

October 21, 2015
Curtis Hall

A regular meeting of the **BOARD OF COMMISSIONERS** was held this evening, President Harvey Portner presiding. Members present were Commissioners McKeown, Norris, Rappoport, Sharkey and Simon.

Staff present were Charlyn Battle, Human Resources Director; Christopher Clewell, Public Works Superintendent; Alyson Elliott, Assistant Township Manager; Michael Fleming, Public Works Coordinator; Nancy Gibson, Public Information Officer; John J. Norris, Chief of Police; Joseph O'Neill, Fire Marshal; Bruce Rangnow, Director of Fiscal Affairs; Henry Sekawungu, Director of Planning and Zoning; and Bryan T. Havir, Township Manager. Also present was Joseph M. Bagley, Esq., Township Solicitor. A Public Attendance List is attached.

1. The meeting commenced at 7:30 p.m. with the Pledge of Allegiance being led by Commissioner Rappoport.

Announcement: [Mr. Bagley announced that prior to the meeting the Commissioners held an Executive Session to discuss attorney/client privileged matters].

2. Each member having received a copy of the Commissioners' Regular Meeting Minutes dated September 16, 2015, upon motion of Mr. McKeown, the Minutes were unanimously approved by the Board of Commissioners.

3. Each member having received a copy of the Executive Summary Financial Report of the Manager/Secretary for the month of September, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.

4. Each member having received a copy of the Accounts Paid Report for the month of September, 2015, upon motion of Mr. McKeown, the Report was unanimously approved by the Board of Commissioners.

5. Mr. Portner presented **Resolution No. 32-15** to Wawa, Inc. represented by David Simonetti, Director of Operations, recognizing the company's funding of the joint Township/School District car magnet public relations program, "I Choose Cheltenham". Also present representing the Cheltenham School District were School Board member Stephanie Gray and Superintendent Dr. Wagner Marseille (see attached).

6. Mr. McKeown presented a Community Service Award to Amy Steffen recognizing her volunteer efforts as Chair of two High School Park Meadow Restoration Committees.

7. Ms. Rappoport presented 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.

8. 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.

9. Mr. Portner administered the Oath of Service to the following Auxiliary Police Officers:

Oronde Adereson
Jonathan Ferreira
Ronald Gray
Patricia Jones
Karl Schnitzer

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

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application W15-152, 406 Greenwood Avenue, Wyncote, for a one-car red gravel driveway at the front of said property, as recommended by the Wyncote Board of Historical and Architectural Review.

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously approved a Certificate of Appropriateness for Application L15-157, 1701 Erlen Road, La Mott, for façade restoration and the replacement of existing exterior concrete stairs, as recommended by the La Mott Board of Historical and Architectural Review.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously endorsed a Carbon Fee & Dividend with Ms. Rappoport as the point of contact as proposed by the Bucks & Montgomery County Citizens Climate Lobby and supported by the Cheltenham Township Environmental Advisory Council.

d. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution 28-15** authorizing the Township Manager to execute 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 as part of the Highway Occupancy Permit requirements for the Ashbourne Meadows (Country Club) project (see attached).

e. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution 29-15** authorizing the Township Manager to execute 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 as part of the Highway Occupancy Permit requirements for the Ashbourne Meadows (Country Club) project (see attached).

f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 30-15** authorizing the filing of a Multimodal Transportation Fund (MTF) Pennsylvania Department of Transportation grant application for streetscape and pedestrian improvements along Old York Road in Elkins Park West to include both Phase II (between Church Road and Cheltenham Hills Drive / Elkins Avenue), including a left turn lane on southbound Old York Road to Church Road, and Phase III (between Greenbriar Road and Meetinghouse Road).for a total cost estimate of \$1.6 million in funding (see attached).

g. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously awarded a three (3) year Contract for the Disposal of Recycling Materials to J.P. Mascaro & Sons for \$30.92/ton, being the lowest responsible bidder meeting the Consortium's specifications and being within limitations.

h. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously authorized the execution of a Settlement Agreement and Release for Mitra QSR KNE LLC, owner of the Kentucky Fried Chicken franchise located at 8140 Ogontz Avenue, Wyncote, PA 19095 for the collection of costs and damages related to a sanitary sewer overflow.

Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Works Committee Meeting Minutes dated October 14, 2015.

