

**BOROUGH OF LEWISBERRY  
YORK COUNTY, PENNSYLVANIA**

---

**ORDINANCE NO. 2019-02**

---

**AN ORDINANCE OF THE BOROUGH OF LEWISBERRY, YORK COUNTY,  
PENNSYLVANIA,**

---

**Part 4  
Peddlers and Solicitors**

**§13-401 Definitions and word usage.**

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

**PEDDLER**

Any person who shall engage in peddling, as herein defined.

**PEDDLING**

The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his or her possession or control upon any of the streets or sidewalks from street to street, from house to house, by visitation to private residences or by entering in or upon private property within the Borough.

**PERSON**

Any natural person, association, partnership, firm or corporation.

**SOLICITOR**

Any person who shall engage in soliciting, as herein defined.

**SOLICITING**

(1) **COMMERCIAL**

The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery, or for services to be performed for any person, homeowner, or business in the Borough on a temporary basis.

(2) **CHARITABLE**

The soliciting of membership, money and/or property by or on behalf of charitable organizations from any person, homeowner, or business in the Borough, either from house to house or from a business to business.

## **BOROUGH**

The Borough of Lewisberry, York County, Pennsylvania.

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

### **§13-402 License and registration required.**

No person shall engage in soliciting or peddling in the Borough without first having registered and obtained a license from the Borough Manager, or designee.

### **§13-403 Application procedure.**

- A. Any person desiring to engage in soliciting or peddling in the Borough shall submit in person a written application to the Borough Manager on a form furnished by the Borough Manager, together with a copy of the applicant's criminal history and any other report or information required by the Borough Manager.
- B. If any additional license or permit is also required from any state or county officer, including a license from the Commonwealth of Pennsylvania for the collection and distribution of sales tax on all taxable items, the applicant shall, when making such application, provide the Borough with proof of the current and valid issuance of each such license and/or permit.
- C. The application shall include the following information:
- (1) The applicant's name, address and phone number;
  - (2) The applicant's valid driver's license;
  - (3) The name, address and phone number of the person, corporation or other entity by whom or by which he is employed or represents;
  - (4) The applicant's criminal history report, obtained from the Commonwealth of Pennsylvania and dated no more than 90 days before the date of the application;
  - (5) The type of goods, wares, merchandise or services he wishes to peddle, solicit and/or deal with or the subscription, article, device, contribution, service or contract for which he desires to sell or for which he wishes to peddle or solicit within the Borough;
  - (6) The length of time and dates of the peddling or solicitation for which the license is to be issued; and



- (7) The make, model, and license plate of each vehicle to be used by the applicant, if any.
- D. Whenever a group or organization desires to utilize more than one person for peddling or soliciting purposes in the Borough, each such person shall make separate application under this chapter and shall do so in person. All applicable personal information specified above shall be given for each such person, including required proof of identity, and an individual license shall be required for each such person to be engaged in peddling or soliciting.
- E. Licenses issued under this chapter are not transferable from one person to another.
- F. Applications for charitable solicitation shall include a copy of the charitable organization's current certification or other proof of current registration with the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations.

#### **§13-404 Fees.**

No permit or license shall be issued under this chapter until the proper fees are paid to the Borough, receipt for which may be given by the Borough Manager or designee. Such fee shall be as set from time to time by resolution of the Borough Council.

#### **§13-405 Issuance of license; custody and display; grounds for denial**

- A. Upon receipt of such application and the prescribed fee, the Borough Manager, or designee, shall review the application. If such application is found to be complete and in proper order, said Borough Manager or designee shall issue the license required by this chapter within 5 business days from the completed filing of said application. The license shall contain the information required to be provided on the application. Such license shall include a picture of the applicant to whom the license is issued, if the Borough elects to so require.
- B. Every such license holder shall display openly the license upon his person if engaged in peddling or solicitation from house to house or business to business and also shall display the license at every location where he shall engage in business if doing so from a fixed location.
- C. The Borough Manager or designee shall not issue a peddling or soliciting license to any applicant who, within 10 years prior to the date of the application, has either been convicted of any felony, been convicted of any misdemeanor involving moral turpitude or served a sentence or period of probation for any felony or for any misdemeanor involving moral turpitude within 10 years prior to the date of the application.

### **§13-406 Rules of conduct.**

Every person to whom a license has been issued under this chapter shall, in the conduct of his activities, comply with the following rules of conduct:

- A. He shall display openly his license at all times and exhibit it, upon request, to any police officer or Borough official or to any person on whom he shall call or with whom he shall talk.
- B. He shall not permit any person to have possession of his license and shall immediately report its loss to the Borough Manager.
- C. He shall not cause or permit his license to be defaced or altered in any way.
- D. He shall not enter or attempt to enter any dwelling without the invitation or permission of the occupants 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 by the Borough (or its agents, servants, workmen or employees) of such peddler or solicitor, his goods, the services of him or his employer nor the organization he may represent.
- F. He shall immediately surrender his license to the Borough Manager or designee, upon expiration or revocation thereof.
- G. He shall not engage in selling or offering for sale, or in seeking or taking of orders or contracts for, any goods, wares, merchandise, article, device, subscription, contribution, service or contract not stated in the application for which a license has been issued, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.
- H. No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any of the streets or sidewalks of the Borough, nor shall he use any loudspeaker or horn or any other device for announcing his presence by which members of the public are annoyed.
- I. No person engaged in soliciting or peddling shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise or samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor shall any such person place or deposit any refuse upon any such streets or alleys or sanitary or storm sewers; nor shall any such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary in order to solicit from or peddle to persons residing or businesses located in the immediate vicinity.
- J. No person engaged in soliciting or peddling shall occupy any fixed location upon any of the streets or alleys or sidewalks of the Borough for the purpose of soliciting or peddling with or without any stand or counter.



