

BOROUGH OF WHITE OAK CODE

ARTICLE 313  
Peddlers and Solicitors

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CROSS REFERENCES

Power to regulate peddling and markets - see Borough Code Sec. 1202(31) (53 P.S. Sec. 46202(31))

Licensing transient retail businesses - see Borough Code Sec. 2901 (53 P.S. Sec. 47901)

313.01 PURPOSE.

The purpose of this article is to assist the Borough in the management of its business, the preservation of good order and peace, the health, safety and welfare of its inhabitants and the protection and security of their property.

(Ord. 2773. Passed 10-19-87.)

313.02 DEFINITIONS.

Definitions as used in this article shall have the following meanings indicated. Words used in the singular shall include the plural, and the plural the singular; and the masculine shall include the feminine and the neuter; and the words used in the present tense shall include the future. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(a) "Peddling" as used in this article means and includes selling, offering for sale, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares, merchandise, or services, upon any of the streets, sidewalks, alleys, roads, or from house to house within the Borough. It shall also include conducting such activities on the premises of shopping centers or parking lots thereof or on the premises of other commercial or business operations, provided the owners of such private properties grant permission to the persons desiring to conduct such activity and written evidence of the same is submitted to the Borough.

(b) "Soliciting" as used in this article means a person who entreats or requests and who seeks trade, business or donations, or makes appeals or requests for contributions for various fundraising causes. The location for the conducting of such soliciting activities shall be the same as set forth for the activity of "peddling".

(c) "Person" shall mean and include any natural person, association, partnership, firm or corporation engaging in or desiring to engage in peddling or soliciting within the Borough. (Ord. 2773 Passed 10-19-87.)

### 313.03 APPLICATION FOR LICENSE; EXHIBITION.

Before any natural person, association, partnership, firm or corporation shall engage in peddling or soliciting within the Borough, he shall first make application to the Borough Manager for a license. If such person shall also be required to obtain a license from any county or state officer, he shall, when making such application, exhibit a valid county or state license. Upon such application, such person shall give his name, address, age, a recent photograph of himself, his previous criminal record, if any, the name and address of the person for whom he works, if any; the type of goods, wares, merchandise or services he wishes to peddle, and/or the purpose and pertinent details of the proposed solicitation; the length of time for which he wishes to be licensed; whether he or his organization has had any problems with any authorities in prior solicitations or peddling; and any other appropriate information requested; the type of vehicle and license number to be used, if any, and the number of helpers he has working for him provided: Where a person makes application for a license for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper and every such person shall carry such license on his person at all times when engaged in peddling or soliciting in the Borough and shall exhibit such license upon request to all police officers, Borough officials and citizens. No person shall be issued a permit under the age of eighteen years.

(Ord. 4024. Passed 7-21-14.)

#### 313.04 LICENSE FEES; DURATION; NONTRANSFERABLE.

No license shall be issued until approved as aforesaid under this article and the proper fee, as follows, shall be paid to the Borough Manager:

(a) A deposit of two hundred dollars (\$200.00) is required with submission of an application for a license to peddle or solicit within the Borough. This deposit shall be returned to the applicant within thirty (30) days of the end date on the applicant's license provided that applicant complies the laws and regulations of the Borough, including, but not limited to, this article.

(b) The sum of thirty dollars (\$30.00) for one day for each individual to be engaged in peddling or soliciting.

(c) The sum of two hundred ten dollars (\$210.00) for one week for each individual to be engaged in peddling or soliciting.

(d) No permits will be granted for any period over two weeks at a time for any applicant, whether individually or for an organization.

(e) No peddler or solicitor after obtaining an approved license shall engage in selling or soliciting any product not mentioned upon such license.

(f) No license issued under this article shall be transferable from one person to another.

(g) No permit shall be issued to the same individual or organization until six months have passed from the date of the individual's or organization's previous permit to solicit or peddle within the Borough.

(h) Each permit application shall also include a background check dated within thirty (30) days of the date of the application. Acceptable background checks include Pennsylvania State Police Criminal History Request for Pennsylvania residents and a Federal Bureau of Investigation Identity History Summary for non- Pennsylvania residents. (Ord. 4024. Passed 7-21-14.)

#### 313.05 HOURS.

No person licensed as a peddler or solicitor under this article shall engage in peddling or soliciting on government holidays, Saturdays, or Sundays. From April 1 to August 31, persons licensed as a peddler or solicitor may engage in solicitation or peddling from the hours of 9:00 a.m. until 6:00 p.m. From September 1 to March 31, persons licensed as a peddler or solicitor may engage in solicitation or peddling from the hours of 9:00 a.m. until 4:30 p.m.

(Ord. 4024. Passed 7-21-14.)

### 313.06 EXEMPTIONS.

(a) No license fee shall be charged under this article to:

- (1) Farmers selling their own produce;
- (2) To 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;
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

However, any of the foregoing persons, associations, partnerships, firms or corporations are required to register with the Borough and are subject to all other provisions of this article.

(b) The Borough Manager upon recommendation of the Mayor is authorized to waive the license fee for those organizations, and individual solicitors for the same, which apply the donations and contributions to charitable or philanthropic purposes. However, even if the license fee is waived, such person, association, partnership, firm or corporation is required to register with the Borough and is subject to all other provisions of this article.

(Ord. 2773. Passed 10-19-87.)

### 313.07 SUSPENSION OF LICENSE.

The Borough Manager is hereby authorized to suspend any license issued under this article when he deems such suspension to be beneficial to the public health, safety or morals or for violation of any of the provisions of this article or for giving false information on any application for a license hereunder.

(Ord. 2773. Passed 10-19-87.)

### 313.08 SUPERVISION; RECORD OF LICENSES.

The Borough Manager shall keep a record of all licenses issued under this article and shall supervise the activities of all holders of such license. Upon the expiration of the permit issued, it shall be returned to the Borough Manager within five (5) days.

(Ord. 4024. Passed 7-21-14.)

### 313.09 IDENTIFICATION.

Each person permitted and engaging in solicitation or peddling must visibly and clearly display identification as to the organization that they represent when soliciting or peddling in the Borough.

(Ord. 4024. Passed 7-21-14.)

### 313.99 PENALTY.

Any person, persons, partnership or joint stock companies, company, corporation, firm, association, society or individual violating any provision of this article shall, upon conviction before any Magisterial District Judge having jurisdiction be sentenced to pay a fine of three hundred dollars (\$300.00) and the cost of prosecution, for each offense.

(Ord. 3452. Passed 11-20-06.)