

AN ORDINANCE OF ALEXANDRIA BOROUGH, HUNTINGDON COUNTY, PENNSYLVANIA

**Regulating Peddling, Soliciting, Hawking and Canvassing
in the Borough of Alexandria, Huntingdon County, Pennsylvania Ordinance No. 2015-1**

NOTICE IS HEREBY GIVEN that the Alexandria Borough Council will on Monday, October 12, 2014 at a regular meeting of the Borough Council to be held at 7:00 P.M. at the Fire Hall in Alexandria Pennsylvania, consider for Adoption an ordinance regulating peddling, soliciting, hawking and canvassing in the Borough of Alexandria, Huntingdon County, Pennsylvania.

Copies of the proposed Ordinance are available at no cost and may be reviewed by any interested party at the Alexandria Memorial Public Library in Alexandria, Pennsylvania during regular business hours or by contacting the secretary at (814) 669-9478 or the Office of The Daily News, 325 Penn Street, Huntingdon, Pennsylvania 16652 (814) 643-4040.

ALEXANDRIA BOROUGH

Huntingdon County,

BY:

President

Secret

Please
advertise one
time Proof of
Publication
Requested

Send
statement
to:
Barbara
Ryzner
Secretary
P.O. Box 291
Alexandria, PA 16611

LEGAL NOTICE

AT THE REGULARLY SCHEDULED MEETING OF THE ALEXANDRIA BOROUGH COUNCIL TO BE HELD THE 12th DAY OF OCTOBER 2015, AT 7:00 PM., THE COUNCIL WILL CONSIDER FOR ADOPTION AN ORDINANCE SUMMARIZED AS FOLLOWS:

ORDINANCE 2015-1

AN ORDINANCE REGULATING PEDDLING, SOLICITING, HAWKING, AND CANVASSING AND REQUIRING PERMIT FOR SAME; DEFINING THE TERMS USED IN THE ORDINANCE; PRESCRIBING THE CONTENTS OF APPLICATIONS FOR PERMIT; PROVIDING FOR BACKGROUND CHECKS AND INVESTIGATIONS OF APPLICANTS; ESTABLISHING FEES; REQUIRING THE POSSESSION AND DISPLAY OF PERMITS; ESTABLISHING DAYS AND HOURS FOR USE; PROHIBITING CRYING OF WARES AND THE USE OF CERTAIN LIGHTS AND COLORS; ESTABLISHING PARKING REGULATIONS; PROHIBITING USE OF FIXED SPACE; ESTABLISHING A DO NOT KNOCK LIST; PROVIDING FOR RECORDING OF PERMIT; ESTABLISHING ENFORCEMENT MECHANISMS AND PENALTIES; ESTABLISHING RULES OF CONDUCT; EXEMPTING CERTAIN PERSONS; ESTABLISHING SAFETY REGULATION FOR BOROUGH ROADWAYS; IDENTIFYING VIOLATIONS AND PENALTIES; AND ESTABLISHING AN APPEALS PROCESS

A FULL AND COMPLETE COPY OF THE ORDINANCE CAN BE REVIEWED AT THE ALEXANDRIA MEMORIAL PUBLIC LIBRARY, ALEXANDRIA, PENNSYLVANIA DURING REGULAR BUSINESS HOURS OR BY CONTACTING THE SECRETARY AT (814) 669-9478.

Barbara Ryzner
Secretary Alexandria
Borough

PEDDLING, SOLICITING, HAWKING, AND CANVASSING

SECTION 1 - LICENSE-PERMIT REQUIRED

1.1 It shall be unlawful for any peddler, solicitor, hawker, or canvasser, as defined in

§2-DEFINITIONS,

to engage in such business within the Borough of Alexandria without first obtaining a license-permit therefore in compliance with the provisions of this ordinance.

SECTION 2 - DEFINITIONS; PEDDLER, SOLICITOR, HAWKER, or CANVASSER

2.1 As used in this ordinance, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise;

2.1.1 Peddler, Solicitor, Hawker, or Canvasser - Any individual traveling either by foot, automobile, motor truck or any other type of conveyance from place to place, house to house or from street to street within the Borough of Alexandria, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether they are collecting advance payments on such sales or not, and including any individual traveling as aforesaid and requesting contributions or the payment of money or goods by any resident of the Borough of Alexandria to any religious, charitable or eleemosynary group, corporation or purpose.