### **§13-407 License revocation procedure.**

Upon the failure of the licensee to comply with the rules of conduct established by §13-406 or any other provision of this chapter or upon ascertainment that the licensee has made any false statement in his application for license hereunder, any license issued pursuant to this chapter shall be revoked by the Borough Manager or designee. Notice of revocation shall be given by written notice, personally served or sent by certified mail, to the address designated for this purpose in the application for a license. The revocation shall be effective immediately upon issuance of the said notice of revocation by Borough Manager or designee.

### **§13-408 Waiver of fee.**

Any other provisions of this chapter to the contrary notwithstanding, any person, corporation, partnership or association, and the agents and employees thereof, who or which has complied with the provisions of and can exhibit satisfactory evidence of compliance with the Pennsylvania Solicitation of Funds for Charitable Purposes Act, 10 P. S. § 162.1 et seq., as amended, or Section 501(c), 501(d) and/or 509(a) of the Internal Revenue Code or any other statute of like nature of the Commonwealth of Pennsylvania or the United States governing solicitation for charitable, benevolent, patriotic or any purposes or who or which is soliciting for any civic, religious or charitable organizations representative of any public school, student, church, fire company, veterans' organization or similar institution shall be permitted, in lieu of the registration heretofore required, to register his or its solicitors and peddlers acting for and on behalf of such organization or association by the submission of the names and addresses (and pictures if requested) of all persons acting for and on behalf of such organization, together with a certification by the person submitting such list that all of the persons whose names appear on such lists are members of such organization and/or are acting on its behalf and have no criminal record as provided in §13-405.C hereof. Such group registrations shall be exempt from the fee provided herein.

### **§13-409 Exemptions.**

The following organizations and activities shall not be required to register or pay the fee set forth herein. All other provisions of this chapter shall apply to said persons, organizations and activities:

- A. The terms of this chapter shall not be held to include the acts of merchants or their employees or agents in delivering goods or services previously ordered or contracted in the regular course of business by the person to whom they are delivered or distributed.
- B. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in §13-401 hereof, when so engaged, including, without limitation, real estate, insurance or securities brokers and salesmen.

- C. Persons soliciting funds or canvassing for purposes permitted under the Act of 1937, June 3, P.L. 1333 (25 P.S. § 2601 et seq.), as amended (Pennsylvania Election Code).
- D. Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county or Borough government, or any agency thereof.
- E. Residents of the Borough under 18 years of age who take orders for and deliver newspapers, greeting cards, magazines, candy and other items on behalf of an organization of a type listed in §13-408 of this chapter.
- F. Persons selling jams, jellies, vegetables, fruits or flowers grown or produced by them and not purchased by them for resale.

### **§13-410 Permitted hours of operation**

- A. Commercial soliciting and peddling shall be limited to the hours of 9:00 a.m. to 6:00 p.m. Monday through Friday in residential areas and during regular business hours in commercial areas.
- B. Charitable soliciting, and soliciting, peddling and other activities by the organizations and individuals exempt from registration under §13-409 of this Chapter shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Monday through Friday, 9:00 a.m. to 7:00 p.m. Saturdays, and 12:00 noon to 5:00 p.m. Sundays and holidays.

### **§13-411 Prohibited acts.**

It is hereby declared to be unlawful and a public nuisance for any person, company, corporation or organization to enter upon the premises of a private residence or business at any time of the day or night for the purpose of conducting any form of soliciting or peddling where the owner or occupant of the residence or business has posted a "No Trespassing" sign or "No Soliciting" sign.

### **§13-412 Violations and penalties.**


This article shall be enforced by the Police Department in an action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not less than \$250.00 and not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.



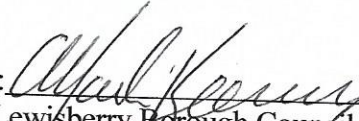
This Ordinance shall be effective immediately upon adoption.


ENACTED AND ORDAINED this 7<sup>th</sup> day of October 7, 2019.

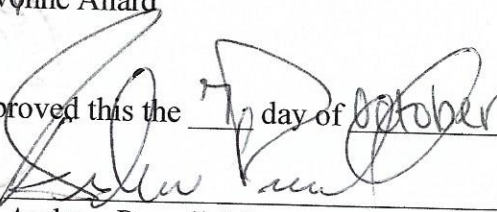
ATTEST:

  
Secretary,  
Yvonne Allard

**BOROUGH OF LEWISBERRY**

By:   
Lewisberry Borough Council President,  
Mark A. Keener

  
Approved this the 7<sup>th</sup> day of October, 2019.

By:   
Andrew Purcell, Mayor