

# **HAWKERS, PEDDLERS & SOLICITORS**

## **SECTION 1 Definitions and word usage**

A. As used in this chapter, the following terms shall have the meanings indicated:

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

**TRANSIENT RETAIL BUSINESS** - includes the following:

- (1) Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or alleys, sidewalks or public grounds or from house to house within the Borough.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the borough, on a temporary basis, which may include but shall not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of particular yearly holidays.

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

## **SECTION 2. Licenses and fees.**

A. No person shall engage in a transient retail business within the Borough without first having obtained from the Mayor a license for which the following fee, which shall be for the use of the Borough, shall be charged:

- (1) Ten dollars (\$10.) for one (1) day.
- (2) Twenty-five dollars (\$25.) for one (1) week.
- (3) Fifty dollars (\$50.) for one (1) month or fraction thereof.

B. Exemptions.

1) No license fee shall be charged under this section:

- a) To farmers selling their own produce.

- b) 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 purposes.
  - c) To any manufacturer or producer in the sale of bread or bakery products, meat and meat products or milk and milk products.
- 2) But all persons exempted hereby from payment of the license fee shall be required to register with the Mayor and to obtain a license without fee.
  - 3) Any person dealing in one or more of the hereinabove-mentioned exempted categories and selling other goods, wares and merchandise not so exempted, shall be subject to payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories.
  - 4) The Mayor may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise from the sole benefit of any nonprofit organization.
- C. Every such license shall be issued on an individual basis to the persons engaging in such businesses; every such individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license.

### **SECTION 3. County license required.**

Every person desiring a license under this chapter and requiring a license from the County Treasurer in order to engage in such activities, shall first exhibit to the Mayor the proper license issued to him by the Treasurer, as a condition precedent to issuing the license to him under this chapter.

### **SECTION 4. Display of license by licensee.**

Each person engaged in any transient retail business within the borough shall carry such license upon his person, if engaged in such business house to house or upon the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, and citizens of residents of the borough.

### **SECTION 5. Regulation of activities.**

No person engaged in any transient retail business shall:

- A. Hawk or cry his wares upon any of the streets or alleys, sidewalks or public grounds in the borough.
- B. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the borough for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.
- C. Park any vehicle on any of the streets or alleys in the borough for the purpose of sorting rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or rubbish that has accumulated on, in or about such vehicle or any stock or wares or of foodstuffs which have become unsaleable through handling, age or otherwise.
- D. Engage in such transient retail business on any weekday after 9:00 p.m. or before 6:30 a.m.

**SECTION 6. Suspension of licenses.**

- A. The Mayor may suspend any license issued under this chapter when he deems such suspension to be for the benefit of the health, safety or morals of the borough or for violation of any of the provisions of this chapter or for giving false information upon any application for a license hereunder.
- B. Appeals from any such suspension may be made to the Borough Council.
- C. . No part of a license fee shall be refunded to any person whose license shall have been suspended.

**SECTION 7. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof before the Mayor or any Justice of the Peace of the borough, for every such violation, be sentenced to pay a fine of not more than twenty-five dollars (\$25.) and costs of prosecution and, in default of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.