

CHAPTER 166: PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Newport 11-8-1973 by Ord. No. 188 (Ch. 13, Part 1, of the 1985 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks - See Ch. 215.

§ 166-1. 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, or from house to house; or by visitation to private residences; or by entering in or upon private property; within said Borough.

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 future delivery, or for subscriptions or contributions upon any of the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property; within the Borough of Newport 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 house; or other building improvements or repairs, upon or from places aforesaid within said Borough.

SOLICITOR

Any person who shall engage in soliciting as herein above defined.

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

§ 166-2. License required.

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

§ 166-3. Exceptions.

The word “soliciting” and “peddling” shall not apply to:

- A. Farmers seeking or taking orders for the sale of their own products.
- B. The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk or milk products.
- C. 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.
- D. Any honorably discharged soldier, sailor or marine of the military service who complies with the Act of Assembly of the Commonwealth of Pennsylvania of 1867, April 8, P.L. 50, as amended, Editor’s Note: Former 60 P.S. § 61 was repealed 11-24-1992 by P.L. 717, No. 108. and who procures from the Prothonotary of the proper county a certificate in pursuance of said Act of Assembly.
- E. To the seeking or taking of orders by insurance agents or brokers, or stock brokers or banking brokers, licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- F. To persons, corporations, partnerships and associations, their agents or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1935, P.L. 644, as amended, Editor’s Note: The Charitable Organization Reform Act 10 P.S. § 161.1 et seq. was repealed. See now 10 P.S. § 162.1 et seq., Solicitation of Funds for Charitable Purposes Act. governing solicitations for charitable, benevolent, patriotic or other purposes.
- G. To any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer.

§ 166-4. License application.

Every person desiring to engage in soliciting or peddling in the Borough of Newport shall first make application to the Secretary of the Borough Council 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. Said application shall be upon a blank provided by the Borough Secretary and shall contain at least the following information verified by oath or affirmation:

- A. Full name of the applicant and local address, if any.
- B. Permanent address.
- C. Name of employer or a statement that such applicant is self-employed.
- D. The nature of the goods, wares, services or merchandise offered for sale.
- E. 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 there.
- F. The type of vehicle to be used, if any.
- G. Upon request, the applicant shall also submit to finger printing and furnish a photograph; provided: 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 him and an individual license shall be required for each helper. No license under this chapter shall be transferable from one person to another.

§ 166-5. License fee.

[Amended 4-9-1985 by Ord. No. 238; 1-8-2013 by Ord. No. 348] No license shall be issued under this chapter until a fee, in such amount as shall be set from time to time by resolution of the Borough Council, shall be paid to the Borough Secretary and it shall be for the use of the Borough. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employer desires to secure licenses for his employees, agents or servants.

§ 166-6. Issuance of license.

[Amended 4-9-1985 by Ord. No. 238; 1-8-2013 by Ord. No. 348] The license granted pursuant to this chapter shall be valid for the number of days for which the permit fee has been paid. 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 must be issued in advance,

at least three days prior to the event. No more than 12 licenses may be given to one individual in a thirty-day period.

§ 166-7. License to state products to be sold.

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

§ 166-8. Hours when soliciting permitted.

No person licensed as a solicitor or peddler under this chapter shall engage in soliciting or peddling on any day of the week before 9:00, ante meridian, or after 8:00, post meridian. During the time of the year when Eastern standard time is effective, the aforesaid hours shall be Eastern standard time, and during the time of the year when Eastern daylight saving time is effective, the aforesaid hours shall be Eastern daylight saving time.

§ 166-9. Prohibited acts.

No person licensed as a solicitor or peddler under this chapter shall park any vehicle upon any of the streets, highways or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares, services or merchandise; nor shall any such person place or deposit any refuse on any such streets, highways or alleys; nor shall any person maintain or keep a street or curbside 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.

§ 166-10. Secretary to keep a record of all licenses issued.

The Secretary shall keep a record of all licenses issued under this chapter and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such license.

§ 166-11. Suspension and revocation of license.

Any license issued under this chapter may be suspended or revoked at any time by the Secretary of the Borough Council 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 and that the licensee was convicted of disorderly conduct under the law of the Commonwealth of Pennsylvania or any ordinance of the Borough of Newport.

§ 166-12. Public nuisances prohibited.

No person licensed as a solicitor or peddler under this chapter shall hawk or cry his wares or

services upon any of the streets or sidewalks of the Borough nor shall he use any loud speaker, bell, whistle or other devise for announcing his presence by which the public is annoyed.

§ 166-13. Violations and penalties.

[Amended 4-9-1985 by Ord. No. 238; 1-8-2013 by Ord. No. 348] Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days.