

Chapter 110

PEDDLING AND SOLICITING

- | | |
|---|---|
| § 110-1. Purpose. | § 110-6. Issuance of license. |
| § 110-2. Definitions. | § 110-7. Restrictions. |
| § 110-3. Licensing and registration required. | § 110-8. Enforcement by Mayor; records; suspension. |
| § 110-4. Application procedures. | § 110-9. Violations and penalties. |
| § 110-5. Fees. | |

[HISTORY: Adopted by the Borough Council of the Borough of Westfield 8-13-2003 by Ord. No. 289. Amendments noted where applicable.]

§ 110-1. Purpose.

This chapter is intended to regulate peddling, soliciting and related activities within the Borough of Westfield. The registration and licensing of persons engaged in the above-mentioned activities is required so that the identity of persons going door to door or distributing materials within the Borough is established, the general regulations are more effectively enforced for the protection and maintenance of the health, safety and welfare of Borough residents and to prevent dishonest solicitations and dishonest business practices within the Borough.

§ 110-2. Definitions.

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

LOCAL — Any person residing or having a principal place of business within five miles of Westfield Borough.

PEDDLER — Any person who engages in peddling as hereinabove described.

PEDDLING — Engaging in the selling, delivering, canvassing, soliciting, or taking of orders, either by sample or otherwise, of any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Westfield. Peddling shall not apply to:

- (1) Any person selling his or her own produce or crafts or holding a yard sale on his or her own property.
- (2) The sale of goods, wares or merchandise by any charitable or philanthropic organization or any local school organizations, any local community groups or any local church group.
- (3) Any person or agent of the same who is campaigning for election to public office.

- (4) A sale under circumstances which have been declared exempt from municipal licensing.

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

- B. As used in this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 110-3. Licensing and registration required.

No person shall engage in peddling within the Borough of Westfield without first filing an application for a license and obtaining a license from the Mayor's office of Westfield Borough as herein provided. All licenses expire on the date shown thereon, but in no case shall any licenses be issued for a period of time in excess of three months.

§ 110-4. Application procedures.

Every person applying for a license herein shall file with the Mayor's office of Westfield Borough a sworn written application on a form to be furnished by the Borough which shall set forth the following information:

- A. The name of the applicant.
- B. The permanent home address and/or full local address of the applicant.
- C. The name of the organization and the purpose of the organization, if applicable.
- D. A brief statement of the nature of the activity and a description of the merchandise or service to be sold or performed or material to be distributed.
- E. The length of time for which the license is desired.
- F. If a vehicle is to be used by the applicant, a description of such vehicle, the operator's license number, the vehicle registration number and the vehicle license number.
- G. A statement as to whether the applicant has ever been convicted of any criminal offense, felony, misdemeanor, summary offense or violation of any municipal ordinance and the nature of the offense, date of conviction and the punishment or penalty assessed therefor.

§ 110-5. Fees.

The fee to be paid in conjunction with the issuance of a license pursuant to this chapter is payable at the time application is made and shall be as set by resolution of the Westfield Borough Council.¹ Such fees are imposed for the purpose of defraying the costs of administering and enforcing the provisions of this chapter.

1. Editor's Note: See Ch. A137, Fees.

§ 110-6. Issuance of license.

Upon receipt of the completed application form and payment of the fee herein required, a license shall be issued by the Mayor. The license shall give such information as may be deemed necessary to adequately identify the applicant and the activity in which he or she is involved. In all cases, the dates of issuance and expiration shall be set forth.

§ 110-7. Restrictions.

No person having been issued a license hereunder shall:

- A. Peddle, solicit or distribute merchandise except between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday, unless specifically having been invited into a house by the occupant or having made an appointment with an occupant previously.
- B. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified oneself as peddler, solicitor or distributor registered with the Borough and having displayed applicable licenses or credentials.
- C. Have exclusive right to any location in the public streets or operate in any congested area where such operations might impede or inconvenience the public.
- D. Enter or attempt to enter the residence of any person in the Borough without an express invitation from the occupant of such residence.
- E. Conduct oneself in such a manner as to annoy, harass or harm an occupant of any residence.
- F. Distribute obscene merchandise or printed material or any merchandise or material that advocates unlawful conduct.
- G. Litter the streets, public places or properties within the Borough with any merchandise or printed material.

§ 110-8. Enforcement by Mayor; records; suspension.

- A. The Mayor shall keep a record of all licenses issued hereunder, and the Chief of Police shall be notified daily of all licenses issued hereunder. The Mayor, Chief of Police and Borough police officers shall supervise the activities of all holders of such licenses.
- B. The Mayor is hereby authorized to suspend any license issued hereunder when the Mayor deems such suspension to be beneficial to the public health, safety or morals or for violations of any of the provisions herein or any laws of the Commonwealth of Pennsylvania or any ordinances of the Borough or for providing false information upon any application for a license hereunder.

§ 110-9. Violations and penalties.

- A. Any person who shall be convicted of violating or failing to comply with any of the provisions of this chapter before any District Justice shall be punishable by a fine of

not more than \$600, together with the costs of prosecution, and, in default of payment of such fine and costs, subject to imprisonment for a term not to exceed 30 days.

- B. Each day that a violation continues shall constitute a separate offense, and the person or persons permitting the continuation of a violation may be punished as provided above.