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

a. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Ordinance No. 23-14** amending Chapter 285, thereof, entitled "Vehicles and Traffic" (see attached).

b. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 31-15** the 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. Said Resolution to be presented to Sgt. Slavin at a future meeting of the Board.

c. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously accepted the Public Safety Committee Meeting Minutes dated October 7, 2015.

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

a. Upon motion of Mr. McKeown, the Board of Commissioners unanimously adopted **Resolution No. 32-15** recognizing Wawa, Inc. for its funding of the joint Township/School District car magnet public relations program, "I Choose Cheltenham". The presentation was made earlier this evening.

b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Public Affairs Committee Meeting Minutes dated October 7, 2015.

13. Upon motion of Mr. Simon, the Board of Commissioners unanimously accepted the Building and Zoning Committee Meeting Minutes dated October 7, 2015.

14. Upon motion of Mr. Norris, the Board of Commissioners unanimously accepted the Finance Committee Meeting Minutes dated October 14, 2015.

15. Under Old Business: None.

16. Under New Business: None.

Upon motion of Mr. Portner, the Board of Commissioners unanimously adopted **Ordinance No. 2315-15** amending Chapter 251 of the Code pertaining to the regulation of Transient Vendors, Transient Sales and Establishing Requirements for Peddlers and Solicitors' Permits and for Transient Sales Permits (see attached).

17. Under Citizens' Forum: None.

18. Announcement: Mr. Bagley announced that when the Board of Commissioners meeting concludes, the Commissioners will hold an Executive Session to discuss potential acquisition of real estate by the Township.

There being no further business, upon motion of Mr. Portner, the Board of Commissioners unanimously agreed to adjourn the meeting at 8:10 p.m.



Bryan T. Haver
Township Manager

as per Anna Marie Felix



PUBLIC ATTENDANCE LIST



**Board of Commissioners
Meeting**

Wednesday, October 21, 2015 @ 7:30 P.M.

Curtis Hall

1250 W. Church Road, Wyncote, PA 19095

(Please Print Clearly)

Print Name	Mailing Address	Telephone Number	E-mail Address
R.E. PASSERL	7 CHURCH	215-663-8140	
Patricia Jones	5430 Tennis Ave Phila. Pa 19120	215-329-3565	ason1961@yahoo.com
Ronald Gray	713 Willow St. A2 Lansdale PA. 19446	267-663-3439	Rgray215@gmail.com
Jon Ferreira	284 Runner St. Jenkintown, PA 19046	215-663-5298	jonferreira15@yahoo.com
Karl Schmitzer	Fillmore St 7909 Phila. PA 19111	(267)575-8750	Schmitzer93@yahoo.com
Jack Washington	e/w WALLHSE		
Amy Stoff	109 Towanda		
Linda Stenz	109 Towanda		
Paula Goldenwaite	126 Woodland		
Carey Goldenwaite	126 Woodland		
Romy Kuzel			
Joe Lewitz	Wistar Dr		

*A Resolution No. 32-15
of the Board of Commissioners of Cheltenham Township*

Whereas, THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, Montgomery County, Pennsylvania, with deep appreciation and gratitude, recognizes **WAWA, INC.**, for its vital support of the joint "I Choose Cheltenham" campaign of Cheltenham Township and Cheltenham School District; and

Whereas, The Township and School District worked with talented residents to develop a marketing message to encapsulate Cheltenham's unique characteristics and inspire and promote community pride. The resulting "I Choose Cheltenham" mobile campaign is now expanding throughout the region as the signature car magnets are distributed at Township and School District events; and

Whereas, **WAWA, INC.**, fulfilled a vital role in transforming the campaign from a vision to reality by providing a donation of \$2,000 to fund the majority of the manufacture of the magnets. The generous contribution demonstrates **WAWA's** commitment as a partner and supporter of the community.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, duly convened in regular session this Twenty-First Day of October, A.D., 2015, does hereby officially thank and salute **WAWA, INC.**, for its charitable contribution to the community. It is further directed that this Resolution be spread in full upon the minutes of this meeting and that a copy thereof be presented to David Simonetti, Director of Operations for Wawa, Inc.

