motion of Mr. Sharkey, the Committee unanimously directed the Township Planning and Zoning Officer and Township Solicitor to attend the Zoning Hearing Board meeting and advise of the Committee's unanimous recommendation to deny said appeal on the basis of the municipal boundary and setback issues and any other issues to be raised by the Township Solicitor.

APPEAL NO. 15-3522: Appeal of Midgard Properties, owner of the premises known as 827 Glenside Avenue, Wyncote, PA 19095 from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the erection of two non-illuminated monument signs along the same street frontage in place of the existing freestanding sign in the G Manufacturing and Industrial Zoning District:

- a.) A variance from Section 295-197.B.(1), industrial district, to allow for the erection of two monument signs; one sign 10.5' H. x 6' W. and the other 6.8' H. x 4.8' W. in place of the required one sign, 6' high and 20 sq. ft. maximum sign height and area per property
- b.) A determination that no variance is required for the signs to be installed within the 100 year floodplain and that the signs do not obstruct floodwaters.

Mr. Sekawungu reviewed the appeal and the Planning Commission's recommendations that had an issue with signs in the floodplain.

Marc Pinard, Architect, was present and reviewed size and location of the signs.

Upon motion of Ms. Rappoport, the Committee unanimously directed the Township Planning and Zoning Officer to advise the Zoning Hearing Board of the Committee's recommendation to approve said appeal.

APPEAL NO. 15-3523: Appeal of Jacob Ketter, owner of the premises known as 512 Glenside Avenue, Wyncote, PA from the Decision of the Zoning Officer for a variance from Section 295-39.B.(1), yard regulations, in order to allow for the construction of a 16' x 24' private detached garage with a 2' side yard setback in place of the required 10' in the R-4 Residential Zoning District.

Jacob Ketter and wife Deborah Richman were present. Mr. Sekawungu reviewed the appeal, the recommendation of denial by the Planning Commission, and the neighbor's opposition due to storm water runoff.

Mr. Ketter reviewed the garage location, setback, impervious surface increase, dry well, redirection of water, neighbor's erosion, similar properties in the area, and stated that the neighbor's erosion and run-off issues predate his ownership of his home.

Mr. Portner questioned the one (1) neighbor's opposition. Mr. Sekawungu advised that the applicant will be installing a seepage bed, which will help alleviate the runoff problem. Mr. Simon believed that the size of the garage exceeds the limit for stormwater management and may have to be moved.

Public Comment

Judith Gratz, neighbor, was concerned about the garage being in such close proximity to her property. There are other similar properties in the area but they are old and were built years ago. She had to build and fix a swale on her property. She planned to bring an expert to the Zoning Hearing Board.

Mr. Holland asked Ms. Gratz if she would be open to a building with a greater setback. She felt she needed more time to access the matter but felt that it appeared that a 10-foot offset would be more acceptable.

Thomas McHugh supported Ms. Gratz. He stated that the applicant's overhand extended all but 4-inches onto her property; the garage is 2-feet from her property line; this is not just a storm water issue but an issue of a large structure too close to a neighbor's property line.

There was extensive discussion about relocating the garage so as to change the setback from Ms. Gratz's property. Mr. Bagley suggested that the applicant request a 30-day continuance so that both parties can negotiate the matter. The applicant agreed.

Upon motion of Ms. Rappoport, the Committee unanimously directed the Township Planning and Zoning Officer to advise the Zoning Hearing Board that it recommends the grant of a continuance, and if a continuance is not granted, the Committee recommends denial of this appeal based on the increase of impervious surfaces.

APPEAL NO. 15-3525: Appeal of MORE Shopping Center LP, owner of the premises known as 7320 Old York Road, Elkins Park, PA from the Decision of the Zoning Officer for the following Zoning Relief in order to allow for the construction of 31,000 sq. ft. addition for a Food Market and two level parking structure with 161 parking spaces & conversion of part of the existing shopping center into parking spaces in the C-4 Commercial Zoning District:

- a.) A variance from Section 295-221.K.(1), loading, to allow for loading docks to be located on the main street in front of the building instead of the side and rear of the building.
- b.) A determination that the existing non-conforming screening of the parking area be allowed to continue, albeit to a lesser degree, and in the alternative a variance from Section 295-221.B.(3), general parking regulations, to allow for screening as depicted on the plan in place of being continuously screened.
- c.) A determination that the existing non-conforming parking in front of the building be continued, and in the alternative a variance from Section 295-221.B.(5)(a), location of surface parking, to allow for parking within 10' of the legal right-of-way as depicted on the plan.
- d.) A determination that the parking on the corner lot is an existing non-conformity, and in the alternative a variance from Section 295-221.B.(5)(b), location of surface parking, to allow for parking on a corner lot as depicted on the plan.
- e.) A determination that the existing non-conforming parking that extends more than 70' without interruption by an outdoor café, urban garden, etc. be continued, and in the alternative a variance from Section 295-221.B.(5)(c), location of surface parking, to allow for the surface parking to extend more than 70' without interruption by an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.
- f.) A variance from Section 221.C.(2)(c), surface parking space design standards, to allow for a driveway width of 35' when crossing sidewalks in place of the required 24'.
- g.) A variance from Section 295-196.A.(3), signs exempt from permits, to allow for two new directional signs of a size greater than 4 sq. ft.
- h.) A variance from Section 295-197.C.(1)(a), commercial districts, to allow for 7 new wall mounted signs totaling 950 sq. ft. in place of the required one wall sign totaling 100 sq. ft.
- i.) A determination that the food market use can be continued and parking deck use be permitted, and in the alternative a variance from Section 295-127., use regulations, to allow for the food market and parking deck use.

