

Chapter 87
PEDDLING AND SOLICITING

§ 87-1. Purpose.

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§ 87-2. Definitions.

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§ 87-3. Unlawful conduct.

[HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 93-3, as amended through 2000. Subsequent amendments noted where applicable.]

§ 87-1. Purpose.

Defining and designating specific door-to-door activities for the protection of the peace to avoid trespass and nuisances occurring within the borough municipal limits. This enactment is to protect the health, safety and welfare of the borough residents and to provide minimal regulations upon First and Fourth Amendment protections of the United States Constitution. This chapter regulates said activity to conform to the community's past practices of door-to-door events and activities and to comport to the unique cultural and community history of the municipality.

§ 87-2. Definitions.

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

PEDDLER — A person(s), association, partnership, firm, corporation or any other entity engaged in or assisting/supporting a person who is peddling or one over whom one supervises and/or controls who may be peddling on behalf or for the benefit of.

PEDDLING — An activity by a person(s) who is canvassing, soliciting, going door-to-door showing or attempting to sell goods, wares, products or offers of providing services door-to-door or upon any of the roads, alleys, streets, sidewalks, on borough property or from house to house or property to property within the borough.

§ 87-3. Unlawful conduct.

No person(s) or entity shall peddle or perform peddling within the borough, except and providing the following conditions are met:

- A. The person(s) and/or entity peddling within the borough first acquires a permit from the borough.
- B. Peddling shall be confined to occur only within the hours of:
 - (1) Between October 1 and March 1 of each year, 9:00 a.m. to 7:00 p.m.;
 - (2) Between March 1 and October 1, of each year, 9:00 a.m. to 7:00 p.m.

- C. Sunday solicitations shall be permitted as per Subsection B(1) and (2), but prohibited from 8:00 a.m. to 1:00 p.m.
- D. The borough permit fee is paid in advance and the permit application is completed in its entirety.
- E. No person or peddler who is performing peddling within the borough has ever been convicted of felonies or misdemeanors.
- F. Every peddler shall be registered on the peddling permit.
- G. Peddling shall be limited to only those activities listed on the borough's permit.
- H. Door-to-door flyers may be distributed after the hours of Subsection B and C above by persons with permits so long as no door knocking, no doorbell ringing or no face to face solicitations occur.

§ 87-4. Permit procedure.

- A. Every person(s) or entity who will be peddling utilizing agents, servants, employees and/or persons who may be under their direct supervision and control shall first complete the application form of the borough. All of the permit information shall be provided in detail and completed with and sworn to as to the accuracy of the information provided by the peddler and/or a corporate officer of the entity upon which the person may be peddling or providing a benefit to. Upon completion of the permit application with the sworn affidavit, the completed document with a fee shall be paid. Failure to complete the permit application form and to make payment of the fee as required herein shall result in the nonissuance of a permit.
- B. The permit application attached to this chapter hereinafter shall be the official permit application form required by this chapter.
- C. The Borough Secretary shall keep a record of all permits issued under this chapter. The Borough Secretary shall provide a copy of the permit and the application for said permit to the borough police officers and Mayor. Permit copies with the official Borough Seal affixed shall be given to each of the registered persons or peddlers.

§ 87-5. Violations and penalties.

- A. Solicitation without permit. Any person(s) or entity violating this chapter shall each respectively be charged with a separate violation of this chapter. Each day where activities are pursued that violate this chapter shall be a separate offense. Both the individual peddler(s) and the entity for whom the peddler(s) is under the direct supervision and control and/or is an agent, servant and/or employee shall also be subject to the penalties set forth by this section.
 - (1) First violation: a fine of not more than \$250, plus court costs and costs of prosecution; and upon failure to pay these proceeds imprisonment not to exceed 30 days.

- (2) Second violation: a fine of not more than \$500, plus court costs and costs of prosecution; and upon failure to pay these proceeds imprisonment not to exceed 60 days.
 - (3) For third and subsequent violations: a fine of not more than \$1,000, plus court costs and costs of prosecution for each violation; and upon failure to pay these proceeds imprisonment not to exceed 180 days for each violation.
- B. False statements made in the solicitation permit application and false statements to borough authorities shall be a separate offense. Any information provided on the solicitation permit application and/or other verbal representations made to governmental authorities to induce issuance of a solicitation permit that is discovered to be false or misleading and/or is a violation of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities) shall result in all of the following:
- (1) Immediate revocation of the door-to-door sales and solicitation permit; and/or
 - (2) Criminal prosecution pursuant to 18 Pa.C.S.A. § 4904 and other penalties permitted at law or permitted by statute; and/or
 - (3) A fine of \$500 per violation, plus court costs, attorney's fees and costs of prosecution; and/or
 - (4) And other remedies permitted at law.