IN WITNESS WHEREOF, WE, HARVEY PORTNER, President of the BOARD OF COMMISSIONERS, and NAPOLEON NELSON, President of the BOARD OF SCHOOL DIRECTORS, OF CHELTENHAM TOWNSHIP, have hereunto set our hands and caused the Seals of the Township and School District of Cheltenham to be made a part thereof. DONE AT ELKINS PARK, PENNSYLVANIA, in the year of the Township of Cheltenham, the one hundred and sixteenth.

**BOARD OF SCHOOL DIRECTORS
OF CHELTENHAM TOWNSHIP**

By: _____
Napoleon Nelson, President

Attest: _____
Dr. Wagner Marseille
School District Superintendent

**BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP**

By: _____
Harvey Portner, President

Attest: _____
Bryan T. Havir
Township Manager and Secretary

RESOLUTION NO 28-15

BE IT RESOLVED, by authority of the Board of Commissioners
(Name of governing body)
of the Township of Cheltenham, Montgomery County, and it
(Name of MUNICIPALITY)
is hereby resolved by authority of the same, that the Township Manager
(designate official title)

of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic
Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of
the MUNICIPALITY.

ATTEST:

Township of Cheltenham
(Name of MUNICIPALITY)

Alyson E. Elliott Asst. Township Manager
(Signature and designation of official title)

By: [Signature], President of the Board
(Signature and designation of official title)

I, Bryan T. Havir, Township Manager
(Name) (Official Title)

of the Township of Cheltenham, do hereby certify that the foregoing
(Name of governing body and MUNICIPALITY)

is a true and correct copy of the Resolution adopted at a regular meeting of the
Board of Commissioners, held the 21st day of October, 2015.
(Name of governing body)

DATE: October 21, 2015

[Signature] Township Manager
(Signature and designation of official title)

RESOLUTION NO. 29-15

BE IT RESOLVED, by authority of the Board of Commissioners
(Name of governing body)
of the Township of Cheltenham, Montgomery County, and it
(Name of MUNICIPALITY)

is hereby resolved by authority of the same, that the Township Manager
(designate official title)

of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic
Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of
the MUNICIPALITY.

ATTEST:

Township of Cheltenham
(Name of MUNICIPALITY)

Alyson E. Ellwood Asst. Township Manager
(Signature and designation of official title)

By: Harry P. ... President of the Board
(Signature and designation of official title)

I, Bryan T. Havir, Township Manager
(Name) (Official Title)

of the Township of Cheltenham, do hereby certify that the foregoing
(Name of governing body and MUNICIPALITY)

is a true and correct copy of the Resolution adopted at a regular meeting of the
Board of Commissioners, held the 21st day of October, 2015.
(Name of governing body)

DATE: October 21, 2015

[Signature] Township Manager
(Signature and designation of official title)

**TOWNSHIP OF CHELTENHAM
RESOLUTION NO. 30-15**

**A RESOLUTION AUTHORIZING THE TOWNSHIP
ADMINISTRATION TO PURSUE STATE TRANSPORTATION GRANT
UNDER THE MULTIMODAL TRANSPORTATION FUND TO
SUPPORT THE IMPLEMENTATION OF PHASE II AND PHASE III
TRANSPORTATION AND PEDESTRIAN IMPROVEMENTS IN THE
ELKINS PARK WEST COMMERCIAL DISTRICT**

WHEREAS, the Township of Cheltenham, Montgomery County, desires to apply for state funding from the Pennsylvania Department of Transportation Multimodal Transportation Fund (MTF) to financially aid in the Township's implementation of transportation and pedestrian improvements in the Elkins Park West Commercial District; and

WHEREAS, Cheltenham Township completed a Commercial District Enhancement Plan for the Elkins Park West Commercial District in 2000, which outlines a vision and implementation plan for economic development, transportation improvements and streetscape enhancements; and

WHEREAS, Cheltenham Township engaged engineers and planners to design and implement Phase I transportation and pedestrian improvements in the Elkins Park West Commercial District; and

WHEREAS, Cheltenham Township desires to enhance the entire Elkins Park West Commercial District on Old York Road (S.R. 611) between Meetinghouse Road and Cheltenham Hills Drive/Elkins Avenue; and