- j.) A continuation of any non-conforming use or condition already existing and request for any other interpretations, special exceptions or variances necessary for the development of the shopping center as depicted on the plan.

Hal Lichtman, Architect, was present. Mr. Sekawungu reviewed the Planning Commission's recommendations for conditions. Mr. Lichtman distributed plans and reviewed the mixed-use retail; existing building and new building uses; square footage; addition to the food market; existing non-conforming uses; requested variances – front loading dock, wall in front of the loading dock, directional signs, new seven (7) wall signs with logos of major tenants, new driveway of 35-feet with sidewalks; access points to the property; willingness of applicant to limit truck access and deliveries to the loading dock with hours to early morning and late evening hours; landscaping/green space; interior lower level parking.

In response to a question from Ms. Rappoport, Mr. Lichtman advised that the building height was 38-feet and one has to enter the building to go into the food market. Ms. Rappoport opposed a loading dock facing Cheltenham Avenue. She did not think it was suitable for a gateway street. She felt there could be a better job of camouflaging the wall and incorporating the Township's Sustainability Plan as much as possible. Extensive discussion ensued regarding possible relocation of the loading dock, style of the wall, and possibly greening of the building.

Mr. Sharkey asked for an economic impact study. He felt this could be part of an economic development initiative that could be promoted. Mr. Holland asked that this study also include the store, the EIT and mercantile taxes.

Mr. Holland asked about what was being done with the vacated space and parking. Mr. Lichtman responded that the vacated space was going to be parking spaces, and parking was just below the maximum permitted.

Ms. Rappoport was concerned about venting of the internal parking especially where there is food and restaurants. Mr. Lichtman answered that roof parking will not impact the food market and restaurants, the second level parking meets the definition of an open parking deck; the smaller internal parking will not be adjacent to the food market, and it will be mechanically ventilated.

Upon motion of Mr. Portner, the Committee unanimously directed the Township Planning and Zoning Officer the advise the Zoning Hearing Board that it recommends approval of this appeal.

2. Upon motion of Mr. Portner, the Planning Commission Special Meeting Minutes dated June 22, 2015 were unanimously received.

3. Upon motion of Mr. Portner, the Select Committee Minutes dated June 8, 2015 were unanimously received.

4. The Committee reviewed recommendations from the Economic Development Task Force (EDTF) for Certificates of Appropriateness as follows:

Upon motion of Mr. Portner, the Committee unanimously authorized the issuance of a Certificate of Appropriateness for façade signage to Abington Pain Medicine, 210 Yorktown Plaza, Elkins Park.

Upon motion of Mr. Portner, the Committee unanimously authorized the issuance of a Certificate of Appropriateness for signage to Fat Jack's BBQ, 150 Yorktown Plaza, Elkins Park, for façade signage.

The Committee recommended that Township Staff contact the owner of the Geneva Dental Care, 254 South Easton Road, and arrange a meeting to explain why digital LED signs are considered animated signs under the Sign Code and are not permitted.

5. The Committee reviewed a proposed amendment to the ordinance regulating signs. Mr. Bagley advised that the Legal Notice advertising its consideration and possible adoption was recommended to the Board of Commissioners for approval by the Committee at its June 3, 2015 meeting and was unanimously approved by the Board of Commissioners for advertisement at its June 17, 2015 meeting for possible adoption at the July 15, 2015 meeting (see attached). No further action was necessary.

6. The Committee reviewed a draft amendment to the Transient Vendor Ordinance. Said amendment addresses the definition of transient sales, tents, signs, and fees.

Mr. Sharkey noted residents' concerns about tents erected to sell fireworks especially those adjacent to residential areas. He reported that there were complaints of individuals sleeping in the tents. Mr. Holland asked about enforcement on violators and on the property owner. Mr. McKeown questioned how temporary setups such as on weekends would get enforced. Mr. Havar stated that enforcement will be the responsibility of the Police Department. Mr. Simon asked about penalties, and Mr. Havar advised that a Resolution setting fees and penalties will be forthcoming on the agenda for the July 8, 2015 meeting of the Finance Committee.

Ms. Rappoport questioned the requirement of transient sales taking place no later than 9:00 p.m. Mr. Bagley advised that there are federal cases where municipalities went to court because they wanted an earlier cut-off time but the vendors proved that they could not sell during the daytime hours, and the municipalities lost in court. It was Ms. Rappoport's opinion that the times were too late, and we needed to put our feet down, and if someone wants to challenge it, then they can sue. She asked if background checks can be required for developers. Mr. Bagley answered that background checks are required for transient sales because the Township is issuing a permit for going door-to-door on private property, and therefore, the Chief of Police can determine if the individual is a threat, harm, or danger to citizens, and gives cause to him to deny a permit.

