

Chapter 124, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Supervisors of the Township of Doylestown 4-15-1980 as Ch. III, Art. I, of the 1980 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Solicitation in parks and recreation areas - See Ch. 119.

§ 124-1. 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 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 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 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 Township of Doylestown, and further, the seeking or taking of contracts or orders for home or other building repairs, improvement 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 said Township.

SOLICITOR - Any person who shall engage in soliciting as herein defined.

TRANSIENT MERCHANT -- Any person, whether principal or agent, who offers for sale any goods, wares or merchandise under the terms and conditions specified in Article XVIII of the Second Class Township Code (53 P.S. § 66801).

TRANSIENT RETAIL MERCHANT - Any person who offers for sale any goods, wares or merchandise as herein defined.

B. The words "soliciting," "peddling" and "transient merchant" shall not apply to:

(1) 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 within the meaning of Section 501(c)(3) of the Internal Revenue Code.

(2) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.

(3) Persons, corporations, partnerships and associations, their agents or employees who have complied with the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania of 1963, P.L. 628, as amended, EN governing solicitations for charitable, benevolent, patriotic or other purposes.

(4) Any volunteer fire company or volunteer rescue unit.

(5) Any persons not receiving compensation and acting on behalf of an organization holding an exemption for federal income tax under Section 502(c)(3) of the Internal Revenue Code.

(6) Persons, corporations, partnerships and associations otherwise licensed or taxed by the Township to conduct business within the Township.

(7) Farmers selling their own produce.

(8) Persons seeking local, county, state or federal elective office or persons engaged on behalf of a candidate for local, county, state or federal elective office. [Amended 9-16-1986 by Ord. No. 153]

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

§ 124-2. License required.

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

§ 124-3. Application for license. [Amended 11-4-1991 by Ord. No. 208]

Every person desiring to engage in soliciting or peddling in the Township of Doylestown shall first make application to the Chief of Police or his designee 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.

A. Said application shall be upon a blank provided by the Chief of Police and shall contain at least the following information, verified by oath or affirmation:

- (1) The full name of the applicant and local address, if any.
- (2) His permanent address.
- (3) The name of his 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.

B. Upon request of the Chief of Police or his designee, the applicant shall also submit to fingerprinting and furnish a photograph, provided that 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. In the event that the applicant is a minor, the applicant's parent or guardian must verify or affirm the information and sign the application. No license under this chapter shall be transferable from one person to another.

C. The Chief of Police or his designee shall hold each application for a five-day period to enable the Police Department to conduct a background check of each applicant.

§ 124-4. Fees. [Amended 11-4-1991 by Ord. No. 208]

No license shall be issued under this chapter until a license fee, in an amount fixed from time to time by resolution of the Board of Supervisors,^{EN} has been paid. A separate application shall be filed and a separate 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.

§ 124-5. Expiration of license.

The license granted pursuant to this chapter shall be valid for 90 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.

§ 124-6. Contents of license; display.

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 Township of Doylestown 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.

§ 124-7. Hours.

Soliciting or peddling by licensed persons is permitted only from 9.00 a.m. prevailing time until 5:00 p.m. prevailing time.

§ 124-8. Parking of vehicles.

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 Township 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 such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Township for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§ 124-9. Use of streets and sidewalks.^{EN}

No person licensed as a solicitor or peddler under this chapter shall occupy any fixed location upon any of the streets, highways, alleys or sidewalks of the Township for the purpose of soliciting or peddling with or without any stand or counter, except as may be provided in Chapter 175, Zoning.

§ 124-10. Records; supervision of activities. [Amended 11-4-1991 by Ord. No. 208]

The Chief of Police shall keep a record of all licenses issued under this chapter, and he shall supervise the activities of all holders of such licenses.

§ 124-11. Denial, suspension or revocation of license. [Amended 11-4-1991 by Ord. No. 208]

A. The Chief of Police may deny or revoke a license for cause in the case of any person not meeting the terms of the application or in the event that the goods, wares or merchandise to be sold would be considered injurious to the public health, safety or general welfare.

B. Any license issued under this chapter may be suspended or revoked at any time by the Chief of Police of Doylestown upon proof being furnished to him that the application for the license contained false information or that the applicant or licensee has been convicted or pled guilty to a crime involving moral turpitude after the issuance of such license.

§ 124-12. Violations and penalties.

A. Any person who shall violate any of the provisions of this chapter shall, upon the conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution for each and every offense or, in default of the payment of such fine and costs, to undergo imprisonment for a term not to exceed 30 days. [Amended 11-4-1991 by Ord. No. 208]

B. All fines or penalties recovered under this chapter shall be paid to the Treasurer of Doylestown Township for the general use of the Township.