

Chapter 223

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Peddlers' Licenses

[Adopted 12-5-2005 by Ord. No. 5-2005]

§ 223-1. Definitions; word usage.

A. 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, canvassing, soliciting, or taking of orders, either by sample or otherwise, for any goods, wares, or merchandise, up on any of the streets or sidewalks from house to house with the Borough of East Vandergrift. Provided: the word "peddling" shall not apply:

- (1) To farmers selling their produce;
- (2) 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
- (3) To any manufacturer or producer in the sale of the bread and bakery products or milk products.

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

B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 223-2. License required.

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

§ 223-3. Application for license.

Every person desiring to engage in peddling in the Borough of East Vandergrift shall first make application to the Borough for a license. Upon such application, such person shall give his name, permanent address, temporary address, if any, place and date of birth, social security number, personal description, including fingerprints, personal identification, firm represented, address thereof, name and address of immediate superior, type of goods, wares and merchandise to be sold, terms of sale and method of delivery, type and description of vehicle to be used, previous criminal record, if any, and the length of time to be licensed. The information above required shall be given for each helper, and an individual license shall be required for each helper. No

license issued under this article shall be transferable from one person to another. Falsification of any statement in the application shall be considered a violation of this article.

§ 223-4. Fees. ¹

No license shall be issued under this article until the proper fee, as set by resolution of the Borough Council, shall be paid to the Borough, which fee shall be for the use of the Borough.

§ 223-5. Issuance of license.

Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Every peddler shall at all times when engaged 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.

§ 223-6. Hours limited.

No person licensed as a peddler under this article shall engage in peddling at any time on Sunday or upon any other day of the week before 9:00 a.m. or after 8:00 p.m.

§ 223-7. Noise.

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 loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

§ 223-8. No fixed location.

No person licensed as a peddler under this article shall maintain or keep a street or curbside market by parking any vehicle upon any street or alley in the Borough for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity, and no persons so licensed 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 counter.

§ 223-9. Revocation of license.

The Mayor of the Borough of East Vandergrift is hereby authorized to revoke 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 a license hereunder.

§ 223-10. Violations and penalties. ²

Any person who shall violate any of the provisions of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and

1. Editor's Note: Amended 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).

reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.