

BOROUGH OF CARNEGIE

Licenses, Permits and General Business Regulations

Part 4

Peddlers, Canvassers and Transient Merchants

§ 13-401. License Required

It shall be unlawful for any peddler, canvasser or transient merchant, as defined in §13-402 of this Part, to engage in any such business within the Borough of Carnegie without first obtaining a license therefor in compliance with the provisions of this Part.

(Ord. 1035, 11/10/1987, §1)

§ 13-402. Definitions

When used in this Part, the following terms shall have the following meanings:

Canvasser - shall include any person, whether a resident of the Borough of Carnegie or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

Peddler and transient merchant - shall include any person, whether a resident of the Borough of Carnegie or not, who goes from house to house, from place to place, or street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering parts to purchasers.

(Ord. 1035, 11/10/1987, §2)

§ 13-403. Exemptions

1. The terms of the Part shall not be held to include the act of persons selling personal property at wholesale to dealers in such articles; newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business; farmers selling their own produce; 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; any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products; provided, however, that any person in all of the above excepted categories must register with the Borough Secretary and be subject to all other provisions of the Part except those pertaining to the payment of license fees; provided, however further, that the term milk or milk products; should not include or apply to ice cream or other frozen desserts; and provided further, that any peddler dealing in one or more of the excepted categories and selling other goods, wares and merchandise not excepted shall be subject to the license fee fixed by this Part for its activities in connection with the sale of goods, wares and merchandise not in any of the expected categories.

2. Nothing in this Part shall be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law.

(Ord. 1035, 11/10/1987, §3)

§ 13-404. Application

Applicants for a license under this Part must file with the Secretary of the Borough a sworn application in writing on a form to be furnished by the Borough, which will give the following information:

- A. Name and physical description of applicant.
- B. Complete permanent home and local address of the applicant, and in the case of transient merchants, the local address from which the proposed sales will be mailed.
- C. A brief description of the nature of the business and goods to be sold.
- D. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- E. The source of supply of the goods or property to be sold or orders taken for the sale thereof, and the proposed method of delivery.
- F. A recent photograph of the applicant which picture shall be approximately 2 inches by 2 inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- G. Submit his or her fingerprints upon a non-criminal file card which can be reclaimed upon the expiration of license.
- H. A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor, or any violation of any municipal ordinance, other than traffic violations, and the nature of the offense and punishment or penalty assessed therefor.
- I. A form of identification for approval by the Borough, which must be exhibited upon request by a citizen, pursuant to §13-410.1 hereof.

(Ord. 1035, 11/10/1987, §4)

§ 13-405. Religious and Charitable Organizations Exemption

Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature, various types of tokens or merchandise for which a fee is charged or solicited from persons other than members of such organizations, upon the streets, in office buildings, by house to house canvas, or in public places for a charitable, religious, patriotic or philanthropic purpose, shall be exempt from the provisions of 13-407 of this Part, provided there is filed a sworn application in writing on a form furnished by the Borough Secretary which will give the following information:

- A. Name and purpose of the cause for which permit is sought.
- B. Name and address of the officers and directors of the organization.
- C. Period during which solicitation is to be conducted.
- D. Whether or not any commission, fees or wages are to be expended in connection with such solicitation, and the amount thereof.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, the Borough Secretary shall issue a permit without charge.

(Ord. 1035, 11/10/1987, §5)

§ 13-406. Investigation and Issuance of License

1. Upon receipt of each application it shall be referred to the Chief of Police or Ordinance Officer, as designated by Council, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public safety.

2. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police or Ordinance Officer, as designated by Council, shall endorse on the application his approval and return the application to the Borough Secretary, who shall upon payment of the prescribed license fee, deliver to the applicant his or her license within 7 days after it has been filed by the applicant with the Borough Secretary.

3. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Borough Secretary shall keep a permanent record of all licenses issued and those rejected, also issue a monthly report to the Borough Council on said applicants and monies received.

(Ord. 1035, 11/10/1987, §6)

§ 13-407. Fees

1. No license shall be issued under this Part until the proper fees shall have been paid to the Borough Secretary, as established, from time to time by resolution of the Borough Council. (Ord. 2384)

2. The fees specified shall be paid by each and every individual peddler engaged in peddling within the Borough, whether or not hired by another person.

3. None of the license fees provided for by this Part shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he or she may apply to the Borough Council for an adjustment of the fee, so that it shall not be discriminatory or unreasonable or unfair as to such commerce.

(Ord. 1035, 11/10/1987, §7; as amended by Ord. 2384, 12/10/2012)

§ 13-408. Loud Noise and Speaking Devices

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound or amplifying device upon any of the streets, alleys, parks or other public places of the Borough of Carnegie, or upon private premises where sound or sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenue, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. 1035, 11/10/1987, §8)

§ 13-409. Use of Streets and Time Restrictions

1. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operations might impede or inconvenience the public use of such streets or sidewalks.

2. No licensee or permit holder shall be permitted to solicit on Sunday, nor before 9 a.m. or after 9 p.m., prevailing time, on weekdays or Saturday.

(Ord. 1035, 11/10/1987, §9)

§ 13-410. Exhibition of Licenses/Uninvited Soliciting Prohibited

1. Licensee/permit holders are required to prominently display their license/permit and a form of identification approved by the Borough on their person so that it is readily visible to any citizen or law enforcement officer. No license/permit shall be transferrable. (Ord. 2161)

2. It is declared to be the policy of this Borough that the occupants of residences within the Borough shall determine whether peddlers, canvassers, or transient merchants shall or shall not be invited to their respective residence. Notice of the determination not to invite said solicitors may be given by notice posted on the premises. Such written notice shall constitute sufficient notice to any solicitor of the determination of the occupant.

A. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

B. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of subsection .2 of this Section.

(Ord. 1035, 11/10/1987, §10; as amended by Ord. 2161, 10/10/2000, §1)

§ 13-411. Penalty

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall continue a separate offense.

(Ord. 1035, 11/10/1987, §11; as amended by Ord. 1047, -/-/1988; and by Ord. 2384, 12/10/2012)