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Borough of Perkasio, PA
Wednesday, August 12, 2015

Chapter 101. Hawkers, Peddlers and Solicitors

Article I. Soliciting

§ 101-4. Violations and penalties.

Any of the following acts shall constitute a violation of this article, punishable as set forth in Chapter 1, General Provisions, Article II, Violations and Penalties:

- A. Any person, firm, or corporation or any agent thereof who shall make any solicitation as outlined in § 101-1 of this article without first having obtained a permit from the Borough Manager shall be guilty of a violation.
- B. The solicitation of any one person, firm or corporation or agent thereof, as hereinbefore designated, shall constitute a separate and single violation of the terms of this article.
- C. Solicitation during hours other than those designated in § 101-3 shall constitute a violation.

[1] *Editor's Note: Amended at time of adoption of Code; (see Ch. 1, General Provisions, Art. I).*

Article II. Transient Retail Businesses

§ 101-5. Definitions and word usage.

- A. In this article, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.
- B. As used in this article, the following terms shall have the meanings indicated:

PERSON

Any natural person, association, partnership or corporation.

TRANSIENT RETAIL BUSINESS

Includes the following:

- (1) Engaging in canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground or from house to house within the Borough of Perkasio.
- (2) 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, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

§ 101-6. License required; fees.

- A. No person shall engage in any transient retail business within the Borough of Perkasio without first having obtained from the Borough Manager a license, for which a fee, as set from time to time by resolution of the Borough Council, which shall be for the use of the Borough, shall be charged depending on the term of the license, as follows:
- (1) One day.
 - (2) One calendar week or fraction thereof.
 - (3) One calendar month or fraction thereof.
 - (4) One calendar year or fraction thereof.
- B. No license fee shall be charged under this section:
- (1) To farmers selling their own produce.
 - (2) For the sale of goods, wares and merchandise donated by the owners thereof, the proceeds thereof are to be applied to any charitable or philanthropic purpose.
 - (3) To any manufacturer or producer in the sale of milk or milk products, bread and bakery products or meat and meat products, but all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee.
- C. Any person dealing in one or more of the above-mentioned exempted categories and dealing with other goods, wares or merchandise not so exempted shall be subject to the payment of the license fee fixed by this section for his activities in connection with selling, canvassing, soliciting or taking orders for goods, wares and merchandise not in such exempted categories.
- D. The Borough Manager, pursuant to standards and policies established from time to time by the Borough Council, may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling or taking orders for goods, wares or merchandise for the sole benefit of any nonprofit corporation.
- E. Every license issued under the provisions of this article shall be issued on an individual basis to persons engaging in such business; every individual shall obtain a separate license, issued to him in his name; and the license fee hereby imposed shall be applicable to every such individual license.

§ 101-7. Application for license.

Every person desiring a license under the provisions of this article shall first make application to the Borough Manager for such license. If such person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid state or county license. In such application, such person shall give his name and address; his previous criminal record, if any; the name of the person by whom he is employed; the type of goods, wares and merchandise he wishes to deal with in such transient retail business; the length of time for which such license is to be issued; and the type and license number of any vehicle to be used by him in the conduct of such business in the Borough.

§ 101-8. Issuance, carrying, display or exhibit of license.

Upon receipt of such application and the prescribed fee, the Borough Manager, if he shall find such application in order, shall issue the license required under this article. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person, if engaged in a transient retail business from house to house or upon any street, alley, sidewalk or public ground, or shall display such license at the location where he shall engage in such business, if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

§ 101-9. Regulations.

No person engaging in any transient retail business in the Borough of Perkasio shall:

- A. Engage in any business activity prohibited in the Borough of Perkasio by general or special law applicable thereto.
- B. Sell any product or type of product not mentioned in his license.
- C. When operating from a vehicle, stop or park such vehicle upon any street or alley in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the vicinity.
- D. Park any vehicle upon any street or alley in the Borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton or wrapping material or of any stock or wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. When working from house to house, engage in such business at any time on Sunday or at any time before 9:00 a.m. or after dusk or 7:00 p.m., whichever is earlier, on any day of the week other than Sunday.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 101-10. Suspension or revocation of license.

The Mayor is hereby authorized to suspend or revoke any license issued under this article when he shall deem such suspension or revocation to be in the interest of the public health, safety or morals or for the violation of any provision of this article, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

§ 101-11. Violations and penalties.

Each day's violation of any provision of this article shall constitute a separate violation, punishable as set forth in Chapter 1, General Provisions, article II, Violations and Penalties.^[2]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

[2] *Editor's Note: Former article III, Penalties, consisting of former § 101-10, Violations and penalties, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now §§ 101-4 and 101-11.*