

WAMPUM BOROUGH PEDDLING & SOLICITING ORDINANCE

An Ordinance regulating solicitation within the Borough of Wampum, requiring peddlers and solicitors to obtain licenses and prescribing penalties for violation.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Borough of Wampum, Lawrence County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

§ 1. Short Title.

This Ordinance shall be known as the "Peddling & Soliciting Ordinance".

§ 2. License required.

From and after the effective date hereof, it shall be unlawful for any person, whether acting on his/her own behalf or as an agent, servant or employee of other persons not exempted by the provisions of § 4 hereof, who is not the holder of a valid and unexpired license issued pursuant to this Ordinance to engage in peddling or solicitation, as defined in § 3 of this Ordinance, within the Borough of Wampum, without first obtaining a license therefor in compliance with the provisions of this Ordinance.

§ 3. Definitions.

When used in this Article, the following terms shall have the following meanings:

A. "Soliciting": As used in this Ordinance, the word "soliciting" shall mean engaging in the soliciting of any money or gift of any goods, wares, merchandise or other articles of value, upon any of the streets in the Borough of Wampum, or from door to door within the Borough of Wampum, whether or not accompanied by the dissemination of information.

B. "Solicitor": As used in this Ordinance, the word "solicitor" shall mean any person, whether a resident of the Borough of Wampum or not, who engages in soliciting as hereinabove defined.

C. "Peddling": As used in this Ordinance, the word "peddling" shall mean to sell, to offer for sale, to solicit or to take orders, either by sample or otherwise, for any goods, wares, or merchandise, upon any of the streets in the Borough of Wampum, or from door to door within the Borough of Wampum, whether or not accompanied by the dissemination of information.

D. "Peddler": As used in this Ordinance, the word "peddler" shall mean any person, whether a resident of the Borough of Wampum or not, who engages in peddling as hereinabove defined.

E. "Person": As used in this Ordinance, the word "person", shall mean any natural individual person, association, joint venture, partnership, trust, firm, corporation or other legal entity.

F. "Street": As used in this Ordinance, the word "street" shall mean any street, road, highway, or alley and shall include the sidewalk within the lines of or alongside of the same.

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

Nothing herein shall extinguish or modify the requirements placed on persons engaged in refuse collection or the service of septic systems, currently under the regulation of other Borough ordinances of Wampum Borough as the same are intended to continue in full force and effect.

§ 4. Exemptions.

The following persons are exempted from the licensing requirements of this Ordinance:

A. Persons soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of or duly registered pursuant to the Act of 1963, August 9, P.L. 628, as amended; who, while soliciting are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.

B. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle.

C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 3 hereof, when so engaged, including, without limitation, real estate, insurance or securities, brokers and salesmen.

D. Persons engaged in the sale of goods, wares, and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

§ 5. Fees.

Upon the submission and approval of an application for a license, an applicant must pay a license fee in the amount of twenty-five dollars (\$25.00). Upon payment of said license fee, a license shall be issued in the form of a card which, unless revoked sooner, shall entitle the licensee to

engage in the activities specified on the application for a period of thirty (30) days from the date of the issuance; provided, however, that before issuing any license, the Wampum Borough Police may require seventy-two (72) hours to confirm the information contained in the application, and further, that the Burgess may refuse to issue a license to any person if he/she has reasonable grounds to believe that the issuance of a license to such person would endanger the health, safety and general welfare of the citizens of Wampum Borough, and in such case the applicant shall be required to make application in person to the Borough Board of Supervisors. All license fees shall be paid to the Burgess, which shall be for the use of the Borough.

§ 6. Application; Renewal; Revocation.

A. Applicants for a license under this Article must file with the Burgess a sworn application in writing on a form to be furnished by the Borough, over signature, containing the following information, certified by the applicant to be true and correct:

- (1) Name and physical description of applicant;
- (2) Date and place of birth;
- (3) Temporary address;
- (4) Residence address;
- (5) Address to which notices under this Ordinance shall be directed;
- (6) A brief description of the nature of the business or activity in which applicant wishes to engage within the Borough and the goods to be sold;
- (7) If employed, the name and address of the employer or principal, together with credentials therefrom establishing the exact relationship;
- (8) The source of supply of the goods or property proposed to be sold, or for which orders are to be taken for the sale thereof, and the proposed method of delivery;
- (9) Two (2) current photographs, each showing the head and shoulders of the applicant in a clear and distinguishable manner;
- (10) Submit his/her fingerprints upon a noncriminal file card;
- (11) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or any violation of any municipal ordinance other than traffic violations, and the nature of the offense and punishment or penalty assessed therefore; and

(12) Exhibit county license if required by intended business.

B. This application shall be accompanied by an initial fee as set in § 5 to cover the expense of investigation, which fee shall be payable to the Borough of Wampum.

C. The application, containing information as to all matters inquired of, shall be turned over by the Burgess to the Police Department of the borough for investigation of the applicant.

D. Licenses may be renewed by the payment of the license fee as provided for herein and by the submission of a statement that the information supplied is still true and correct, or that the information supplied on the original application should be amended to reflect any changes since the original application.

E. The Burgess is hereby authorized to suspend any licenses issued under this ordinance when he/she deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this ordinance, or for giving false information upon any application for a license hereunder.

F. Any person whose license has been revoked or suspended shall be entitled to appear with counsel, if he so desires, before the Wampum Borough at a regular meeting and be heard on behalf of a request for reinstatement of his/her license.

