

Ordinance Number 516

An Ordinance amending Chapter 170 of the Code of the Borough of Danville entitled PEDDLING AND SOLICITING and rewritten in its entirety as follows:

SECTION 1:

Chapter 170 of the Code of the Borough of Danville is hereby amended and enacted as follows:

SECTION II:

The Borough of Danville PEDDLING AND SOLICITING Ordinance

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| § 170-1 | Definitions |
| § 170-2 | License required |
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| § 170-5 | Issuance of license; exhibition required; license restrictions |
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| § 170-9 | Suspension of license |
| § 170-10 | Appeals from license suspension |
| § 170-11 | Violations and penalties |
| § 170-12 | Enforcement |

[HISTORY: Adopted by the Council of the Borough of Danville 8-15-1960 as Ord. No. 149, approved 8-15-1960. (Chapter 93 of the 1975 Code). Amendments noted where applicable.]

§ 170-1. Definitions; word usage. (Amended February 2013)

Words and terms defined. As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER – Shall mean any person who shall engage in peddling, as defined below.

PEDDLING – Shall mean engaging in selling, peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets, alleys, sidewalks, public or private parking lots or from house to house within the Borough of Danville.

- A. The word “peddling” shall not apply to:
1. Farmers selling their own produce and or goods;
 2. For the sale of goods, wares, and merchandise, donated by the owners thereof, or the proceeds of which the sale are to be applied to a local charitable or philanthropic purpose;

3. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products.
4. To children residing within the Danville Area School District under the age of eighteen (18) years of age who take orders for and delivery of : newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts;
5. To Civic organizations located within Danville, Pa.
6. To Local businesses located within Danville, Pa

PERSON – Shall mean any natural person, partnership, firm, associate or corporation.

NO SOLICITATION LIST – A list of residential properties located within the Borough of Danville indicating that the owner/occupant of that address does not wish to have person or person peddling at that location. This list does not apply to Section 170-1-A (1 through 6), as defined. This list will be organized alphabetically by street name and will be updated when new addresses are added. A copy of this list will be provided to the peddler when he or she acquires a Danville Borough Solicitation Permit. A copy of this list will be available at Danville Police Department.

Word Usage: In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 170-2 License required

No Person shall engage in peddling in the Borough of Danville without first acquiring a license as herein provided.

§ 170-3 Application for license; transfer prohibited (Amended 12-20-2000 by Ord. 423) (Amended February 2013).

Each and every person desiring to engage in selling, canvassing, soliciting or peddling in the Borough of Danville must apply in person to Danville Borough Police Department for said license. Each applicant, as well as, any supervisor/manager accompanying said applicant will be required to personally produce the following:

- A valid State issued drivers license or valid State issued identification card which must be in their possession. If the applicant is unable to produce a valid State issued drivers license or valid State issued identification card, a permit will not be issued to that individual.
- Valid State issued Registration Card of any and all vehicles soliciting in the Borough of Danville and description of said vehicles.
- Individual must provide a current address and phone number of their residence. If the applicant or supervisor is temporarily staying at a hotel or motel while soliciting in the Borough of Danville, they must provide the following: Name of the Hotel or Motel, the room number, the location of the hotel/motel. They must also provide cellular phone # for the applicant in the event Danville Police Department Personnel need to speak with applicant and/or supervisor in regards to their permit.

- Individual must complete and sign a form indicating if they have ever been convicted of a crime. If yes, please list.
- Individual must provide the name, address and phone number of the last two (2) Communities who issued them a permit.
- Individual must indicate if they have ever had a solicitation permit cancelled or revoked and the reason why the permit was cancelled or revoked and the location of where the permit was cancelled or revoked.
- Individual must provide a list of the type of goods, wares and merchandise he/she wishes to peddle; the name of the business in which they represent, the address and phone number for the business, the name of their immediate supervisor and his/her contact information.
- A Photograph will be taken of the individual, (1) copy of the photo will be attached to the solicitation permit and a copy will be retained at Danville Police Dept.

Once the application is completed, Danville Police Department shall conduct a criminal record check of each applicant prior to the issuance of any permits. Permits will not be issued to any individual who has an active arrest warrant. A permit may be denied if the applicant has a criminal arrest history involving violent crimes such as, but not limited to: rape, robbery, assault, sexual assault or offenses against property such as, but not limited to: burglary or theft.

§ 170-4 License Fees (Amended 12-20-2000 by Ord. 423) (Amended February 2013)

No license shall be issued under this part until a non-refundable fee of \$ 25.00 (per person) has been paid to the Borough of Danville. Each license shall be good for a period of five (5) business days defined as (Monday, Tuesday, Wednesday, Thursday, Friday) from the date of issue and shall be renewable upon application to the issuing agent, as long as no complaints have been filed with the Police Department regarding their permit.