SECTION 3 - APPLICATIONS FOR LICENSE-PERMIT

3.1 Applicants for a license-permit under this ordinance must file with the Borough Mayor, Council, or appointed manager, a sworn application, in written form, on a form to be provided by the Borough, which shall give the following information:

3.1.1 Full True Name (Prefix, First, Middle, Surname, Suffix);

3.1.2 Social Security number;

3.1.3 Permanent home address;

3.1.4 Full local or temporary address of applicant;

3.1.5 Address at which notices would be received;

3.1.6 Name and address of employer or principal, if any, and nature of the business activity;

3.1.7 Form SS-4 (EIN Form);

3.1.8 Insurance coverage;

(a) Proof of insurance for public liability, food product liability, and property damage insurance as will protect the Borough from all claims for damage to property or bodily injury, including death which may arise from operations under this permit or in any connection therewith.

(b) Insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the Borough of Alexandria, its elected officials, appointee's, and employees, and shall provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit without 30 days' written notice presented to the Borough.

3.1.9 Nature of business or activity in which applicant wishes to engage within the Borough;

3.1.10 List any other current or expired soliciting permits within the last 24 months from Alexandria Borough or any other entity;

3.1.11 True statement as to applicant or any helper has any previous convictions in any jurisdiction of any crime other than of minor traffic violations and, if so, of what crime or crimes.

(a) NO PEDDLING OR SOLICITATION LICENSE-PERMIT SHALL BE ISSUED TO ANY APPLICANT CONVICTED OF ANY FELONY OR MISDEMEANOR WHO IS STILL UNDER COURT-ORDERED SUPERVISION OF ANY KIND AS A RESULT OF SAID CONVICTION(S).

3.1.12 A photocopy of driver's license;

3.1.13 A photograph of applicant (taken by Borough representative);

3.1.14 Brief description of the nature of the business and goods to be sold;

3.1.15 If employed, the name and address of the employer, together with credentials establishing the exact relationship with the employer;

3.1.16 Length of time for which the right to do business is desired;

3.1.17 Place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery;

3.1.18 In the case of solicitation for contributions or payment of money or goods to a religious, charitable or eleemosynary group or purpose, the full name and address of the true beneficiary and a statement of the eleemosynary purpose;

3.1.19 The type of vehicle(s) to be used, including the make, model, year, color, state, and license plate of each such vehicle;

3.1.20 The number of helpers to be used by the applicant;

3.1.21 A statement as to whether or not the applicant or any helper has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

3.1.22 A signed statement holding the Borough of Alexandria, elected officials, appointee's, and employees harmless and indemnifying the Borough of Alexandria, elected officials, appointee's, and employees for any claims or damage to property or injury to persons occasioned by any activity carried under the terms of the permit.

3.2 The Borough will provide the following permit information:

3.2.1 Approved/Denied/Suspended/Revoked

3.2.2 Approved/Denied/Suspended/Revoked by

3.2.3 Reason for Denial, Suspend, or Revocation

3.2.4 Issuance Date

3.2.5 Issuance Timeframe

3.2.6 Expiration Date

3.2.7 Fee Paid

3.2.8 Issuer

3.2.9 Borough verification contact information

3.2.10 Permit Number

3.2.11 ID Card displaying

(a) Photo

(b) Company Represented

(c) Name

(d) Borough Name

(e) Verification Phone Number for Borough

3.2.12 Restricted Residence List as defined in §14

SECTION 4 - PROCESS

4.1 The Borough shall perform a background check to verify Megan's Law, pursuant 42 Pa.C.S. § 9799, Criminal History Request, pursuant Act 34 of 1985 and Act 114 of 2006, and Concealed Carry Permit.

SECTION 5 - FEES

5.1 The Borough of Alexandria shall, by resolution, set a schedule of fees to be charged for the issuance of a license-permit, and such schedule shall be available for review upon request. The fee schedule shall be subject to change from time to time at the discretion of the Borough Council with reasonable expectation that the administrative costs related to the administration of this ordinance shall be covered

5.1.1 One (1) Week (7 days) - \$55.00 Per Applicant

5.1.2 One (1) Month (30 days) - \$100.00 Per Applicant

SECTION 6 - INVESTIGATION

6.1 Upon receipt of each application, information shall be referred to the Borough Council, Mayor, and Pennsylvania State Police who shall immediately institute such investigation of the applicant's business and moral character as the Borough of Alexandria deems necessary for the protection of the public safety.

SECTION 7 - ISSUANCE OF LICENSE-PERMIT; POSSESSION AND DISPLAY

7.1 If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the investigators shall indicate their approval of the applicant and return the application to the Borough Council who shall, upon payment of the prescribed fee, including the administrative costs related to the permit, approve and issue to the applicant their license-permit and ID. The license-permit and an ID shall be carried upon the

person to whom it is issued at all times when such solicitation is occurring and shall be displayed on any vehicle to which it is issued.

