

## Chapter 102

### PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 5-3-1976 as Ord. No. 249. Amendments noted where applicable.]

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#### § 102-1. Definitions and word usage.

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

**BOROUGH** — The Borough of Montoursville.

**BOROUGH COUNCIL** — The Council of the Borough of Montoursville.

**BOROUGH SECRETARY** — The Secretary of the Borough of Montoursville.

**PEDDLER** — Any person who shall engage in peddling, as hereinbelow defined.

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

**SOLICITING and PEDDLING** —

- (1) **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, from house to house, by visitation to private residences or by entering in or upon private property within the borough.
- (2) **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, from house to house, by visitation to private residences or by entering in or upon private property within the borough.
- (3) The words 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 and 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 youth-related organization or activity. **[Amended 3-3-1997 by Ord. No. 370]**
- (e) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
- (f) Persons, corporations, partnerships and associations and their agents or employees who have complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq. **[Amended 3-3-1997 by Ord. No. 370]**
- (g) Any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.

SOLICITOR — Any person who shall engage in soliciting, as hereinabove defined.

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

**§ 102-2. License required.**

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

**§ 102-3. License application.**

- A. Every person desiring to engage in soliciting or peddling in the borough shall first make application to the Borough Secretary for a license. If such person shall also be required to obtain a license from a county officer, he shall, on making such application, exhibit a valid county license. The application shall be upon a blank provided by the Borough Secretary and shall contain at least the following information, verified by oath or affirmation:
- (1) Full name of the applicant and local address, if any.
  - (2) Permanent address.
  - (3) Name of 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 therefor.
  - (6) A description, including make, model, year and color and registration and license plate numbers, of any and all vehicles to be used for purposes of peddling or soliciting. **[Added 8-1-2016 by Ord. No. 471]**
  - (7) The applicant shall furnish a current, official identification card bearing a photograph of the applicant. Acceptable forms of identification shall include driver's licenses, United States passports and United States military identifications. Regardless of the form of identification, the photograph shall be no older than four years. **[Added 8-1-2016 by Ord. No. 471]**
- B. 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.
- C. The applicant shall furnish the results of a Pennsylvania State Police criminal record check for the applicant and each helper, as well as the results of a corresponding criminal record check from the applicant's or helper's state of residence if the residence is not within the Commonwealth of Pennsylvania. In all cases, the criminal record check shall be no older than one year at the time of application. **[Amended 8-1-2016 by Ord. No. 471]**
- D. The Borough Secretary may deny the issuance of a license for failure of the applicant to comply with Subsections A through C above if the application contains any material misrepresentations, if the conduct of the proposed soliciting or peddling would be injurious to the public health, safety or general welfare or, upon the advice of the Chief of Police, if a criminal record check indicates that the applicant or any helper has been convicted of a felony or any other crime relating to disorderly conduct, public safety or involving moral turpitude. **[Amended 8-1-2016 by Ord. No. 471]**

**§ 102-4. License fee. [Amended 3-3-1997 by Ord. No. 370]**

No license shall be issued under this chapter until the fee as set forth 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.

**§ 102-5. License term; reapplication for license.**

The license granted pursuant to this chapter shall be valid until December 31 of the year in which issued 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.

**§ 102-6. License exhibition.**

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, 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 product or service not mentioned on such license.

**§ 102-7. Hours.**

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 a.m. or after 8:00 p.m. 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 daylight saving time is effective, the aforesaid hours shall be daylight saving time.

**§ 102-8. Limitations on parking of vehicles; littering prohibited.**

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. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the borough for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

**§ 102-9. Fixed location prohibited.**

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 borough for the purpose of soliciting or peddling with or without any stand or counter.

**§ 102-10. Hawking and noisemaking prohibited.**

No person licensed under this chapter as a solicitor or peddler shall hawk or cry his wares or services upon any of the streets or sidewalks of the borough, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.<sup>1</sup>

**§ 102-10.1. Entry upon signed premises prohibited. [Added 8-1-2016 by Ord. No. 471]**

No person peddling or soliciting in the Borough of Montoursville shall knock, ring the doorbell or otherwise attempt to enter or gain the attention of any occupant of a residence

1. Editor's Note: Former § 47A-11, Record of licenses; supervision of licenses, was repealed 3-3-1997 by Ord. No. 370.

where the owner or other occupant has posted at the primary entrance to the residence or at the entry of the principal building on the premises a sign bearing the words "No Peddling," "No Soliciting" or words of similar import.

**§ 102-11. License suspension; appeal.**

Any license issued under this chapter may be suspended at any time by the Borough Secretary for violation of any of the provisions of this chapter, for giving false information on any application for a license hereunder, for the applicant or licensee having been convicted of a crime involving moral turpitude after issuance of such license or for the licensee having been convicted of disorderly conduct under any law of the Commonwealth of Pennsylvania or any ordinance of the borough. Appeals from any suspension may be made to the Borough Council at any time within 10 days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

**§ 102-12. Violations and penalties. [Amended 3-3-1997 by Ord. No. 370]**

Any person who shall violate any of the provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be subject to the penalty set forth in Chapter 1, General Provisions, Article II, General Penalty and costs of prosecution for each offense or, in default of the payment of such fine and costs, undergo imprisonment for not more than 30 days, provided that each day's violation of any provision of this chapter shall constitute a separate violation.

