

ORDINANCE NO. 516

AN ORDINANCE REGULATING PEDDLING AND SOLICITING WITHIN THE BOROUGH; CREATING A LICENSE REQUIREMENT; CREATING A LICENSE FEE; CREATING EXEMPTIONS TO THE PAYMENT OF A FEE; PROVIDING FOR THE APPLICATION AND ISSUANCE AND EXHIBITION OF A LICENSE; PROHIBITING CERTAIN ACTS BY LICENSE HOLDERS; PROVIDING FOR RECORDS AND REPORTS TO COUNCIL; PROVIDING FOR SUSPENSION OF LICENSES; PRESCRIBING PENALTIES; PROVIDING EXEMPTIONS TO THE APPLICATION OF THE ORDINANCE; REPEALING CERTAIN ORDINANCES

The Borough of Ford City, Armstrong County, Pennsylvania, hereby ordains as follows:

SECTION 1. DEFINITIONS.

The following words or phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

(a) "BOROUGH" shall mean the Borough of Ford City, Armstrong County, Pennsylvania.

(b) "TO SOLICIT" and its various forms shall mean and include the following:

(1) To engage in the selling or peddling of goods or services, the canvassing for the purpose of selling or peddling goods or services, or the canvassing for the purpose of taking of orders for goods or services, or the taking of orders for goods or services, by sample or otherwise, upon any of the streets, alleys, sidewalks or public grounds, from a fixed location, or from building to building, within the Borough; or

(2) To ask for, request, or seek contributions upon any of the streets, alleys, sidewalks or public grounds from a fixed location or from building to building, within the Borough.

(c) "PERSON" shall mean any natural person, association, partnership, corporation or firm.

(d) "PROCEEDS OF SOLICITATION" shall mean all moneys or goods collected by a person engaged in solicitation as a result of such solicitation.

(e) In this Ordinance, the masculine shall include the feminine and the neuter, the singular shall include the plural, and the plural shall include the singular.

SECTION 2. LICENSE REQUIREMENT.

No person shall solicit within the Borough without first having applied for with and obtained from the Mayor a license to solicit.

SECTION 3. APPLICATION FOR LICENSE.

Every person desiring a license under this Ordinance, shall first make application to the Mayor for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall give his name and address; his previous criminal record, if any; the name of the person by whom he is employed; the name of the person on whose behalf the proposed solicitation will occur; the purpose of the solicitation; the goods or type of goods intended to be sold, if any; the length of time for which such license is to be issued; and the type and license number of the motor vehicle to be used, if any.

SECTION 4. LICENSE FEES; EXEMPTIONS.

(a) No license to solicit shall be issued by the Mayor unless the applicant for such license shall first pay to the Mayor the sum of Five Dollars and 00/100 (\$5.00) for each and every day or portion thereof

during which the applicant intends to solicit, as stated on the application, if the applicant does not intend to use a motor vehicle in the course of the proposed solicitation; or Ten Dollars (\$10.00) for each and every day or portion thereof during which the applicant intends to solicit, if the use of a motor vehicle is intended.

(b) An applicant shall not be required to pay to the Mayor the license fee set forth in Subsection (a) of this Section if all proceeds of the solicitation will be applied to a charitable or philanthropic purpose.

SECTION 5. ISSURANCE OF LICENSE; CUSTODY AND EXHIBITION THEREOF.

Upon receipt of such application and the prescribed fee, if such fee is required, the Mayor, if he shall find such application to be in order, and if he shall find that the issuance of the license to solicit will not be detrimental to the health, welfare or safety of the residents of the Borough shall issue the license required by this Ordinance. Such license shall contain the information set forth on the application therefor. Every license holder shall carry such license upon his person if engaged in solicitation from building to building or upon any of the streets, alleys, sidewalks or public grounds, or shall prominently display such license if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough. If aggrieved by the Mayor's refusal to issue such license, the applicant may appeal in writing to Borough Council within ten (10) days after such refusal, or thirty (30) days after filing his application, whichever is sooner, and Council shall thereupon afford him an opportunity for hearing, after which hearing Council may sustain the Mayor's refusal or direct the Mayor to issue a license.

SECTION 6. PROHIBITED ACTS BY LICENSE HOLDERS.

No person engaged in solicitation shall do any of the following acts:

(a) Sell any goods or type of goods not mentioned in the license;

(b) When soliciting from a motor vehicle, stop or park such motor vehicle upon any of the streets or alleys of the Borough for longer than necessary in order to solicit from persons residing in the immediate vicinity.

SECTION 7. RECORDS AND REPORTS.

The Mayor shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

SECTION 8. SUSPENSION OF LICENSE.

The Mayor is hereby authorized to suspend any license issued under this Ordinance when he deems such suspension to be beneficial to the health, welfare or safety of the residents of the Borough or for violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license hereunder. Appeals from any suspension may be made to the Borough Council at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.

SECTION 9. PENALTIES FOR VIOLATION.

(a) Any person who violates any provision of this Ordinance shall, upon conviction thereof by a District Magistrate, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00), or to imprisonment in the County jail for a period not to exceed thirty (30) days, or both.

(b) A separate and distinct violation of this Ordinance shall be deemed to have occurred on each and every day that a provision of this Ordinance is violated.

SECTION 10. EXEMPTIONS TO LICENSE REQUIREMENT.

(a) The provisions of this Ordinance shall not be applicable to any person selling or offering for sale the products of his own farm or garden.

(b) The provisions of this Ordinance shall not be applicable to any manufacturer or producer in the sale of bread and bakery products, medical and medical products, or milk or milk products; provided, the term milk or milk products shall not include or apply to ice cream or other frozen desserts.

SECTION 11. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof.

SECTION 12. REPEALS.

Ordinance No. 253 and Article 24, Section 2 of Ordinance No. 1 are repealed. All other ordinances or provisions thereof which are inconsistent with this Ordinance or any provision hereof are repealed to the extent of such inconsistency.

DONE, ORDAINED AND ENACTED, at a regular meeting of the Council of the Borough of Ford City at the Municipal Building on the 11th day of October, 1977.

BOROUGH OF FORD CITY

ATTEST:

Mary Parchik
Borough Secretary

By Stanley T. Schaffer
President of Council

Approved this 11th day of October, 1977.

John H. Hand
Mayor of the Borough of Ford City