

## Chapter 157

### PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville 6-12-2007 by Ord. No. 289. Amendments noted where applicable.]

#### GENERAL REFERENCES

Streets and sidewalks — See Ch. 218.

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#### § 157-1. Definitions; exceptions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

**PEDDLER** — Any person who shall engage in peddling as hereinabove defined.

**PEDDLING** — The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private property within the Borough.

**PERSON** — Any natural person, association, partnership, firm, organization or corporation.

**SOLICITING** — The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private property, within the Borough.

**SOLICITOR** — Any person who shall engage in soliciting as hereinabove defined.

- B. The words "soliciting" and "peddling" shall not apply to:

- (1) Farmers seeking or taking orders for the sale of their own products;
  - (2) The seeking or taking of orders by any manufacturer, producer, or retailer for the sale of bread and bakery products, meat and meat products, milk and milk products or similar food products;
  - (3) 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;<sup>1</sup>
  - (4) Persons who have been licensed by the Commonwealth of Pennsylvania to engage in a sales activity when so engaged; including, without limitation, real estate, insurance or securities, brokers and salesmen;
  - (5) Persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of 10 P.S. § 162.1 et seq., the Solicitation of Funds for Charitable Purposes Act, as amended, governing solicitations for charitable, benevolent, patriotic or other purposes;<sup>2</sup>
  - (6) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer;
  - (7) 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. For purposes of the exception, the term "previously" requires the consent of an occupant of the residence.
- C. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

#### § 157-2. License required.

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

#### § 157-3. License application.

- A. Every person desiring to engage in soliciting or peddling in the Borough shall first make application to the Borough Secretary for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license. 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:

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1. Editor's Note: Original Subsection (c)(4), regarding any honorably discharged soldier, sailor or marine of the military service, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Full name of the applicant and local address, if any;
  - (2) Permanent address;
  - (3) Name of employer or a statement that such applicant is self-employed;
  - (4) The nature of the goods, wares, services or merchandise offered for sale;
  - (5) A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed thereon;
  - (6) The type and license number of vehicles to be used, if any;
  - (7) Upon request, the applicant shall furnish a photograph or a valid driver's license or similar means for identification.
- B. 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, and an individual license shall be required by each helper. No license under this chapter shall be transferable from one person to another.

#### **§ 157-4. License fee.**

No license shall be issued under this chapter until the sum of \$15, for a period of 30 days, or \$25 for an annual period, by calendar year, shall be paid to the Borough Secretary, and it shall be for the use of the Borough. 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.

#### **§ 157-5. License term; new license.**

The license granted pursuant to this chapter shall be valid for 30 days or one year as noted in § 157-4 and, 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.

#### **§ 157-6. License exhibition.**

Such license, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall, at all times, when engaged in soliciting or peddling in the Township, carry such license upon his person and shall exhibit it, upon request, to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

**§ 157-7. Hours.**

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

**§ 157-8. Parking vehicle on street; littering.**

No person licensed as a solicitor or peddler under this chapter 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. No such person shall place or deposit any refuse on any such streets, highway, or alleys. 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.

**§ 157-9. Fixed location prohibited.**

No person licensed as a solicitor or peddler under this chapter 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.

**§ 157-10. Crying wares and using noisemakers prohibited.**

No person licensed as a solicitor or peddler under this chapter shall hawk or cry his wares or services upon any of the streets or sidewalks of the Borough, nor shall be use any loudspeaker, bell, whistle or other similar device for announcing his presence by which the public is annoyed.

**§ 157-11. Record of licenses.**

The Secretary shall keep a record of all licenses issued under this chapter, and a list of licenses issued hereunder shall be made available to the Borough's agents, employees, servants and/or representatives.

**§ 157-12. License suspension; appeals therefrom.**

Any license issued under this chapter may be suspended and/or revoked at any time by the Borough Secretary for violation of any of the provisions of this chapter, 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. Appeals from any suspension and/or revocation may be made to the Borough Council at any time within 10 days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

**§ 157-13. Violations and penalties.**<sup>3</sup>

Any person who shall knowingly violate any of the provisions of this chapter shall, upon conviction thereof, be fined not more than \$600 and costs of prosecution for each offense, or, in default of the payment of such fine and costs, undergo imprisonment for not more than 30 days; provided, however, that each day's violation of any provisions of this chapter shall constitute a separate violation.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).