

## **Chapter 13**

### **Licenses, Permits and General Business Regulations**

#### **Part 1**

#### **Peddling and Soliciting**

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**Part 1****Peddling and Soliciting****§13-101. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Peddling* - the act of traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, and carrying, conveying or transporting goods, wares, merchandise, fish, vegetables or fruits, offering and exposing the same for sale or making sales and delivering articles to purchasers; or the act, without traveling from place to place, of selling or offering the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; or the act of engaging in a temporary business of selling and delivering goods, wares and merchandise and, in furtherance of such purpose, hiring, leasing, using or occupying any building, structure, room, apartment, shop or any other place within the municipality for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction (the person so engaged shall not be relieved from complying with the provisions of this Part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer). The word "peddling" shall include those activities commonly known as "hawking" and "huckstering," as well as those activities conducted by those commonly known as "transient merchants."

*Soliciting or canvassing* - the act of traveling, either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, person to person, house to house or from street to street, and taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future or for subscriptions, contributions or any other kind of support, whether or not such "solicitor" or "canvasser" has, carries or, exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any "solicitor" or "canvasser" who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, room, apartment, shop or any other place within the Borough for the sole purpose of exhibiting samples and taking orders for future delivery, and further provided that such definition shall include any "solicitor" or "canvasser" who, without necessarily having the intention of making a direct sale, distributes literature, pamphlets, handbills, samples and the like for the purpose of advertising or for other purposes.

(Ord. 1-1975, 3/10/1975; as added by Ord. 3-1989, 10/9/1989, §82-1; and as amended by Ord. 3-2005, 10/10/2005)

**§13-102. License Required.**

No person, partnership or corporation, either as principal or agent, shall engage

in selling, peddling and soliciting, canvassing or taking orders for goods, wares, merchandise, including magazines and periodicals, by sample or otherwise, upon the streets or sidewalks or from house to house or from any vehicle or from space occupied on a temporary basis in any house, building or structure within the Borough of Clarks Green, unless a license from the Borough is first obtained in the manner provided hereinafter.

*(Ord. 1-1975, 3/10/1975)*

**§13-103. Activities Exempt From Licensing.**

This Part shall not apply to, nor shall licenses be required for, the following:

A. The sale of milk, butter and other dairy products, bread and bakery products, meat and meat products, and other food products and produce, by any farmer, manufacturer or producer, or by the employees, authorized agents or representatives of any farmer, manufacturer or producer of the same.

B. Solicitation of contributions for religious, charitable, educational and philanthropic purposes, and for the promotion of public health and welfare, by members of or volunteer workers for any religious denomination, organized nonprofit corporation or association, society, charity or fund, and the sale of goods, wares and merchandise by the same when the proceeds of such sales are devoted to such purposes.

C. The business transacted by insurance companies, and their agents, and by insurance brokers licensed to transact such business under the laws of the Commonwealth of Pennsylvania.

*(Ord. 1-1975, 3/10/1975)*

**§13-104. Application.**

1. All persons, partnerships and corporations required to obtain a license under the provisions of this Part shall make and submit an application therefor, which shall contain the following:

A. The name of the applicant.

B. His address.

C. The person, partnership or corporation he represents and his or its main office address and telephone number.

D. A description of the goods, wares and merchandise involved.

E. The length of time for which the license is desired.

F. A description, including the license number, of any vehicles to be used in connection with the proposed activities.

G. The number of other individuals involved as employees, helpers or otherwise in the proposed activities.

H. A statement that the applicant has no previous criminal record.

2. All persons connected with the proposed activities, as employees, helpers or otherwise, shall obtain individual licenses, submit all information required by this Section and exhibit any additional licenses required by the laws and statutes of the

Commonwealth.

3. Nothing contained in this Part shall be construed to relieve any person, partnership or corporation from the duty of taking out a license or from the payment of any license tax imposed by any other statute of this Commonwealth.