7.1.1 ID Card must be visible at all times.

7.1.2 Permit must be presented upon request.

7.1.3 ID Card and Permit must be returned to the Borough upon expiration pending fines for not following request.

7.1.4 Permit is not transferrable.

7.1.5 No license-permit shall be issued for a period longer than 30 days.

7.1.6 An official copy of permit may be requested for a fee.

7.2 The time from which an initial application for a license-permit is made to when said application is approved or denied shall not exceed 10 business days. In the event an application is not approved or denied within 10 business days, the application shall be deemed denied.

----- SECTION 8 - PROHIBITED HOURS AND DAYS

8.1 No person licensed under this ordinance shall engage in the licensed activity at any time prior to 10:00 a.m. or after 7:30 p.m. or dusk, whichever earliest, except where exempt.

SECTION 9 - CRYING OF WARES

9.1 No person licensed under this ordinance shall hawk or cry their wares upon any of the streets or sidewalks in the Borough nor shall they use any loudspeaker, horn or other device for announcing their presence.

SECTION 10 - LIGHTS AND COLORS

10.1 No person licensed under this ordinance shall initiate the use of lights defined under PA Vehicle Code 65 PA. C.S. § 173.2 FLASHING OR REVOLVING LIGHTS, nor the colors Blue, Red, or combination thereof as defined under 65 PA. C.S. § 173.3.

SECTION 11 - PARKING OF VEHICLES

11.1 Any vehicle used by any person licensed under this ordinance shall, when stopped to exercise any right or privilege granted by a license-permit issued under this ordinance, be parked abutting the curb, and no vehicle shall be stopped in the middle of any street, alley, roadway, or on any private residence.

SECTION 12 - USE OF FIXED LOCATIONS

12.1 No person licensed under this ordinance shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter.

SECTION 13 - USE OF VEHICLES

13.1 No person licensed under this ordinance shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may any such person maintain or keep a street or curbstone market by parking any vehicle on any street or alley in the Borough for longer than necessary in order to sell to persons residing in the immediate vicinity.

SECTION 14 - RESTRICTED RESIDENCE LISTING; DO NOT KNOCK

14.1 A resident, upon written request to the Borough, may ask to be placed on a restricted listing which will be given to all applicants being issued a peddling and soliciting license-permit. Persons to whom licenses-permits are issued shall not call upon any residents named on the restricted listing, knock at their residence, or leave any material on their property.

SECTION 15 - RECORD OF LICENSES-PERMITS; ENFORCEMENT

15.1 The Borough shall cause a record of all licenses-permits issued under this ordinance to be kept on file. Should the Mayor or Borough Council Member determine that a license-permit should be suspended or revoked as a result of the conduct of the applicant, then the Mayor or Borough Council Member shall present a recommendation to the Borough Council that the license-permit should be suspended or revoked for cause.

SECTION 16 - SUSPENSION OF LICENSE-PERMIT

16.1 The Mayor and Borough Council are authorized to suspend any license-permit issued under this ordinance upon their determination that such suspension shall be beneficial to the public health, safety, and welfare before any violation(s) of the requirements or provisions of this ordinance or as a result of providing false information during the application process.

SECTION 17 - CONDUCT

17.1 Every person to whom a license-permit has been issued hereunder shall, in the carrying on of their business or activities in the Borough, comply with the following rules of conduct:

17.1.1 Person(s) shall carry permit-license at all times and exhibit it upon request to any peace officer or any person upon whom they shall call or with whom they shall talk in carrying on their licensed activities.

17.1.2 Person(s) shall always have displayed their granted ID card and exhibit it upon request to any peace officer or any person upon whom they shall call or with whom they shall talk in carrying on their licensed activities.

17.1.3 Person(s) shall not permit any other person to have possession of their license- permit or ID card and shall immediately report its loss to the issuing Borough Authority. Person(s) shall not cause or permit their permit-license or ID card to be altered or defaced.

17.1.4 Person(s) shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.

17.1.5 Person(s) shall not represent their permit-license or ID card to be an endorsement of themselves or of their goods or services or of the goods or services of their principal employer.

17.1.6 Person(s) shall immediately surrender their permit-license and ID card upon revocation of their license as hereinafter provided.

17.1.7 Person(s) shall peddle, solicit, canvass, hawk, or distribute merchandise only between the hours of 10:00 a.m. and 7:30 p.m. or dusk, whichever earlier, Monday through Saturday unless specifically having been invited to a house by the occupant or having made an appointment with such person previously.

17.1.8 Person(s) to whom a permit-license has been issued is responsible for refuse removal and cleanup of their operation and for maintaining an area within 30 feet of their location free of all debris generated by the vending operation and for washing sidewalk, street, and curb area occupied by the vending operation as necessary.

