

Chapter 133

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Council of the Borough of Berwick 6-17-1974 by Ord. No. 1077. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 125.

Peace and good order — See Ch. 130.

§ 133-1. Definitions.

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

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

PEDDLING — Engaging in selling, peddling, canvassing, soliciting 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 Berwick, provided that the word "peddling" shall not apply to:

- (1) Farmers selling their own produce.
- (2) The soliciting of funds for, nor the sale of, goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
- (3) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
- (4) Any manufacturer or the agent, representative or employee of any manufacturer who is a resident of the commonwealth, for soliciting orders for or for selling any goods, merchandise or wares manufactured within this commonwealth, that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer, or the agent, representative or employee of any manufacturer who is a nonresident of

this commonwealth, for soliciting orders for or for selling any goods, merchandise or wares manufactured within the commonwealth.

- (5) Insurance companies or their agents or brokers authorized to transact business under the laws of the Commonwealth of Pennsylvania.

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

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

§ 133-2. License required.

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

§ 133-3. Application for license.

Every person desiring to engage in selling, canvassing, soliciting or peddling in the Borough of Berwick shall first make application to the Chamber of Commerce 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 and 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 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. No license issued under this chapter shall be transferable from one person to another. No license shall be required for any person legally exempted by the laws of this commonwealth from securing such license.

§ 133-4. Fee and deposit; term; return of deposit.

No license shall be issued under this chapter until a fee of \$50 has been paid to the Chamber of Commerce as issuing agent, together with a deposit of \$50 guaranteeing compliance with the provisions of this chapter and proper conduct in selling, canvassing and soliciting. Each such license shall be good for a period of 30 days from the date of issue and shall be renewable upon application to the issuing agent, except that where the applicant has an established permanent peddling business which he serves year-round, his license shall be good for a period of 365 days from the date of issue and shall be renewable upon application to the issuing agent. The deposit of \$50 shall be returned upon the expiration of any license or the last renewal thereof, provided that the licensee shall have conformed strictly to the provisions of this chapter and shall not have acted objectionably or offensively in such selling, canvassing or soliciting.

§ 133-5. Issuance and display of license; license limitations.

Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to every salesman, canvasser or solicitor. Such license shall contain the information required to be given upon the application therefor. Every such licensee shall, at all times when engaged in selling or canvassing 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 licensee shall engage in selling any product not mentioned upon such license.

§ 133-6. Hours when selling prohibited.

No licensee hereunder shall engage in selling, canvassing soliciting by foot or from door to door at any time on a Sunday or upon any other day of the week before 9:00 a.m. or after 5:00 p.m., prevailing time.

§ 133-7. Hawking and noisemaking devices.

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

§ 133-8. Sorting goods on streets; curbstome markets.

No persons licensed under this chapter 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 maintain or keep a street or curbstome 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.

§ 133-9. Occupation of fixed street locations.

No persons licensed under this chapter 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.

§ 133-10. Records; supervision of license holders.

The Chamber of Commerce shall keep a record of all licenses issued under this chapter, with notice given to the Chief of Police by the President of the Chamber of Commerce of the issuing of each such license. The Chamber of Commerce and the Chief of Police shall supervise the activities of all holders of such licenses.

§ 133-11. License-issuing agent.

The Chamber of Commerce is hereby designated as issuing agent to issue licenses under the terms of this chapter, which appointment shall be revocable at the will of the Borough Council. As compensation for its services, the issuing agent shall receive 50% of the amount received for issuing such licenses and shall pay out of such compensation the cost of printing and supplying all necessary forms and licenses.

§ 133-12. Violations and penalties.¹

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution and in default of payment thereof to imprisonment for not more than 30 days.

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