(*Ord. 1-1975, 3/10/1975*)

**§13-105. Fee.**

No license shall be issued until the applicant shall pay for any license or licenses issued, for the use of the Borough, a fee in an amount as established from time to time by resolution of Borough Council. Said license shall be valid for a period of 30 days.

(*Ord. 1-1975, 3/10/1975; as amended by Ord. 3-1989, 10/9/1989, §82-5; and by Ord. 3-2005, 10/10/2005*)

**§13-106. Display of License.**

1. Application forms shall be available, and all applications containing the information required by this Part shall be made at the Borough Building of the Borough of Clarks Green, Clarks Green, Pennsylvania, and any member of the Clarks Green Borough Police Department is hereby authorized to issue licenses upon the payment of the fee herein specified.

2. Every person subject to the provisions of this Part shall carry such license upon his person at all times when engaged in his activities within the Borough of Clarks Green, and shall exhibit such license upon request to the Borough officials and their representatives, and police or constables employed by the Borough, and to any resident of the Borough contacted by such person who shall so request.

3. No license issued under the provisions of this Part shall be transferred or assigned by the holder thereof.

4. The applicant shall not at any time sell or otherwise deal in goods, wares and merchandise not covered by the license.

(*Ord. 1-1975, 3/10/1975*)

**§13-107. Fee Revisions.**

The Borough Council is hereby authorized to revise the fee schedule set forth in §13-105 of this Part, either increasing or decreasing said fee, and also to designate a person or persons to take applications and receive said fees, other than as provided in §13-106 of this Part, by resolutions adopted from time to time for such purposes.

(*Ord. 1-1975, 3/10/1975*)

**§13-108. Hours.**

No person licensed under this Part shall engage in his activities at any time on Sunday, or on any other day of the week either before 9:00 a.m., or after 5:00 p.m.; provided, however, that this time limitation shall not be applicable to demonstrations conducted within the home of a resident of the Borough for a group of persons.

(*Ord. 1-1975, 3/10/1975*)

**§13-109. Noise.**

No person licensed under this Part shall hawk or cry his wares upon any street or sidewalk within the Borough, nor shall he use any loudspeaker or horn or other device, for announcing his presence so as to create a public nuisance.

*(Ord. 1-1975, 3/10/1975)*

**§13-110. Parking.**

No person licensed under this Part shall park any vehicle upon any of the streets, alleys or lanes within the Borough in order to sort, rearrange or clean any goods, wares or merchandise, nor may such person deposit any refuse upon any of said streets, alleys or lands; nor may any person keep or maintain a street or curbstone market by parking any vehicle upon any street, alley or lane within the Borough for a period of time longer than that required to sell therefrom to residents residing in the immediate vicinity; nor shall any persons occupy any fixed location upon any of the streets, alleys or lanes within the Borough, either with or without a stand, counter or other portable structure.

*(Ord. 1-1975, 3/10/1975)*

**§13-111. Records.**

Copies of all applications and licenses shall be promptly transmitted to the Borough Secretary, and he shall keep a permanent record of all licenses issued under this Part.

*(Ord. 1-1975, 3/10/1975)*

**§13-112. Enforcement.**

The Borough Council and the police or constables employed by it, or other representatives designated by it, shall supervise the activities of all holders of such licenses, and they are authorized to suspend any license for a violation of any of the provisions of this Part, for giving false information upon any application for a license, or when deemed necessary for the protection of the health, safety, morals and general welfare of the residents of the Borough.

*(Ord. 1-1975, 3/10/1975)*

**§13-113. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 1-1975, 3/10/1975; as amended by Ord. 3-1989, 10/9/1989, §82-13; and by Ord. 3-2005, 10/10/2005)*

**§13-114. Statutory Authority.**

This Part is enacted pursuant to the provisions of the Pennsylvania Borough Code, 53 P.S. §46202(31).

*(Ord. 1-1975, 3/10/1975)*