§ 170-5 Issuance of License; exhibition required; license restrictions. (Amended February 2013)

Upon making application thereof and paying the proper fee, as herein specified, a license shall be issued to each and every peddler. Such license shall contain all of the required information. Peddler shall, at all times while engaged in peddling in the Borough of Danville, carry such license upon his person and shall exhibit such license, upon request, to all police officers, Borough Officials, or citizens within the Borough of Danville. No license under this chapter shall be transferable from one person to another. No peddler shall engage in selling any product not mentioned upon such license. No peddler shall solicit any residence on the No solicitation list.

§ 170-6 Prohibited days and hours of sale (Amended 12-20-2000 by Ord. 423) (Amended February 2013)

No person licensed as a peddler under this chapter shall engage in peddling at any time on Saturday or Sunday or upon any other day of the week before 9:00 a.m. or after 6:00 p.m. Furthermore, No person licensed as a peddler under this chapter shall engage in peddling on any street, alley, sidewalk or public or private parking lot when the street is closed by the order of Danville Borough Council or during any special events approved by the Borough of Danville such as, but not limited to: Parades, Conventions, or Street Fairs.

§ 170-7 Prohibited acts by peddlers (Amended February 2013)

- A. No Person shall engage in door to door solicitation without first obtaining a Danville Borough Solicitation Permit. (This does not apply to persons listed in section § 170-1, subsection A (1 through 6).
- B. No Person shall direct, supervise, or allow any person to engage in door to door solicitation without that person first obtaining a Danville Borough Solicitation Permit. (This does not apply to persons listed in section § 170-1, subsection A (1 through 6).
- C. No peddler shall enter within the perimeter of any residential property in the Borough of Danville who is listed on the "No Solicitation List" which will be provided to the applicant during the application process. A copy will also be available at the Danville Police Department 235 Mill Street, Danville, and Pa.
- D. No person, licensed as a peddler under this chapter, shall hawk or cry his wares upon any street, alley or sidewalk, public or private parking lot in the Borough of Danville, nor shall he / she use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.
- E. No person licensed as a peddler under this chapter shall park any vehicle upon any street, alley, sidewalk, public or private parking lot of the Borough in order to sort, re-arrange, clean any of his goods, wares or merchandise, place or deposit any refuse, maintain or keep a street or curbstone market.
- F. No person licensed as a peddler under this chapter shall occupy any fixed location upon any street, alley, sidewalk, public or private parking lot in the Borough of Danville for the purpose of peddling, with or without any stand or counter.

§ 170-8 Record of licenses required; supervision of license (Amended as of February 2013)

Danville Police Department shall keep a record of all licenses issued under this Chapter and shall supervise the activities of all holders of such licenses.

§ 170-9 Suspension of license (Amended as of February 2013)

The Chief of Police or his / her designee is hereby authorized to suspend any and all licenses issued under this chapter to a person or a group of persons when they deem such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this chapter, or for giving false information upon any application for a license hereunder.

§ 170-10 Appeals from license suspension (Amended February 2013)

Any person whose license has been suspended shall be entitled to appear before Borough Council at the next regular or special meeting and be heard in behalf of a request for reinstatement of his license. The borough Council shall hear the licensee at that time, if the licensee has given Council at least five (5) days' notice in writing of his/her desire for a hearing. Otherwise, Council may hear the licensee at that time or may decline to hear the licensee at that time, in which case it shall schedule a hearing within five (5) days from that date. Following the hearing, Council may reinstate, revoke or continue the suspension of the license for a period

not to exceed five (5) years. No person shall be denied a license or have his license suspended or revoked except by procedures consistent with due process of law.

§ 170-11 Violations and penalties Amended 5-14-1975 by Ord., No. 258, approved 5-14-1975) (Amended February 2013)

Any person violating Chapter 170, Section 8, subsection C, shall be in violation of the Pennsylvania Crimes Code Title 18, Section 3503 subsection bl(i) Criminal Trespasser (Defiant Trespasser)

Any person violating any provision of this Chapter except 170-8 (C), shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.00) and the cost of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuance of the violation may be punished as provided above for each separate offense.

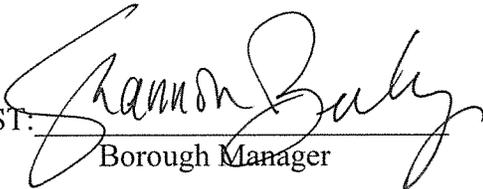
This section is not the exclusive remedy for violation of this Chapter. The penalties of this section are in addition to any other civil or criminal remedy provided by law.

§ 170-12 Enforcement (Amended 12-12-2000 by Ord. 423, approved 12-12-2000) (Amended February 2013).

It shall be the duty of the Danville Borough Police Department to enforce the terms of this chapter and secure compliance with the requirements thereof.

Section III: The Ordinance shall take effect immediately upon adoption.

Ordained and adopted this 12th day of November, 2013.

ATTEST: 
Borough Manager


Council President


Mayor