



SOLICITATION LICENSE APPLICATION

NAME: _____

ADDRESS: _____

DATE OF BIRTH: _____

SOCIAL SECURITY # _____

DRIVERS LICENSE NUMBER AND STATE _____

(COPY OF LICENSE REQUIRED WITH APPLICATION)

NAME OF COMPANY _____

TYPE OF GOODS TO BE SOLD: _____

NUMBER OF PERSONS IN SALES GROUP _____

(EACH PERSON MUST FILL OUT APPLICATION)

TYPE OF AND LICENSE NUMBER OF ALL VEHICLES TO BE USED: _____

FOR BOROUGH USE ONLY

APPROVED AND DATE _____

REJECTED AND DATE _____

RECEIVED PAYMENT OF \$50 _____

AS AUTHORIZED BY BOROUGH CODE PART 6 ADOPTED AUGUST 2012

Part 6
Transient Retail Business

§601. Definitions. The term "transient retail business", as used in this Part, shall mean and include the following:

- (a) Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street, alley, sidewalk or public place, or from house to house, within the Borough; and
- (b) Selling, soliciting or taking orders for any goods, wares, or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but shall not be limited to, any activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

§602. License required to engage in Transient Retail Business. No person shall engage in any transient retail business within the Borough without first having obtained from the Code Enforcement Officer or a Police Officer a license for which a fee of Fifty Dollars (\$50.00) for one (1) calendar year or Twenty Five Dollars (\$25.00) for one calendar month, which shall be for the use of the Borough, shall be paid. Provided: no license fee shall be required under this section;

- (a) from farmers selling their own produce;
- (b) for the sale of goods, wares and merchandise, donated by their owners, the proceeds of which are to be applied to any charitable or philanthropic purpose; or
- (c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- (d) for the sale of goods, wares and merchandise, for a profit, by vendors to established businesses operating in the Borough.

Provided further: any person dealing in one (1) or more of the above-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 or her activities in connection with the sale of goods, wares and merchandise not so exempted. Provided further: the Borough may similarly exempt from payment of the license fee persons working without compensation and selling goods, wares or merchandise for the sole benefit of any non-profit corporation. Provided further: every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in a transient retail business; every individual shall obtain a separate license, issued to him in his name, and the license fee imposed by this section shall be applicable to every individual license.

§603. Application for License. Every person desiring a license under this Part shall first make application to the Code Enforcement Officer or a Police Officer for the license. If the person

shall also be required to obtain a license from any state or county officer, he or she shall, when making the application, exhibit a valid license from the state or county officer. The applicant shall give his or her name and address; the name of the person by whom he or she is employed; the type of goods, wares and merchandise he or she wishes to deal with in the transient retail business; the number of persons to be employed by him or her in the Borough; and the type and license numbers of all vehicles to be used, if any. The application shall be accompanied by the license fee required by Section 602, and shall include a photograph of the applicant.

§604. Investigation; Issuance or Refusal of License. Following the making of the application by the applicant, no license shall be issued until the police department has investigated the application, but the waiting period for the purpose of the investigation shall not exceed seventy two (72) hours. Following the investigation, the Code Enforcement Officer or a Police Officer may refuse the license where the investigation discloses a criminal record or any false or misleading statement on the application. When a license is refused, the Borough shall return to the applicant the license fee that had been paid to the Borough at the time of making the application, less the costs of the investigation.

§605. Custody, Display and Exhibit of License. Every license holder shall carry the license upon his or her person or shall display it upon his or her vehicle, if he or she is engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground, or he or she shall display the license at the fixed location where he or she shall engage in business if doing so from a fixed location. The holder shall exhibit the license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

§606. Prohibited Acts. No person engaged in any transient retail business shall:

- (a) Sell any product or type of product not mentioned in the license.
- (b) Hawk or cry his or her wares upon any street, alley, sidewalk or public ground in the Borough, or use any loud speaker or horn or other device for announcing his or her presence by which the public may be annoyed.
- (c) When selling from a vehicle, stop or park the vehicle upon any street or alley in the Borough for longer than necessary in order to sell from the vehicle to persons residing or working in the immediate vicinity.
- (d) Engage in any house-to-house activity, except by prior appointment, before 9:00 a.m. or after 5:00 p.m., or in the summer months until 8:00 p.m.

§607. Certain Practices constitutes Nuisances. The practice or custom of going in and upon private residences in the Borough by solicitors, peddlers, itinerant merchants or transient retail merchants, regardless of whether they hold a valid license under this Part, not having been requested or invited to do so by the owner or occupant of that private residence, for the purpose of soliciting orders for the sale of goods, wares, or merchandise, or of disposing of, peddling or hawking goods, wares or merchandise is declared to be a nuisance and punishable as such and is also a violation of this Part.

§608. Suspension, Revocation or Denial of License. The Code Enforcement Officer or a Police Officer is authorized to suspend, revoke or deny any license issued under this Part when it is the interest of the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license under this Part. Appeals from any suspension, revocation or denial may be made to Council at any time within 10 days after suspension, revocation or denial. No part of a license fee shall be refunded to any person whose license has been suspended or revoked.

§609. Penalties. In addition to the penalties set forth in Section 608 above. Any person who shall violate provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$300.00 not more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
