
Chapter 97 — Business and Nonprofit Activities

Article I — Peddling and Soliciting

§ 97-101	Short Title.....	97-2
§ 97-102	Definitions.....	97-3
	(a) Peddler.....	97-3
	(b) Peddling.....	97-3
	(c) Person.....	97-3
§ 97-103	Word Usage.....	97-3
§ 97-104	License Required.....	97-3
§ 97-105	Application Procedure.....	97-3
§ 97-106	License Fees.....	97-4
§ 97-107	Issuance and Contents of License; Use.....	97-4
§ 97-108	Noise Restrictions.....	97-4
§ 97-109	Littering.....	97-5
§ 97-110	Curbstone Markets.....	97-5
§ 97-111	Use of Fixed Location.....	97-5
§ 97-112	Records of Licenses; Supervision.....	97-5
§ 97-113	Suspension of License.....	97-5
§ 97-114	Violations and Penalties.....	97-5

Appendix

¶ 97-A	Disposition of Ordinance 198.....	97-6
¶ 97-B	Disposition of 1981 Code, Chapter 88.....	97-6
¶ 97-C	Source Ordinances.....	97-6
¶ 97-D	Prior Ordinances Concerning Related Subject Matter.....	97-7

Article I — Peddling and Soliciting

§ 97-101 Short Title.

This Article shall be known, and may be cited, as the “Alburtis Peddling and Soliciting Ordinance”.

§ 97-102 Definitions.

For purposes of this Article, the terms defined in this Section shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning:

(a) **Peddler.** The term “Peddler” shall mean any person who shall engage in peddling.

(b) **Peddling.** The term “Peddling” shall mean 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. No exception is made for:

(1) farmers selling their own produce;

(2) 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; or

(3) any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

However, the term “peddling” does *not* include any activity which is not commercial (such as religious proselytizing, political speech, and the distribution of noncommercial handbills) *and* does not involve the solicitation of funds.

(c) **Person.** The term “Person” shall mean any natural person, association, partnership, firm or corporation

§ 97-103 Word Usage.

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

§ 97-104 License Required.

No person shall engage in peddling in the Borough of Alburdis without first having taken out a license as provided by this Article. No peddlers license shall be valid without the signature of the Borough Secretary and the countersignature of the Mayor.

§ 97-105 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 Article shall be transferable from one person to another.

§ 97-106 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 (\$1.00) per day; Three Dollars (\$3.00) per month; Ten Dollars (\$10.00) per year.

(b) Peddler operating from a motor vehicle: Two Dollars (\$2.00) per day; Five Dollars (\$5.00) per month; Fifteen Dollars (\$15.00) per year.

(c) Each and every additional peddler employed by a peddler operating from a motor vehicle: One Dollar (\$1.00) per day; Three Dollars (\$3.00) per month; Ten Dollars (\$10.00) per year.

(d) Organizations located within the Borough of Albury 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 Albury, shall be issued a license annually for a fee of One Dollar (\$1.00) per annum.

§ 97-107 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.

§ 97-108 Noise Restrictions.

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

§ 97-109 Littering.

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

§ 97-110 Curbstone Markets.

No person licensed as a peddler under this Article shall maintain or keep a street or curbstone 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.

§ 97-111 Use of Fixed Location.

No person licensed as a peddler 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 stand or counter.

§ 97-112 Records of Licenses; Supervision.

The Borough Secretary shall keep a record of all licenses issued under this Article, 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.

§ 97-113 Suspension of License.

The Borough Secretary is hereby authorized to suspend 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.

§ 97-114 Violations and Penalties.

Any person who violates any provision of this Article shall, upon conviction thereof, be punishable by a fine of not more than Three Hundred Dollars (\$300.00) 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.

Appendix

¶ 97-A Disposition of Ordinance 198.

<u>Ordinance 198</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1(a)-(c)	§ 88-1(A)	§ 97-102
§ 1(d)	§ 88-1(B)	§ 97-103
§ 2 (intro)	§ 88-2 (intro)	§ 97-104
§ 2(a)	§ 88-2(A)	§ 97-106(d)
§ 2(b)	§ 88-2(B)	§ 97-104
§ 3	§ 88-3	§ 97-105
§ 4	§ 88-4	§ 97-106 (intro), (a)-(c)
§ 5	§ 88-5	§ 97-107
§ 6	§ 88-6	§ 97-108
§ 7	§ 88-7	§§ 97-109, 97-110
§ 8	§ 88-8	§ 97-111
§ 9	§ 88-9	§ 97-112
§ 10	§ 88-10	§ 97-113
§ 11	§ 88-11	§ 97-114
§ 12 (repealer; severability)		

¶ 97-B Disposition of 1981 Code, Chapter 88.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 88-1(A)	§ 97-102
§ 88-1(B)	§ 97-103
§ 88-2 (intro)	§ 97-104
§ 88-2(A)	§ 97-106(d)
§ 88-2(B)	§ 97-104
§ 88-3	§ 97-105
§ 88-4	§ 97-106 (intro), (a)-(c)
§ 88-5	§ 97-107
§ 88-6	§ 97-108
§ 88-7	§§ 97-109, 97-110
§ 88-8	§ 97-111
§ 88-9	§ 97-112
§ 88-10	§ 97-113
§ 88-11	§ 97-114

¶ 97-C Source Ordinances.

Ordinance 103	06-03-1963
Ordinance 198	09-13-1978
Ordinance 215	11-11-1981

Ordinance 410 09-10-2003

Ordinance 415 10-29-2003

§ 97-D Prior Ordinances Concerning Related Subject Matter.

Ordinance 15 08-01-1916 Circuses, Exhibitions, Performances

Ordinance 28 07-05-1933 Weighing Coal and Coke

Ordinance 104 06-03-1963 Circuses, Exhibitions, Performances