

Chapter 155
PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Borough Council of the Borough of Dormont 4-6-1987 as Ord. No. 1356. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 153.

ARTICLE I
Transient Retailers

- § 155-1. Status established.

Any person who shall engage in the sale of goods, wares or merchandise for a temporary period or who disposes of a particular stock without the intention of replenishing the same and

continuing permanently and continuously in business in the borough shall be deemed as engaged in a transient retail business within the meaning of this Article.

§ 155-2. License required; exceptions.

Every person entering into, beginning or desiring to conduct a transient retail business in the borough for the sale of goods, wares or merchandise whatsoever, who hires, occupies or uses any room, apartment, store, shop, building or other place or structure for the exhibition and sale of such goods, wares or merchandise, shall, before doing any business, take out a license for the same from the borough. Nothing contained in this chapter shall apply to residents of the borough selling their own private household goods and effects; to garage sales, neighborhood sales or similar casual sales of tangible personal property; to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; to a garageman or other person to protect a lien for storage charges or work performed pursuant to the laws of the commonwealth; to farmers selling their own produce; or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products, provided that the term "milk or milk products" shall not include or apply to ice cream or other frozen desserts; provided, further, that any transient retail business dealing in one (1) or more of the excepted categories and selling other goods, wares and merchandise not excepted shall be subject to the license fee fixed by this Article for its activities in connection with the sale of goods, wares and merchandise not in any of the excepted categories.

§ 155-3. Duration and contents of license.

The license required by this Article for transient retail business shall be issued and renewed monthly and shall contain an accurate description, designation and address of the premises where the business is to be conducted and shall be confined to the premises thus designated.

§ 155-4. License fee.¹

The amount of the license fee to conduct a transient retail business in the borough as set out in §§ 155-1 and 155-2 of this Article shall be as set forth from time to time by resolution of the Borough Council. Such license fee shall be paid in advance to the Mayor.

ARTICLE II
Peddlers

§ 155-5. Status established.

A person, whether a resident of the borough or not, shall be deemed to be a peddler under this Article who, by personal solicitation or other form of advertising, remains at any place or goes from house to house, place to place or street or street offering or exposing for sale, making sales and delivering articles to purchasers, soliciting or attempting to take orders for future

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

delivery, whether or not collecting advance payments, or buying or offering to buy or trading or offering to trade services, good, wares, merchandise, literature, edibles, beverages or personal or real property of any kind or nature whatsoever.

§ 155-6. License required; exceptions.

- A. Before engaging in any activity described in § 155-5, a peddler shall first obtain a license from the Mayor.
- B. The exceptions set forth in § 155-2 of this chapter shall apply to this Article.
- C. In addition, nothing in this Article shall apply to any wholesale dealer selling his or her own goods from his or her own goods from his or her own vehicles, any merchant, grocer or dealer delivering goods purchased at his or her store or place of business to the residence or place of business of the purchaser or any person taking orders for merchandise by sample from or making direct sales to dealers or merchants in the borough.

§ 155-7. Application for license; payment; issuance; number required; street stands not permitted.

- A. The application to the Mayor for the license required by § 155-6 of this chapter shall show the following:
 - (1) The name, address and occupation of the applicant.
 - (2) The name and address of the person for whom the applicant will be acting as peddler.
 - (3) The kind or character of goods the applicant desires to be permitted to sell or offer.
 - (4) The names and addresses of persons having knowledge of the good moral character and integrity of the applicant.
- B. With such application, the applicant shall submit to the Mayor two (2) photographs of himself or herself not larger than two by two 2 x 2 inches, one (1) of which photographs shall be attached to the application and the other to the license issued by the Mayor. The applicant shall give any further identification as the Mayor may desire. If the Mayor, upon examination, shall find the statements and references in such application verified, he or she shall, within five (5) days, approve the application. In case such statements or references are not verified, such application shall be refused.
- C. Upon approval of such application and payment of the fee for such license, the Mayor shall forthwith issue a license to the applicant, granting him or her the privilege of engaging in the activity described in § 155-5 of this chapter within the limits of the borough for the period of one (1) day, a year or a portion of a year, as hereinafter provided.
- D. Each person engaged in activity described in § 155-5 must have a license. If, however, a person, firm or corporation takes out a license, as herein provided, during the period and life of such license, any of its members, officers, salespersons, solicitors or employees may operate thereunder; but not more than one (1) person shall operate thereunder on any given day; provided, however, that in the event that a license is used by any person other than the

original applicant, such person must register his or her name with the Mayor and submit the photographs referred to herein.

- E. No such license shall confer upon the licensee the right to establish a stand upon the highways of the borough from which the materials or articles he or she proposes to sell may be exhibited and sold. All licensees have solely and only the right to pass over the highways of the borough for the purpose of soliciting orders for and selling their goods or products.

§ 155-8. Form and content of license; duty to display; record; disposition of fees.

