

Part 3**Transient Retail Merchants****§13-301. Definitions.**

Soliciting - the seeking, or taking of contracts or orders for any goods, wares, merchandise, or service for future delivery or performance, or for subscriptions or contributions by visiting to private premises or residence without the prior direct invitation of the residences thereof, or upon the public highways or streets, or from persons in commercial, industrial, professional or any other sort of building whatsoever.

Person - a natural person, association, partnership, firm, corporation or group of persons formed for a temporary purpose.

Solicitor - a person engaged in soliciting.

The singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 62, 11/5/1962, §401)

§13-302. Identity Card.

No person shall engage in soliciting, or use the public ways for the purpose of soliciting without first having received from the Mayor or Secretary an identity card to be displayed by the solicitor and produced on request by any peace officer or resident of the premises visited, or by any person so solicited.

(Ord. 62, 11/5/1962, §402)

§13-303. Application.

Every solicitor shall apply to the Mayor or Secretary for an identity card and he shall issue the same ~~without charge~~ after noting thereon the name, address and description of the solicitor, the person by whom employed with the address of the same and the period during which soliciting will be conducted. Upon the expiration of the identity card te same may be extended or re-issued as often as necessary.

(Ord. 62, 11/5/1962, §403)

See Fee Schedule.

§13-304. Exempt Parties.

Every solicitor, except:

- A. Farmers soliciting and/or selling only their own produce.
- B. Persons soliciting and/or selling goods, wares, and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. Any manufacturer or producer soliciting and/or selling their own bread and bakery products, meat and meat products or milk and milk products.
- D. Real estate, insurance or securities brokers or employees thereof, shall apply to the Mayor or Secretary for a soliciting license and shall supply at the time

thereof evidence of any other valid County or State license which the law may require. The application shall disclose the solicitor's name, address and description, the name and address of the person employing him; the goods or services to be solicited, the duration of time for the soliciting; previous criminal record if any, the description of the vehicle and/or helper to be used; and if required by the mayor or secretary, fingerprints. Each helper shall supply similar information and apply for a license. If, as and when issued the license shall not be transferable.

(Ord. 62, 11/5/1962, §404)

§13-305. License Fees.

No person required to be licensed shall use the public streets or highways until he has been issued a license, for which a fee in an amount as established from time to time by resolution of Borough Council shall have been paid to the Mayor or Secretary.

(Ord. 62, 11/5/1962, §405; as amended by Ord. 256, 5/24/2004)

§13-306. License to be Exhibited Upon Request.

Every person issued a license shall carry the same at all times while soliciting and exhibit the same upon request of any peace officer or citizen.

(Ord. 62, 11/5/1962, §404)

§13-307. Lost License.

A lost license may be re-issued for the balance of the lost license upon the payment of a fee in an amount as established from time to time by resolution of Borough Council. Upon the expiration or earlier termination, the license shall be returned to the Mayor or Secretary and by him cancelled and destroyed. Any license defaced or altered shall be re-issued. For the purpose hereof, a stolen license shall be deemed defaced or altered.

(Ord. 62, 11/5/1962, §407; as amended by Ord. 256, 5/24/2004)

§13-308. Unlawful Procedure.

It shall be unlawful for a licensed solicitor:

A. To enter any residence or place of business uninvited or to remain thereabout after requested to leave.

B. To fail to have an identity card and a license on hand and/or exhibit the same upon demand.

C. To represent or to imply that the identity card or the license is an endorsement by the Borough of the solicitor or the goods or services being solicited.

D. To solicit on any Sunday or legal holiday (or any day observed as such) at all and on any other day before 9:00 a.m. or after 4:00 p.m.

E. To solicit goods or services other than those licensed.

F. To solicit by hawking, crying or displaying goods or services upon any public ways, or to use any device to advertise his presence or his goods and services.

(Ord. 62, 11/5/1962, §408)

§13-309. Register of Identity Cards.

The Mayor or Secretary shall maintain a register of the identity cards and licenses issued hereunder and keep the same available for inspection to the public at any time.

(*Ord. 62, 11/5/1962, §409*)

§13-310. Suspended or Revoked Licenses.

Any license which may be suspended or revoked under this or the succeeding section shall not be reinstated except by the Borough Council at any regular or special meeting.

(*Ord. 62, 11/5/1962, §410*)

§13-311. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 62, 11/5/1962, §411; as amended by Ord. 256, 5/24/2004*)