SECTION 18 -PERSONS EXEMPTED

18.1 The following persons are exempted from the permit-licensing fee requirements of this ordinance

18.1.1 Persons soliciting contributions on behalf of organizations or nonprofit corporations including religious groups or a political entity for the purpose of canvassing are exempted from the provisions of or duly registered pursuant to PA 10 P.S. § 162.1 et seq., who, while soliciting, are in possession of a card or other written evidence to their appointment and authority for solicitation of said organization or corporation or political entity.

18.1.2 Persons soliciting funds or canvassing for purposes permitted under the Pennsylvania Election Code, Act of 1937, June 3, P.L. 1333 (25 P.S. § 2601 et seq.), as amended.

18.1.3 Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county, or Alexandria Borough government, or any agency thereof.

18.1.4 Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the local water or sewer utility authorities.

18.1.5 Any representatives in uniform or with proper identification for the Boy Scouts of America, Girl Scouts of America, and 4H.

18.1.6 Children under the age of eighteen (18) years taking orders for and delivering products when representing their school.

18.1.7 Newspaper orders and delivery.

18.1.8 Ice cream/frozen desert trucks/vehicles that drive around town.

18.2 The following persons are exempted from the permit-licensing fee requirements of this ordinance, but are required to alert the Borough to their intent to Peddle, Solicit, Hawk, or Canvass, and obtain a restriction list as described in §14 - RESTRICTED RESIDENCE LISTING; DO NOT KNOCK:

18.2.1 Persons soliciting contributions in behalf of organizations or nonprofit corporations including religious groups

18.2.2 Farmers selling their own produce

18.2.3 Manufacturers or producers in the sale of bread and bakery products, meat and meat products, or milk and milk products, excluding frozen or processed products within this list.

18.2.4 Seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania

18.2.5 Yard Sale or any resident of the Borough for the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to charitable or philanthropic purpose.

18.2.6 Anyone offering any food for sale or using any mobile food unit that requires a License from the Commonwealth of Pennsylvania Department of Agriculture;

- (a) License must be visible on vehicle, or
- (b) License must be provided for inspection upon request.

SECTION 19 - SAFETY

19.1 In an effort to ensure pedestrian safety and maintain the efficient flow of traffic, no person, firm, or corporation exempt from licensing under this section shall distribute flyers, solicit funds, or can on any roadway, medial barrier, berm, shoulder, or traffic way within the Borough of Alexandria.

SECTION 20- VIOLATIONS AND PENALTIES

20.1 Any person that violates or fails to comply with any provisions of this Ordinance shall be guilty of a summary offense and shall be punished with a fine of not less than \$100.00 and not more than the maximum criminal fine permitted by the Borough Code, 8 Pa. C.S. § 3321(a)(3) (\$1,000.00 at the time of the enactment of this Ordinance), and/or by imprisonment to the extent allowed by law for the punishment of a summary offense.

20.2 Each day on which a violation of this Ordinance or a failure to comply with this Ordinance occurs shall be deemed a separate of distinct offense.

20.3 In addition to the penalties imposed by §20.1, any person convicted of violating or failing to comply with the provisions of this Ordinance shall be assessed the court costs associated with the enforcement proceedings together with the attorneys' fees incurred by the Borough in connection with said enforcement proceedings.

20.4 The Borough Solicitor may assume charge of any prosecution under this Section without the consent of the District Attorney.

SECTION 21-APPEALS

21.1 Any person whose application for a license-permit under this Ordinance has been denied or deemed denied, or any person whose license-permit has been suspended or revoked, may appeal such action to the Borough Council. Such appeal shall be in writing, signed by the person, and filed with the Borough Secretary within 10 business days of the date of such action appeal from.

21.2 Borough Council shall conduct a hearing at a public meeting of the Council within 40 days of the filing of an appeal, and shall notify such person, by written letter mailed to the permanent address of the person shown on the application, such mailing to occur 15 days or more prior to such hearing. In lieu of mailing, the notice may be hand delivered to such person. The President of Borough Council shall preside over such hearing and shall administer oath to all witnesses. Borough Council may affirm the action appealed from, may reverse such action, or may modify such action. Any reversal or modification of the action appealed from shall be by a majority vote of the council members present, providing a quorum is present. The Mayor shall not participate in the making of such decision, but shall be permitted to testify and present evidence.

21.2.1 Any hearing held by Borough Council under this Section shall be conducted in conformance with the requirements of 2 Pa. C.S. §§ 551 - 555, also known as the Local Agency Law.

21.2.2 At any hearing conducted by Borough Council under this Section, testimony shall be stenographically recorded and a full and complete record of the proceedings shall be kept only at the request of the appellant, and only upon payment by the appellant of the costs thereof.