7. Investigation and issuance of license.

A. Upon receipt by the Police Department of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he/she deems necessary for the protection of the public safety.

B. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his/her approval and return the application to the Burgess, who shall, upon payment of the prescribed license fee, deliver to the applicant his/her license within seventy-two (72) hours after the application has been filed by the applicant with the Secretary, except as provided in § 6.

C. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler or solicitor must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Burgess shall keep a permanent record of all licenses issued and applications

rejected, shall supervise the activities of all holders of such licenses, and shall also issue a monthly report to the Borough Council of said applicants and moneys received.

§ 8. Exhibition of license.

Every Licensee shall at all times when engaged in soliciting in the Borough of Wampum, carry such license card upon his/her person, and shall be required to exhibit their license at the request of all police officers, borough officials, and any citizen.

§ 9. Loud noises and speaking devices.

No licensee, nor any person in his/her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device sufficient to constitute a nuisance, upon any of the streets, alleys, parks or other public places of the Borough of Wampum or upon private premises for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 10. Limitations on License: Use of streets; time restrictions.

In addition to any other regulation in connection with a peddler/solicitor's license contained herein or otherwise, the following restrictions shall apply:

A. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or sidewalks.

B. No licensee shall be permitted to solicit before 9:00 a.m. or after 12:00 noon neither on Saturdays nor before 9:00 a.m. or after 8:00 p.m., weekdays, Eastern Standard Time.

C. The licensee shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

D. Peddlers: No peddler, having received a license under this ordinance, shall peddle at any premises within the Borough of Wampum if, at a primary entrance to such premises, a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the peddler, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any peddler, whether licensed hereunder or not, who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof. No peddler shall occupy any fixed location upon any of the streets or public places in the Borough of Wampum for the purpose of peddling.

E. Solicitors: No solicitor, having received a license under this ordinance, shall solicit at any premises within the Borough of Wampum if, at a primary entrance to such premises, a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the solicitor, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any solicitor, whether licensed hereunder or not, who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof.

F. The licensee shall not permit any other person to have possession of his/her license card, and shall immediately report its loss to the Wampum Police Chief. He/she shall not cause or permit his/her license card to be altered or defaced.

G. The licensee shall not represent his/her license card to be an endorsement of himself/herself or of his/her goods or services or of the goods or services of his/her principal or employer.

H. The licensee shall immediately surrender his/her license card upon revocation of his/her license as herein provided.

§ 11. Notices.

Any person owning or occupying any building or portion thereof within the Borough of Wampum, Lawrence County, Pennsylvania, who desires to secure the protection under the Notice regulations contained in this Ordinance shall comply with the following requirements:

A. Such individual shall post at a primary entrance to such premises a notice that states "NO PEDDLERS OR SOLICITORS INVITED".

B. Such notices shall be in block letters at least one (1) inch in height and shall be provided by the Borough of Wampum to persons requesting them, at the cost thereof.

C. Such notice so exhibited shall constitute sufficient notice to any peddler or solicitor, whether registered under this Ordinance or not, of the determination by the occupant or owner of such premises of the information contained on such notice.

§ 12. Conformity to regulations.

This Article does not authorize the use of highways for the purposes mentioned in § 3 hereof in any cases where such uses are prohibited or restricted by any other ordinance of the Borough, the intention hereof being to charge a license fee for a use that is permitted and not restricted or prohibited. The payment of a license fee does not permit the holder to create a nuisance and shall be abated as such, in addition to the fine imposed. Nothing may be licensed under this Article that is prohibited by state law or other borough ordinances. Licenses granted to individuals are not transferable. All licenses are personal and do not permit the employment of unlicensed

agents. Any fractional part of any unit to time or space or number required the same license fee as the whole unit. No license shall extend beyond December 31 of the year issued.

§ 13. Violations and penalties.

A. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before a District Justice, be subject to a penalty or fine of not more than one hundred dollars (\$100.00), but not more than three hundred dollars (\$300.00), together with costs of prosecution for each such violation, and, in default of payment of fine and costs thereof, be sentenced to suffer imprisonment in accordance with the law.

B. Wampum Borough may require a deposit in advance of a public gathering to offset costs associated with crowd control, traffic control, and other expenses of a large public gathering. Provided, however: nothing herein shall be deemed to limit the right of the public to peaceably assemble for purposes protected by the First Amendment of the U.S. Constitution.

§ 14. Severability.

If any section, provision or part of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions, or parts of this ordinance. The Borough of Wampum hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this ordinance if it had known that such sections, provisions or parts would be declared unconstitutional.

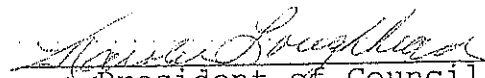
§ 15. Repeal of Conflicting Ordinances.

All existing ordinances or parts of ordinances, including Ordinance No. 134 of the Borough of Wampum, together with amendments and supplements thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§ 16. Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

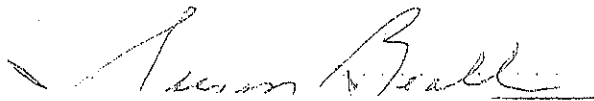
ORDAINED AND ADOPTED this 12th day of September, 2005.



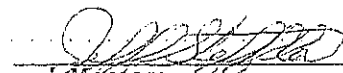
President of Council.

Examined and Approved this _____ day of Sept., 2005.

ATTEST:



Recorder



Mayor