Mr. Simon questioned the restriction in the ordinance that states that the tent "...shall not adversely impact the parking requirements...". Mr. Bagley answered that this pertains to shared parking areas. Mr. Simon suggested that the 10-day limit for such transient businesses be

extended beyond 10-days at the discretion of the Township Manager and certain typographical and linguistic changes that he would provide to Staff for incorporation into a revised draft.

Recommendation to the Board of Commissioners: Upon motion of Mr. Sharkey, the Committee unanimously recommended to the Board of Commissioners the advertising of a Legal Notice advising of the consideration and possible adoption of an ordinance amending Chapter 251 of the Township Code entitled “ Peddling, Soliciting and Transient Sales” to add certain terms and provisions regulating transient vendors, transient sales and establishing requirements for peddlers and solicitors permits and for transient sales permits at its meeting on Wednesday, August 19, 2015 as amended (see attached).

7. Upon motion of Mr. Portner, the Report of the Building Inspector for the month of June, 2015, was received.

8. **Under Old Business:** Mr. Bagley asked that pursuant to 53 P.S. §10108 authorization be given to publish a Legal Notice providing notification of the adoption of Ordinance No. 2303-15 adopted on June 17, 2015 known as Sections 295-240 through 295-244 of the Code repealing the Age-Restricted Overlay District in its entirety, in a newspaper of general circulation in the Township for two weeks.

Recommendation to the Board of Commissioners: Upon motion of Mr. McKeown, the Committee unanimously recommended to the Board of Commissioners the advertising of a Legal Notice, for two (2) weeks, to provide notification of the adoption of Ordinance No. 2303-15 known as Sections 295-240 through 295-244 of the Code repealing the Age-Restricted Overlay District in its entirety, as recommended by the Township Solicitor.

9. **Under New Business:**

a. Ms. Rappoport asked if the schedule of August workshops to review the Draft Zoning Code has been finalized. It was decided that most of the meeting dates were acceptable although perhaps not all Commissioners and Mr. Bagley could attend all of them but each Commissioner could attend some of them. Mr. Havir reported that members of the Select Committee and the County Planning Commission are available on those August evenings.

b. Mr. McKeown commented that there is extensive trash along Tookany Creek Parkway, and it looks unsightly. He wanted more fines and better signage. Mr. Simon suggested greater police enforcement.

c. Mr. Sharkey suggested that economic development in the Township be promoted through social media. Also, he showed a pamphlet advertising a Municipal Clothing Recycling Program that might be a revenue source for the Township and at the same time replace the clothing bins that can get very unsightly and have generated complaints from residents. Mr. Havir stated that he would present the concept to the Economic Development Task Force at its meeting on July 21, 2015.

There being no further business, upon motion of Mr. Portner, unanimously approved by the Committee, the meeting was adjourned at 10:30 p.m.



Bryan T. Haver
Township Manager

as per Anna Marie Felix

**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. Carry the permit at all times and furnish it upon request of any person to whom the peddler/solicitor is attempting to peddle.

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.
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 19th day of August, 2015.

CHELTENHAM TOWNSHIP

By: _____
Harvey Portner, President
Board of Commissioners

Attest: _____
Bryan Havir, Township Manager/Secretary



PUBLIC ATTENDANCE LIST
PUBLIC SAFETY COMMITTEE – 7:30 P.M.
PUBLIC AFFAIRS COMMITTEE – 7:45 P.M.
BUILDING AND ZONING COMMITTEE – 8:00 P.M.
Wednesday, July 1, 2015
Curtis Hall

NAME <i>(Please Print Clearly)</i>	ADDRESS <i>(Please Print Clearly)</i>	E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i>
SHELDON SHORES	8129 HEACOCK LANE WYNCOTE, PA 19095	sheldon_shores@hotmail.com 215 887-2152
E. Cerebi	300 Maple Ave	
David + Judy Benson	7906 Cobden Rd. Lawerock 19038	
MARTINA J. Allen	8008 Newbold Lane Lawerock 19038	efantina@comcast.net
MARC PINARD	3900 FORD RD NE Phila PA 19131 re: 827 Glenside Ave	215 8440511
Jean Golub	1616 E. Willow Grove Ave Glenside, PA 19038	215 233-3624
Ben Prosky		
MARY HARKINS	1799 E. Willow Grove GLENKIDE PA 19036	215 836 4443



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NAME <i>(Please Print Clearly)</i>	ADDRESS <i>(Please Print Clearly)</i>	E-MAIL and/or TELEPHONE <i>(Please Print Clearly)</i>
Jacob Ketter	512 Glenside Ave Wyncote, PA 19095	312-330-2932 jKetts@gmail.com
Lance Johnstone	8109 Newbold Ln Glenside PA 19038	