

Borough of Turbotville

ORDINANCE No. 08-2018

AN ORDINANCE OF THE BBOROUGH OF TURBOTVILLE, NORTHUMBERLAND COUNTY, PENNSYLVANIA PROHIBITING CERTAIN PEDDLING, SOLICITING, CANVASSING AND ENGAGING IN TRANSIENT RETAIL BUSINESS; PROVIDING FOR EXCEPTIONS THERETO; PROVIDING FOR LICENSING/PERMITTING OF CERTAIN PERSONS ENGAGED IN SUCH ACTIVITIES; AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

**WHEREAS**, the Borough Council of the Borough of Turbotville, Northumberland County, Pennsylvania, finds that certain peddling, soliciting, canvassing and engaging in transient retail business is detrimental to the health, safety and general welfare of persons within the Borough; and

**WHEREAS**, the Borough Council has determined that it is in the best interests of persons within the Borough to regulate that activity;

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Borough Council as follows:

**Section 1. Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated;

"Canvassing"- the act of conveying or receiving information and opinions by going from house to house or place to place whether by foot or vehicle and without receiving compensation or remuneration except such as may be provided by the principal, master, or employer of the person engaged in canvassing.

"Peddling"- the act of selling or offering for sale goods, wares, food, services, information or merchandise for immediate delivery and which the person selling or offering carries with them by going from home to home or place to place whether on foot or in vehicle.

"Soliciting"- the act of seeking, taking, requesting or otherwise attempting to obtain contract, order or receive money for goods, wares, services or merchandise for future delivery, or for subscriptions or contributions of any kind by going from house to house or from place to place whether by vehicle or by foot.

"Transient Retail Business"- Selling, soliciting or taking order for any food, goods, wares or merchandise from a fixed location within the Borough on a temporary basis, including but not limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for holidays.

"Borough Council"- The council of the Borough of Turbotville

"Person"- any natural person, association, partnership, corporation, firm or other business organization.

## **Section 2. Prohibitions; Exceptions.**

The practice of peddling, soliciting, canvassing or engaging in transient retail business within the Borough of Turbotville, without first obtaining a permit or license as set forth in this Ordinance, are hereby declared to be unlawful.

The following persons are exempt from the definition of peddling, soliciting, canvassing or transient retail business, unless such persons are also selling other goods, wares and merchandise not excepted:

- A. Persons campaigning for political or local office;
- B. Persons engaged in religious activities, proselytizing or conversion of others to their faith, or handing out of religious materials to the general public.
- C. Persons who, without compensation or remuneration, engage in peddling, solicitation, or canvassing on behalf of any public recognized religious, educational, civic or (501c3) charitable organization;
- D. Persons selling goods, wares and merchandise if the proceeds of the sale are to be applied to any charitable or philanthropic purpose;
- E. Newspaper carriers along their normal and regular delivery routes;
- F. Farmers selling their own produce;
- G. Children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, wrapping paper, pretzels, sandwiches, cookies, candy, bakery products, and the like, or who represent their school, or for Boy Scouts, Girl Scout or similar organizations;
- H. Insurance agents or brokers licensed under the insurance laws of the Commonwealth selling or taking orders for such products;
- I. Residents selling goods at a yard or garage sale or the like, if such goods are owned by the residents and the sale occurs on that resident's property or at a community sponsored sale; or
- J. Persons engaged in home business who leave magazines or similar items or hang such items on doors or mailboxes.
- k. Any persons or vendors participating in a borough sponsored event.

## **Section 3. License/Permit Required**

- A. Any person who wishes to engage in peddling, solicitation or transient retail business must obtain a license as set forth hereafter, and must possess and display or exhibit said license as a solicitor or peddler under this chapter shall occupy any fixed location upon any of the streets, highways, alleys or sidewalks of the Borough for the purpose of soliciting or peddling with or without any stand or counter without obtaining a permit in accordance with this chapter.
- B. No property owner or resident of the borough shall allow a transient retail business to operate in the Borough on property which said owner/resident owns and/or controls without a license as prescribed in this chapter.
- C. Any person who wishes to engage in canvassing must first obtain a permit as provided for hereafter, and must possess and display or exhibit said license or permit at all times while engaging in canvassing.

