

## Chapter 154

### PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Borough Council of the Borough of McSherrystown 1-27-1993 by Ord. No. 1993-2 as Part 6, Ch. 2, Art. C, of the 1993 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Parades and assemblies — See Ch. 141.

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#### § 154-1. Definitions and interpretations.

A. As used in this chapter, the following terms shall have the meanings indicated:

**PEDDLING** — Engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough, provided that the word "peddling" shall not apply to farmers selling their own produce; the sale of goods, wares and merchandise, donated by the owners thereof, of which the proceeds are to be applied to a charitable or philanthropic purpose; or any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products; provided, further, that the term "milk or milk products" shall not include ice cream or other frozen deserts; provided, further, that any peddler dealing in one or more of the categories excepted in the in this definition, and selling other goods, wares or merchandise not excepted shall be subject to all provisions of this chapter, including obtaining a license and paying the license fee fixed by § 154-4.

**PEDDLER** — Any person who shall engage in peddling, as hereinabove defined.

**PERSON** — Any natural person, association, partnership, firm or corporation.

B. In this chapter, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

**§ 154-2. License required.**

No person shall engage in peddling within the Borough without first having taken out a license as provided in §§ 154-3, 154-4 and 154-5.

**§ 154-3. Application for license.**

- A. Any person who desires to engage in peddling in the Borough shall first make application to the Secretary for a license. If that person is also required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license.
- B. Upon the application, that person shall give:
- (1) His name and address;
  - (2) His previous criminal record, if any;
  - (3) The name of the person for whom he works, if any;
  - (4) The type of goods, wares and merchandise he wishes to peddle;
  - (5) The length of time for which he wishes to be licensed; and
  - (6) The type and license number of any vehicle that he uses.
- C. If two or more persons are to engage in peddling for one employer or supervisor, whether or not supervised by one individual, each individual shall:
- (1) Make a separate application;
  - (2) Be required to obtain a separate license; and
  - (3) Individually pay the license fee.
- D. No license issued under this chapter shall be transferable from one person to another.

**§ 154-4. License fee.**

No license shall be issued under this chapter until a fee of \$25, which shall be for the use of the Borough, shall have been paid to the Secretary. The fee shall be for a license valid throughout the calendar year for which the license is issued, or for the balance of the year remaining beginning with the date of issuance.

**§ 154-5. Issuance of license; custody and exhibit of license; sale of products not mentioned in license.<sup>1</sup>**

Upon making application for the license and paying the fee as required by § 154-4, a peddler shall be issued a license. Every peddler shall, at all times when engaged in peddling within

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the Borough, carry the license upon his person, and shall exhibit the license, upon request, to any police officer, Borough official or citizen. No person shall engage in peddling any product not mentioned upon his license.

**§ 154-6. Prohibited days and hours.**

No person shall engage in peddling at any time on Sunday, or on any other day of the week before 9:00 a.m. or after 7:00 p.m.

**§ 154-7. Hawking of wares; use of speakers or horns.**

No peddler shall hawk or cry his wares upon any street or sidewalk in the Borough, nor shall any peddler use any loud speaker or horn or any other device for announcing his presence by which the public is annoyed.

**§ 154-8. Parking of vehicles used by peddlers; refuse; curbstome markets.**

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

**§ 154-9. Operation from fixed location.**

No person shall occupy any fixed location on any street, alley or sidewalk in the Borough for the purpose of peddling, with or without a stand or counter.

**§ 154-10. Rules and regulations. <sup>2</sup>**

In addition to the other provisions of this chapter, the following rules and regulations shall apply to peddlers:

- A. He shall conduct himself at all times in an orderly and lawful manner.
- B. He shall carry his license at all times and exhibit it upon request to any police officer or to any person on whom he shall call or with whom he shall talk, or if not registered and licensed under this chapter, he shall identify himself by means of a firm or corporate license or a valid Pennsylvania State motor vehicle driver's license.
- C. He shall not permit any person to have possession of his license and shall immediately report its loss to the Borough. He shall not cause or permit his license to be altered or defaced in any way.

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2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.
- E. He shall not be guilty of any false pretense or misrepresentation, and particularly, he shall not represent his license to be an endorsement of himself or his goods or services or of the goods or services of his employer by the Borough.

**§ 154-11. Suspension or revocation of license.**

The Mayor shall have authority to suspend or revoke any license issued under this chapter when he deems such suspension or revocation to be beneficial to the public health, safety or morals, or for violation of any provision of this chapter, or for giving false or incomplete information upon any application for a license under this chapter, provided that no portion of a license fee may be refunded in the case of a suspension or revocation of a license; provided, further, that any person whose license is revoked may appeal from the revocation to Council, which may either sustain the revocation or reverse the same and direct that the license be restored; in either case the decision of Council shall be final.

**§ 154-12. Violations and penalties.<sup>3</sup>**

Any person who violates any provision of this chapter shall, for every such violation, upon conviction, be sentenced to pay a fine of not less than \$50 or more than \$1,000, and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not more than 30 days, provided that each day's violation of any provision of this chapter shall constitute a separate violation.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).