WHEREAS, the proposed enhancements to the Elkins Park West Commercial District will address the state's multimodal and smart transportation policies and initiatives by integrating land use and transportation decisions to improve the Township's commercial district of Elkins Park West by providing safe and reliable transportation options, traffic calming measures, enhanced pedestrian access and bicycle connections to public transit facilities, pedestrian safety and physical site improvements that require the removal of barriers to ADA, and way-finding signage to benefit economic growth and stabilization, both of the commercial core and the surrounding neighborhood that primarily support revitalization of the business district.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, desires to file a FY 2016-17 MTF application to secure funds in an amount up to \$1.6 million based on the total project cost of \$2.3 million per the attached Cost Estimates (Exhibit A) for the purpose of installing a variety of streetscape and traffic calming improvements in the Elkins Park West Commercial District on Old York Road (S.R. 611) between Church Road and Cheltenham Hills Drive/Elkins Avenue (Phase

II) and Meetinghouse Road to Greenbriar Road (Phase III) in Elkins Park, and will be used for the construction of such elements as pedestrian sidewalk and curb improvements, ADA compliant curb cuts, ramps planters, benches, ornamental street lighting, sound attenuation pedestrian crossing devices, illuminated bollards, pedestrian crosswalks and mid-block crossings, and other traffic calming improvements, transit bus shelters, bicycle amenities, and other vital amenities and visual elements, which are part of the Cheltenham Township Commercial District Enhancement Plan and Comprehensive Plan of Cheltenham Township.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cheltenham Township, Montgomery County does hereby designate the President of the Board of Commissioners and the Township Manager/Secretary as the officials to execute all documents and agreements between Cheltenham Township and the Pennsylvania Department of Transportation to facilitate and assist in obtaining the requested grant.

BE IT FURTHER RESOLVED, that the Township of Cheltenham will commit to the 30% match of \$700,924 as its local share of the project costs.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Board of Commissioners of the Township of Cheltenham, County of Montgomery, Commonwealth of Pennsylvania, at its public meeting held at Curtis Hall, 1250 West Church Road, Wyncote, Pennsylvania, 19095, under my hand and the Seal of the Township of Cheltenham, this twenty-first day of October, A.D., 2015, in the year of the Township of Cheltenham the one hundred sixteenth.

Resolved and adopted this 21st day of October, A.D., 2015.

ATTEST:

TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS



Bryan T. Havir
Township Manager and Secretary

By: _____
Harvey Portner, President

APPENDIX "A"

**ELKINS PARK WEST COMMERCIAL DISTRICT PHASE II & III
TRANSPORTATION AND PEDESTRIAN IMPROVEMENTS PROJECT**

COST ESTIMATE

BUDGET

	Multimodal Transportation Fund (DCED)	Cheltenham Township (Local) EDIT	Total
+ Acquisition	0	0	0
+ General Construction	0	152,278	152,278
New Construction	0	152,278	152,278
+ Infrastructure / Site Preparation	396,842	88,492	485,334
Roads/Streets	396,842	0	396,842
Excavation/Grading	0	88,492	88,492
+ Machinery & Equipment	0	0	0
+ Operating Costs / Working Capital	0	0	0
+ Related Costs	0	258,174	258,174
Professional Services/Consultants	0	113,000	113,000
Inspections	0	50,000	50,000
Contingencies	0	95,174	95,174
+ Other	1,203,158	201,980	1,405,138
Curb and Sidewalk	370,770	0	370,770
Crosswalks	68,090	10,480	78,570
Traffic and Pedestrian Signals	584,488	0	584,488
Lanscaping and Retaining Wall	0	191,500	191,500
Traffic and Pedestrian Lighting	179,810	0	179,810
Grand Totals	1,600,000	700,924	2,300,924

f. Upon motion of Mr. Sharkey, the Board of Commissioners unanimously adopted **Resolution No. 30-15** authorizing the filing of a Multimodal Transportation Fund (MTF) Pennsylvania Department of Transportation grant application for streetscape and pedestrian improvements along Old York Road in Elkins Park West to include both Phase II (between Church Road and Cheltenham Hills Drive / Elkins Avenue), including a left turn lane on southbound Old York Road to Church Road, and Phase III (between Greenbriar Road and Meeting House Road).for a total cost estimate of \$1.6 million in funding (see attached).

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b. Upon motion of Mr. McKeown, the Board of Commissioners unanimously accepted the Public Affairs Committee Meeting Minutes dated October 7, 2015.

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

ORDINANCE NO. – 2315-15

**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
Harvey Portner, President
Board of Commissioners

AMH

Attest: _____
Bryan Havir, Township Manager/Secretary