- A. The license required by § 155-6 of this chapter shall have printed thereon the words "Licensed Vendor," and in figures the date of issuance. When such license is issued, it shall state the name, residence and business of the licensee, the amount of the fee paid and the length of time for which the license is issued.
- B. The licensee shall carry the license prominently exposed to view.
- C. The Mayor shall keep a stub in the certificate book showing the character of such license and the amount of the fee paid for the same and shall pay over to the Borough Treasurer on the last day of each month all moneys received by him or her for such licenses.

§ 155-9. Duration of license; fee; expiration date.²

At the option of the applicant, the Mayor shall issue to the applicant a license required by § 155-6 of this chapter for either one (1) year, good from January 1 to January 1 or for the unexpired portion of the year from the date of the granting of the license to the first day January next following, or for one (1) day, one (1) week or one (1) month. The fee which shall be charged for such a license is imposed to cover the cost of administering Article II of this chapter and regulating, investigating, inspecting and supervising peddlers licensed hereunder and shall be as set forth from time to time by resolution of the Borough Council.

§ 155-10. Peddling prohibited during certain hours.

All activity under this Article by any person is hereby prohibited between the hours of 5:00 p.m. and 9:00 a.m.

ARTICLE III
Canvassers

§ 155-11. Status established.

Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature, various types of tokens or merchandise for which a fee

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

is charged or solicited from persons other than the members of such organization or desiring to disseminate information upon the streets, in stores, apartments or office buildings, by house-to-house canvass or in public places for a charitable, religious, civic, patriotic, political, cultural or philanthropic purpose, shall be deemed to be a canvasser under Article III.

§ 155-12. Documents required; application; issuance of license; exemption from fee; number required.

- A. Before engaging in any activity described in § 155-11, a canvasser shall first obtain a license from the Mayor. The license required by this section shall not be issued unless an application is filed with the Mayor which shall show the following:
- (1) The name and purpose of the cause for which the license is sought.
 - (2) The names and addresses of the officers and directors of the organization.
 - (3) The name, age and address of the person who will engage in such solicitation or dissemination.
 - (4) The period during which solicitation or dissemination is to be conducted.
 - (5) The names and addresses of persons having knowledge of the good moral or character and integrity of the applicant.
- B. With such application, the applicant shall submit to the Mayor two (2) photographs of himself or herself not larger than two by two (2 x 2) inches, one (1) of which photographs shall be attached to the application and the other to the license issued by the Mayor. The applicant shall give any further identification as the Mayor may desire. If the Mayor, upon examination, shall find the statements in such application verified, he or she shall, within five (5) days, approve the application. In case such statements are not verified, such application shall be refused.
- C. Upon approval of such application, the Mayor shall forthwith issue a license to the applicant without charge, granting him or her the privilege of engaging in the activity described in § 155-11 of this chapter for the period of time described in his or her application.
- D. Each person engaged in canvassing as defined herein must have a license. If, however, a person, firm or corporation takes out a license, as herein provided, during the period and life of such license, any of its members, officers or employees may operate thereunder; but not more than one (1) person shall operate thereunder; but not more than one (1) person shall operate thereunder on any given day; provided, however, that in the event that a license is used by any person other than the original applicant, such person must register his or her name with the Mayor and submit the photographs referred to herein.

§ 155-13. Contents and form of license; duty to display; record.

The provisions of § 155-8 of this chapter are incorporated herein by reference and shall be applied to Article III.

§ 155-14. Exemptions from licensing requirements.

- A. The application and license requirements of Article III shall not apply to borough residents soliciting or disseminating information on behalf of any local organization, society, association or corporation of the nature set forth in § 155-11 of this chapter, including, but not limited to, any organization associated with the Keystone Oaks School District, any borough political organization, Dormont Athletic Boosters Association, Dormont Day Committee, Dormont Volunteer Firemen's Association, Dormont Public Library or any church-related or other charitable organization, provided that said church or organization is located within the Borough of Dormont or its congregational boundary is wholly or partially within the borough.³
- B. Any organization of the nature set forth in § 155-11 which is not a local organization but which engages residents of the borough to conduct its soliciting or dissemination of information shall not be required to comply with the application and license requirements of this Article III as to those borough residents.

§ 155-15. Canvassing prohibited during certain hours.

All activity described in § 155-11 of this chapter is hereby prohibited between the hours of 9:00 p.m. and 9:00 a.m., prevailing time.

ARTICLE IV
General Provisions

§ 155-16. Certain activities prohibited; signs; revocation of license; return of license.

- A. No licensee under Article II or Article III nor any person engaging in activity described in § 155-11 of this chapter but exempted from application and license under § 155-14 shall have the right to engage in such activity with respect to any store, apartment or office building, house, dwelling or other place when such location displays a sign which states "No Soliciting" or other words of similar nature. The license or right to solicit of any person violating this section shall be revoked, and he or she shall be prohibited from engaging in peddling or canvassing activity for one (1) year from the date of such violation.
- B. A license granted under Article II or Article III of this chapter shall be returned to the Mayor when the period of time for which such license was granted has expired or when a licensee no longer intends to use such license.

§ 155-17. Violations and penalties.⁴

Any person, upon conviction before a District Justice of the violation of any of the provisions of this chapter, shall be subject to a fine not to exceed six hundred dollars (\$600.), plus costs.

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

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. I, General Provisions, Art. I.