#### **Section 4. License/Permit Application.**

- A. All licenses or permits required by this chapter shall be applied for and issued by the borough office. The borough office is hereby empowered and charged with the duty of creating, accepting and reviewing all applications for licenses and permits and for promptly issuing licenses and permits upon payment of the fees as provided in this chapter.
- B. Every person desiring to engage in soliciting or peddling, in the operation of a Transient retail business in the Borough, or for a permit to canvass shall first make application to the Borough office for the appropriate license. The application shall be upon a form provided by the Borough office and shall contain at least the following information, which shall be verified by oath or affirmation:
  - 1. Full name of the applicant and local address, if any.
  - 2. Permanent address.
  - 3. Name of employer or a statement that such applicant is self-employed.
  - 4. The nature of the goods, wares, services or merchandise offered for sale.
  - 5. A statement as to whether or not the applicant, or any person who will be engaging in any activity within the Borough of Turbotville, has ever been convicted of any non-traffic related offense or any crime where the minimum punishment could have been in excess of one year in jail, and if the answer is affirmative, the nature of offense or offenses and the punishment or punishments imposed.
  - 6. The type and license number of any vehicles to be used.
  - 7. Upon request, the applicant shall furnish a photograph of each person who will be engaging in any activity within the Borough of Turbotville. (Photo ID Required)
  - 8. Statement of whether a helper or helpers is required and the identity of said helper or helpers.

#### **Section 5. Fees**

The fees which must be paid prior to the issuance of a license for peddling, soliciting or transient retail business shall be on a monthly, and shall be established from time to time by resolution of Borough Council. License fees for a transient retail business shall include an application fee and a monthly fee for each month of operation of said business. Monthly license fees for transient retail businesses shall be assessed by the month and a fee for a full month shall be paid for any portion of a calendar month that a transient retail business is operated.

Fees: To be established by the Borough

The fee which must be paid prior to issuance of a permit for canvassing shall be for a period of one month and said fee shall be established from time to time by Resolution of Borough Council.

#### **Section 6. Signs to be Observed.**

No person, whether licensed, permitted or otherwise, shall knock at a door, ring the doorbell, or enter onto the property of or enter any neighborhood, apartment building or dwelling unit upon which is affixed notice that "no peddler permitted" or "no solicitation permitted" or similar language

prohibiting peddling, solicitation or canvassing, unless such peddler, solicitor or canvasser is or has been invited upon the premises by the owner, licensee or occupant thereof.

#### **Section 7. Privacy.**

No license or permit permits any person to infringe on the privacy of another. Nothing in this Ordinance shall be construed in any way to allow any person to engage in any actions that are in violation of any laws of this Commonwealth or of the United States of America.

#### **Section 8. License Term; Reapplication for License.**

A license granted pursuant to this chapter for peddling or soliciting shall be valid until December 31 of the year in which issued and, upon the expiration of any license, if the person holding the same desired to continue or renew soliciting or peddling, he shall be required to file a new application for a license and pay a new license fee. A license granted pursuant to this chapter operating a transient retail business shall be valid for the period of time paid for at the time of application and, upon expiration of the license, if the person holding the same desires to continue or renew the license, he shall be required to file a new application for a permit, pay a permit application fee and pay the applicable monthly fee. No Transient retail business can operate in excess of 180 days in a calendar year.

#### **Section 9. Permit Time; Reapplication**

A permit granted pursuant to this chapter for canvassing shall be valid for this period paid for at the time of application, and, upon the expiration of any permit, if the person holding the same desires to continue or renew canvassing, he shall be required to file a new application for a permit and pay a new fee.

#### **Section 10. Time Restrictions.**

No licensee or permit under this chapter shall engage in solicitation, peddling or canvassing between the hours of 6:00 PM through 10:00 AM.

#### **Section 11. Suspension or Revocation of License or Permit; Appeal.**

Under good cause shown, the Borough shall have the power and authority to suspend or revoke any license or permit issued under this ordinance at any time with notice in writing to the holder. No part of a license fee shall be refunded to any person whose license has been suspended or revoked. Appeals from any suspension or revocation may be made in writing within ten (10) days after such suspension by requesting a hearing in front of Borough Council.

#### **Section 12. Violation; Penalty**

In addition to the penalty of suspension or revocation of a license or permit as provided above, any person who violates any provision of this Ordinance, including peddling, soliciting or canvassing without a license or permit, upon conviction thereof, shall be sentenced to pay a fine of not more than \$500.00, plus costs and, in default of payment of said fines and costs, to a term imprisonment not to exceed thirty (30) days. Each day that a violation continues shall constitute a new and separate offense.

**Section 13. Repeal Ordinance (Peddling)**

Ordinance (Peddling) dated January 20, 1931 is hereby repealed. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**Section 14. Effective Date.**

This ordinance shall become effective immediately.

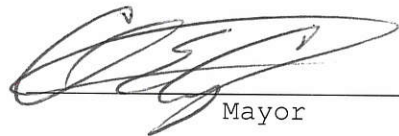
ENACTED and ORDAINED into an Ordinance this 10th day of September, 2018.

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

  
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President of Council

APPROVED the 10th day of September, 2018

  
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Mayor