

Chapter 88

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 9-13-78 as Ord. No. 198, approved 9-13-78. Section 88-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 85.

§ 88-1. Definitions.

A. Definitions. 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 peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for the sale or distribution of any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Borough of Alburdis, provided that the word "peddling" shall also apply:

- (1) To farmers selling their own 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.
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

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

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

§ 88-2. License required; special licensing provisions.

No person shall engage in peddling in the Borough of Alburdis without first having taken out a license as here provided:

- A. Organizations located within the Borough of Alburdis engaged in charitable or philanthropic enterprises, as well as all farmers and any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products, organized and existing or resident within the Borough of Alburdis, shall be issued a license annually for a fee of one dollar (\$1.) per annum.
- B. No peddlers license shall be valid without the signature of the Borough Secretary and the countersignature of the Mayor.

§ 88-3. Application procedure.

Every person desiring to engage in peddling in the Borough of Alburdis shall first make application to the Borough Secretary 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. If unknown to the Borough Secretary, an applicant may first be required to establish his or her identity by the display of a valid driver's license, birth certificate or baptismal certificate. Following identification, the applicant shall give his name; address; 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. Where a person makes application for himself and one (1) 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.

§ 88-4. License fees.

No license shall be issued under this chapter until the proper fee, as follows, which shall be for the use of the borough, shall be paid to the Borough Secretary:

- A. Foot peddler: one dollar (\$1.) per day; three dollars (\$3.) per month; ten dollars (\$10.) per year.
- B. Peddler operating from a motor vehicle: two dollars (\$2.) per day; five dollars (\$5.) per month; fifteen dollars (\$15.) per year.
- C. Each and every additional peddler employed by a peddler operating from a motor vehicle: one dollar (\$1.) per day; three dollars (\$3.) per month; ten dollars (\$10.) per year.

§ 88-5. Issuance and contents of license; use.

Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to every peddler. Such

license shall contain the information required to be given upon application therefor. Every peddler shall at all times when engaged in peddling 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, nor shall any person having a foot peddler's license operate from or with any motor vehicle.

§ 88-6. Noise restrictions.

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

§ 88-7. Littering and curbstome markets prohibited.

No person licensed as a peddler under this chapter shall place or deposit any refuse upon any streets or alleys, 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.

§ 88-8. Use of fixed location prohibited.

No person licensed as a peddler 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.

§ 88-9. Records of licenses; supervision of holders.

The Borough Secretary shall keep a record of all licenses issued under this chapter, and the Chief of Police shall apply to the Borough Secretary for a list of all licenses issued hereunder. The

Borough Secretary and the Chief of Police shall supervise the activities of all holders of such licenses.

§ 88-10. Suspension of license.

The Borough Secretary of the Borough of Alburdis is hereby authorized to suspend any license issued under this chapter 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 chapter or for giving false information upon any application for a license hereunder.

§ 88-11. Violations and penalties.¹

Any person who violates any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.

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