

## Chapter 10

### Part A: *Soliciting and Peddling* (OR 03-2003)

#### 100.00 DEFINITIONS:

**101.00** "*Soliciting*", as used in this article, means the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery;

101.10 For subscriptions or contributions;

101.20 Upon any of the streets or sidewalks;

101.21 From house to house;

101.22 By visitation to private residences;

101.23 By entering in or upon private property, within the Borough.

**102.00** "*Peddling*", as used in this article, means the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery;

102.10 Which the person selling or offering for sale carries with him in traveling;

102.11 Has in his possession or control;

102.12 Upon any of the streets or sidewalks;

102.13 From house to house;

102.14 By visitation to private residences;

102.15 By entering in or upon private property within the Borough.

#### 200.00 Exceptions:

201.00 The words "Soliciting" and "Peddling" *shall not apply to*:

201.10 **Farmers** taking orders for the sale of their own products;

202.00 The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose;

203.00 Any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended;

204.00 Solicitations for charitable, benevolent, patriotic or other purposes.

205.00 (Reserved)

206.00 Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer, if requested by the occupant of the residence.

207.00 The seeking or taking of orders at any previously-scheduled meeting at a personal residence of a resident of the Borough which has the consent for such meeting by one or more occupants of such residence.

- 207.10 For purposes of the exception, the term "previously" requires the consent of an occupant of the residence.
- 208.00 "Solicitor", as used in this article, means any person who shall engage in soliciting as hereinabove defined.
- 209.00 "Peddler", as used in this article, means any person who shall engage in peddling as hereinabove defined.
- 210.00 "Person", as used in this article, means any natural person, association, partnership, firm, organization or corporation.
- 211.00 In this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

**300.00 LICENSE REQUIRED:**

- 300.10 No person shall engage in soliciting or peddling in the Borough without first having taken out a license as herein provided.

**400.00 LICENSE APPLICATION:**

- 400.10 Every person desiring to engage in soliciting or peddling in the Borough shall first make application to the Borough Secretary for a license.
- 401.00 The application shall be upon a blank provided by the Borough Secretary and shall contain at least the following information verified by oath or affirmation;
- 401.10 Full name of the applicant and local address, if any;
- 401.11 Permanent address;
- 401.12 Name of employer or a statement that such applicant is self-employed;
- 401.13 The nature of the goods, wares, services or merchandise offered for sale;
- 401.14 A statement as to whether or not the applicant has ever been convicted of any crime;
- 401.15 If the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed thereon;
- 401.16 The type and license number of vehicles to be used, if any;
- 401.20 Upon request, the applicant shall furnish a photograph or a valid driver's license or similar means for identification.
- 402.00 Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him;
- 402.10 An individual license shall be required by each helper.
- 403.00 No license under this article shall be transferable from one person to another.

**500.00 LICENSE FEE.**

- 500.10 No license shall be issued under this article until the sum of Fifteen (\$15.00), for a period of thirty (30) days or Twenty Five (\$25.00) Dollars or an amount set by resolution of Council for an annual period by calendar year shall be paid to the Borough Secretary, and it shall be for the use of the Borough.
- 500.20 A separate application shall be filed, and a separate permit fee shall be paid by each person who shall actually

conduct the soliciting or peddling, and shall apply where an employer desires to secure licenses for his employees, agents or servants.

**510.00 LICENSE TERM; NEW LICENSE:**

510.10 The license granted pursuant to this article shall be valid for thirty (30) days or one year as noted in Section 400.00;

510.11 Upon the expiration of any license; if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee.

**520.00 LICENSE EXHIBITION:**

520.10 Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee.

520.20 Every solicitor or peddler shall, at all times, when engaged in soliciting or peddling in the Borough, carry such license upon his person;

520.21 Every solicitor shall exhibit the license, upon request, to all police officers, Borough officials and citizens.

520.30 No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

**530.00 HOURS:**

530.10 No person licensed as a solicitor or peddler under this article shall engage in soliciting or peddling on any day of the week before 9:00 o'clock a.m. or after 8:00 o'clock p.m.

530.11 During the time of the year when Eastern Standard Time, and during the time of year when Daylight Saving Time is effective, the aforesaid hours shall be Daylight Saving Time.

**600.00 PARKING VEHICLE ON STREET; LITTERING:**

600.10 No person licensed as a solicitor or peddler under this article shall park any vehicle upon any of the streets, highways or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares, services or merchandise.

600.20 No such person shall place or deposit any refuse on any such streets, highway, or alleys.

600.30 No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for any longer than necessary in order to sell therefrom to person residing in the immediate vicinity.

**610.00 FIXED LOCATION PROHIBITED:**

610.10 No person licensed as a solicitor or peddler under this article shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of the Borough for the purpose of soliciting or peddling with or without any stand or counter.

**620.00 CRYING WARES, USING NOISEMAKERS PROHIBITED:**

620.10 No person licensed as a solicitor or peddler under this article shall hawk or cry his wares or services upon any of the streets or sidewalks of the Borough;

620.11 Nor shall he use any loud speaker, bell, whistle or other similar device for announcing his presence by which the public is annoyed.

**700.00 RECORD OF LICENSES:**

700.10 The Secretary shall keep a record of all licenses issued under this article;

700.20 A list of licenses issued hereunder shall be made available to the Borough's agents, employees, servants and/or representatives.

**800.00 LICENSE SUSPENSION; APPEALS THEREFROM:**

800.10 Any license issued under this Ordinance may be suspended and/or revoked at any time by the Borough Secretary for violation of any of the provisions of this Ordinance, or for giving false information on any application for a license hereunder or for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for the licensee having been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any Ordinance of the Borough.

800.20 Appeals from any suspension and/or revocation may be made to the Borough Council at any time within ten (10) days after such suspension.

800.30 No part of a license fee shall be refunded to any person whose license shall have been suspended.

**900.00 SEVERABILITY:**

900.10 The provisions of this article shall be severable;

900.20 If any of the provisions or sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this article.

900.30 It is hereby declared to be the legislative intent that this article would have been adopted had such illegal or unconstitutional provisions not been included therein.

**1000.00 PENALTY:**

1000.10 Any person who shall knowingly violate any of the provisions of this article shall, upon conviction thereof, be fined a Class B fine as set by resolution of Council, and costs of prosecution for each offense;

1000.20 In default of the payment of such fine and costs, undergo imprisonment for not more than thirty (30) days.

1000.30 Provided, however, that each day's violation of any provisions of this Ordinance shall constitute a separate violation .

**1100.00 Enacted:**

1100.10 ORDAINED AND ENACTED June 9<sup>th</sup>, 2003