

## **Chapter 176**

### **PEDDLING AND SOLICITING**

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**[HISTORY: Adopted by the Board of Supervisors of the Township of Fairview at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]**

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#### **§ 176-1. 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** — The selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences or by entering in or upon private property within the Township.

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

**SOLICITING** — The seeking or taking of contracts or orders for any goods, wares, services or merchandise for delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private property within the Township and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations and also orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses or other building improvements or repairs upon or from the places aforesaid within the Township.

**SOLICITING AND PEDDLING** — This chapter shall not apply to the following persons or classes of persons, except that such persons or classes of persons shall not engage in "soliciting" and "peddling" as herein defined during the hours set forth in § 176-7 of this chapter:

- (1) Farmers selling their own produce.

- (2) For 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.
- (3) Any manufacturer or producer in the sale of bread or bakery products, meat and meat products or milk and milk products.
- (4) Children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like or who represent the Boy Scouts or Girl Scouts or similar organizations.
- (5) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- (6) A person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- (7) For taking orders for merchandise, by sample, from dealers or merchants or individuals or companies who pay a license or business privilege tax at their chief place of business.

**SOLICITOR** — Any person who shall engage in soliciting as hereinabove defined.

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

**§ 176-2. License required.**

No person shall engage in soliciting or peddling in the Township without first having obtained a license as herein provided.

**§ 176-3. License application.**

- A. Every person desiring to engage in soliciting or peddling in the Township shall first make application to the Code Enforcement Officer for a license. If such person shall also be required to obtain a license from any county officer he shall, on making such application, exhibit a valid county license. The application shall be upon a blank provided by the Township and shall contain at least the following information 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 has ever been convicted of any crime and, if the answer is in the affirmative, the nature of the offense or offenses and the punishment or punishments imposed.

- (6) The type of vehicle to be used, if any.
  - (7) Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
- B. 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 verified or affirmed by oath or affirmation by, and an individual license shall be required for, each helper. No license under this chapter shall be transferable from one person to another.

**§ 176-4. License fee.**

- A. Each applicant under this chapter shall pay a license fee in an amount as established, from time to time, by resolution of the Board of Supervisors for the primary application and an additional fee in an amount as established, from time to time, by resolution of the Board of Supervisors for each person who shall actually conduct the soliciting or peddling at the time of the filing of the application or applications to the Township Manager.
- B. Exceptions. No license fee shall be charged:
- (1) To farmers selling their own produce.
  - (2) For 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.
  - (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.
  - (4) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like or who represent the Boy Scouts or Girl Scouts or similar organizations.
  - (5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
  - (6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
  - (7) For taking order for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

**§ 176-5. License term; new license.**

The license granted pursuant to this chapter shall be valid for 30 days after the date of such license and, upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee. Such licenses may be issued, in advance, for consecutive

thirty-day periods not exceeding 12 in number, upon payment, in advance, of the applicable license fees as provided in § 176-4.

**§ 176-6. License exhibition.**

Such license, when issued, shall state inter alia the products to be sold, services to be rendered or subscriptions or contributions to be solicited by the licensee. Every solicitor or peddler shall at all times when engaged in soliciting or peddling in the Township carry such license upon his person and shall exhibit it upon request to all police officers, Township officials and citizens. No solicitor or peddler shall engage in selling any product or service not mentioned on such license.

**§ 176-7. Hours.**

No solicitor or peddler under this chapter shall engage in soliciting or peddling on Sundays nor on any other day of the week before 9:00 a.m. or after 6:00 p.m., prevailing time.

**§ 176-8. Parking vehicle on street; littering.**

No solicitor or peddler under this chapter shall park any vehicle upon any of the streets, highways or alleys of the Township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

**§ 176-9. Certain locations prohibited.**

A peddler or solicitor shall not:

- A. Occupy any fixed location upon any of the sidewalks, streets, highways or alleys of the Township with or without any stand or counter; or
- B. Occupy the cartway or berm of any street or highway, or any portion or part contained within the cartway (e.g., median strip, fixed barrier, lined area, etc.).

**§ 176-10. Record of licenses.**

The Code Enforcement Officer shall keep a record of all licenses issued under this chapter.

**§ 176-11. License suspension, revocation.**

Any license issued under this chapter may be suspended or revoked at any time by the Township Code Enforcement Officer upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license or that the licensee was

convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the Township.

**§ 176-12. Crying wares, using noisemakers prohibited.**

No solicitor or peddler under this chapter shall hawk or cry his wares or services upon any of the streets or sidewalks of the Township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

**§ 176-13. Violations and penalties.**

Any person, firm or corporation who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

