

Chapter 122

PEDDLING AND SOLICITING

ARTICLE I

Peddling

- § 122-1. **Definitions.**
- § 122-2. **License required.**
- § 122-3. **Procedure.**
- § 122-4. **Fees.**
- § 122-5. **Issuance of license; display; effect.**
- § 122-6. **Noise restriction.**
- § 122-7. **Parking restriction.**
- § 122-8. **Location restriction.**
- § 122-9. **Permitted hours.**
- § 122-10. **Record of licenses.**
- § 122-11. **Suspension of license.**
- § 122-12. **Violations and penalties.**

ARTICLE II

Soliciting and Canvassing

- § 122-13. **Permit required.**
- § 122-14. **Application for permit.**
- § 122-15. **Duration of permit; renewal.**
- § 122-16. **Limitations.**
- § 122-17. **Fees.**
- § 122-18. **Hours.**
- § 122-19. **Exhibition of permit.**
- § 122-20. **Enforcement.**
- § 122-21. **Expiration of permits.**
- § 122-22. **Violations and penalties.**

[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Art. I, 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances; Art. II, at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Sections 122-1, 122-4B and C, 122-5 and 122-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I

Peddling

[Adopted 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances]

§ 122-1. Definitions.

A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

PEDDLER — Any person who shall engage in peddling, as herein defined.

PEDDLING — Engaging in peddling or taking of orders, either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Borough of South Greensburg, provided that the word "peddling" shall not apply to farmers selling their own produce; to 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; or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products.¹

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

B. Word usage. In this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 122-2. License required.

No person shall engage in peddling in the Borough of South Greensburg without first having taken out a license as herein provided.

§ 122-3. Procedure. [Amended 7-13-1981 by Ord. No. 81-12]

Every person desiring to engage in peddling in the Borough of South Greensburg shall first make application to the Mayor for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name, his address, his previous criminal record, if any, the name of the person for whom he works, if any, the type of goods, wares and merchandise he wishes to peddle, the length of time for which he wishes to be licensed, the type of vehicle he uses, if any, and the number of helpers he has, provided that where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper; provided further, that in order to afford proper officials of the Borough of South Greensburg time to make reasonable investigation of the application as submitted, no license shall be issued until two (2) days have elapsed from the date said application is filed. No license issued under this Article shall be transferable from one person to another.

§ 122-4. Fees. [Amended 7-13-1981 by Ord. No. 81-12; 2-13-1984 by Ord. No. 84-6; 8-10-1992 by Ord. No. 92-6; 9-11-1995 by Ord. No. 95-5]

No license shall be issued under this Article until the proper fee, as designated by Council pursuant to §1-16 herein, is be paid to the Borough.

A. Foot peddler: twenty dollars (\$20.) per day or fraction thereof.

- B. Peddler operating from a horse-drawn or motor vehicle: twenty dollars (\$20.) per day or fraction thereof.
- C. Each and every additional peddler employed by or with a foot peddler or peddler operating from a horse-drawn or motor vehicle: twenty dollars (\$20.) per day or fraction thereof.
- D. Notwithstanding the foregoing, no license fees shall be due from a qualified nonprofit organization engaged in peddling with the borough.

§ 122-5. Issuance of license; display; effect. [Amended 8-10-1992 by Ord. No. 92-6]

Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the borough carry such license upon his person and shall exhibit such license, upon request, to all police officers, borough officials and citizens. No peddler shall engage in selling any product not mentioned upon such license nor shall any person having a foot peddler's license operate from or with any motor vehicle.

§ 122-6. Noise restriction.

No person licensed as a peddler under this Article shall hawk or cry his wares upon any of the streets or sidewalks of the borough nor shall he use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.

§ 122-7. Parking restriction.

No person licensed as a peddler under this Article shall park any vehicle upon any of the streets or alleys of the borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§ 122-8. Location restriction.

No person licensed as a peddler under this Article shall occupy any fixed location upon any of the streets, alleys or sidewalks of the borough for the purpose of peddling, with or without any stand or counter.

§ 122-9. Permitted hours. [Added 2-17-1984 by Ord. No. 84-6]

No person licensed as a peddler under this Article shall engage in peddling in the Borough of South Greensburg before 9:00 a.m. or after 5:00 p.m. of each day in which said person is peddling under this Article.

§ 122-10. Record of licenses.

The Mayor shall keep a record of all licenses issued under this Article, and the Chief of Police shall apply daily to the Mayor for a list of all licenses issued hereunder since the previous day. The Mayor and the Chief of Police shall supervise the activities of all holders of such licenses.

§ 122-11. Suspension of license.

The Mayor of the Borough of South Greensburg is hereby authorized to suspend any license issued under this Article when he deems such suspension to be beneficial to the public health, safety or morals or for violation of any of the provisions of this Article or for giving false information upon any application for license hereunder.

§ 122-12. Violations and penalties. [Amended 8-10-1992 by Ord. No. 92-6]

Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution and, in default of payment thereof, to imprisonment for not more than thirty (30) days.

ARTICLE II

Soliciting and Canvassing

[Adopted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.]

§ 122-13. Permit required.

It shall be unlawful for any person to canvass or to solicit contributions or funds from the general public within the borough for any religious, charitable, patriotic, political, philanthropic, public interest or community service purpose without first applying for and obtaining a solicitation permit.

§ 122-14. Application for permit.

At least thirty (30) days before the date of requested solicitation, applicants for a solicitation permit under this Article must file with the borough an application, in writing, on a form or forms to be furnished by the borough, which shall give the following information:

- A. The name of the person, organization or institution and its aim and purpose.
- B. Local and national address and phone numbers.
- C. Names and residence addresses of each officer, together with a complete list of names and residence addresses of any board of managers or directors.
- D. Dates of intended solicitation.
- E. Names of persons authorized to solicit, their residence addresses, phone numbers, social security numbers, driver's license numbers and state automobile registration information and a photograph.

§ 122-15. Duration of permit; renewal.

A solicitation permit issued by the Mayor shall be valid for the period of intended solicitation as specified in the applicant's application, but in no event for more than one (1) year, but may be renewed from year to year, if applicable, upon filing a new application, paying any applicable fee and furnishing the information required in § 122-14 on an annual basis.

§ 122-16. Limitations.

- A. Any resident of the borough may display a sign or sticker reading NO SOLICITING, and it shall be unlawful for any person to solicit contributions or funds as specified in this chapter at any home or residence where a NO SOLICITING sign or sticker is displayed.

- B. All persons seeking to solicit contributions or funds pursuant to this Article shall be required to sign a statement on a form furnished by the borough indicating that they understand and agree to comply with the requirements of this section.
- C. Any person violating the provisions of this section shall be subject to arrest and prosecution pursuant to the criminal statutes of the Commonwealth of Pennsylvania.

§ 122-17. Fees. [Amended 9-11-1995 by Ord. No. 95-5]

Every applicant for a solicitation permit under § 112-14 of this Article shall pay a fee as designated by Council pursuant to §1-16 herein.

§ 122-18. Hours.

Hours of solicitation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Saturday.

§ 122-19. Exhibition of permit.

Solicitors are required to exhibit their permit at the request of any citizen or police officer.

§ 122-20. Enforcement.

It shall be the duty of any police officer of the borough to require any person seen soliciting and who is not known by such officer to be duly licensed to produce his solicitor's permit and to enforce the provisions of this Article against any person found to be violating the same.

§ 122-21. Expiration of permits.

All annual licenses issued under the provisions of this Article shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

§ 122-22. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished for each offense by a fine not to exceed six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment for not more than thirty (30) days.