

PEDDLING AND SOLICITING

Chapter 127

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[HISTORY: Adopted by the Borough Council of the Borough of Baldwin 1-21-1985 by Ord. No. 553. Amendments noted where applicable.]

**§ 127-1. Permit or registration required; application; issuance.**

- A. It shall be unlawful for any person, firm or corporation to sell or offer to sell by personal solicitation or by printed or written cards, circulars or any other artifices whatsoever, any goods, wares, merchandise, literary products, magazines, periodicals, fruit, fish, vegetables, produce, oysters, milk or any other article of trade whatsoever from house to house or in the public streets or alleys within the limits of the Borough of Baldwin, or to circulate, distribute, and/or indiscriminately deliver from house-to-house advertising flyers or pamphlets (except in the course of ordinary mail) without first having procured a permit or license from the Department of Police of the Borough of Baldwin for such privileges; and it shall further be unlawful for any person to go upon residential property within the Borough of Baldwin to solicit funds from Borough residents for any religious, charitable, or nonprofit cause by knocking upon residential doors or by ringing door bells so as to cause or attempt to cause residents to open their doors, unless the person doing the solicitation has first registered at the Borough of Baldwin and has received an identification card from the Department of the Police of the Borough of Baldwin. Nothing in this section shall preclude the distribution of political or religious flyers, pamphlets or tracts at no cost, or require that individuals merely engaging in religious or political speech be required to register under this act. **[Amended 3-17-2003 by Ord. No. 775]**
- B. For the protection of the public against fraud and imposition, all persons making sales or soliciting orders of goods, wares or merchandise as set forth heretofore or soliciting funds for any religious, charitable or non-profit cause shall first provide to the Department of Police with the following information in order to obtain an identification card for these purposes. **[Amended 3-17-2003 by Ord. No. 775]**

- (1) Full identification, including proof thereof by a voter's registration card, vehicle operator's license or some other accepted method of identification, with residence and an office address.
  - (2) The name of the organization for which the applicant is soliciting, together with the address of that organization.
  - (3) The length of time that soliciting is to occur in the municipality.
  - (4) A certified Pennsylvania police criminal records check.
- C. The written request or application shall be accompanied by two photographs of the applicant not larger than two inches by two inches, one of which shall be attached to the written request or application and the other to be attached to the certificate given by the Department.
- D. (Reserved)<sup>1</sup>
- E. After examination of the applicant and his application and, where deemed necessary, after verification of the references or other means, the Department of Police may issue to the applicant the required certification.  
**[Amended 6-19-1989 by Ord. No. 607]**

#### § 127-2. Exceptions.

- A. There shall be exempt from the provisions of § 127-1 hereof persons selling personal property at wholesale to dealers in such articles, and the provisions of this chapter shall not apply to newsboys nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this chapter be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of or offer

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<sup>1</sup> Editor's Note: Former Subsection D, regarding the fingerprinting of the applicant, was repealed 6-19-1989 by Ord. No. 607.

to sell, vend or dispose of the products of the farm or garden occupied and cultivated by him; nor shall it apply to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products. Nothing contained in this chapter 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.

- B. In addition, this chapter shall not apply to boys or girls under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scouts and Girl Scouts or similar organizations and take orders for and deliver cookies and the like. **[Amended 3-17-2003 by Ord. No. 775]**
- C. Any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania and who is soliciting funds on behalf of a purely public charity, as the term is defined in the statutes of the Commonwealth of Pennsylvania, is waived from registration under this act, provided, however, such organization shall cause notice to be given to the Department of Police that such person will be soliciting in the Borough of Baldwin. **[Amended 3-17-2003 by Ord. No. 775]**
- D. Any person soliciting funds for a charitable cause which is not within the purview of the Solicitation of Charitable Funds Act and not registered thereunder shall be required to file an application as required under this chapter, except that the Chief of Police may, in his discretion, waive the requirements for the submission of photographs and fingerprinting of the applicant.
- E. Individuals who are seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania

are expressly exempt from registration under § 127-1 hereof. [Added 3-17-2003 by Ord. No. 775]

- F. Any person or individual that is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions is expressly exempt from registration under § 127-1 hereof. [Added 3-17-2003 by Ord. No. 775]

### § 127-3. Identification cards.

Persons regulated by this chapter shall carry their identification cards, which shall be issued by the Chief of Police, at all times while soliciting within the Borough and shall show their identification cards to residents or police when requested in order to identify themselves prior to any actual solicitation of funds. Any loss of such identification card shall be immediately reported to the Department of Police by the person to whom such card was issued.

### § 127-4. Business hours. [Amended 6-19-1989 by Ord. No. 607; 3-17-2003 by Ord. No. 775]

All solicitations carried on by an individual in the case of residential door-to-door or house-to-house calling are restricted in the following manner: No individual shall engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 a.m. or after dusk on any day of the week other than a Sunday or legal holiday, except such business activities as described in § 127-2, Exceptions, Subsections A, B, C, D, E or F, for which business activities there shall be no time or day restrictions.

**§ 127-5. Denial, suspension or revocation of license; appeal. [Amended 3-17-2003 by Ord. No. 775]**

The Baldwin Borough Chief of Police is hereby authorized to deny, suspend or revoke any license issued under this chapter when he/she deems such denial, 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 information upon the application of a license hereunder. Appeals from any suspension, revocation, or denial of a license may be made to the Borough Council at any time within 10 days after suspension, revocation or denial, and a hearing shall be held within 30 days of the petition for appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

**§ 127-6. Charitable, religious or nonprofit causes.**

Solicitation of funds for charitable, religious or nonprofit causes shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours, but those solicitors shall also register at the Borough Building and carry identification cards.

**§ 127-7. Fees.**

A. Every applicant for a license under this chapter who owns real or personal property located within the Borough of Baldwin used primarily for the business for which license application is made and which property is on the tax rolls of the Borough or who is an agent or representative of a person, firm or corporation who owns property located within the Borough used for the business for which license application is made and which property is on the tax rolls of the Borough shall pay the following license fees:

- (1) One dollar per day.

- (2) Four dollars per week.
- (3) Ten dollars per month.
- (4) Fifty dollars per year.

B. Every applicant for a license under this chapter who does not own real or personal property located within the Borough of Baldwin used primarily for the business for which license application is made and which property is not on the tax rolls of the Borough shall pay the license fee of \$10 per day.

**§ 127-8. Noise restrictions.**

No licensee or any person in his or her 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 in the Borough of Baldwin or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

**§ 127-9. Location of business.**

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 operation might impede or inconvenience the public use of such streets or sidewalks.

**§ 127-10. License required for business premises.**

Every person, whether principal or agent, entering into or desiring to conduct a transient retail business in the Borough for the sale of the goods, wares or merchandise and who hires, leases or occupies a room, apartment, store, shop, building or

other place or structure for the exhibition and sale of such goods, wares or merchandise shall, before commencing such business, take out a license to do so from the Chief of Police. The fee for such license shall be \$25 per month or fractional part thereof, and shall be paid monthly in advance to the Department of Police.

**§ 127-11. Definitions.**

For the purpose of interpreting this chapter, words used herein shall have the following definitions:

**CONDUCTING BUSINESS** — The conducting of retail sales of goods, wares or merchandise on the streets or in the homes of the Borough, including solicitations and taking of orders, whether verbal or written. This phrase includes work commonly done by peddlers, hawkers, auctioneers, hucksters or other door-to-door salesmen. It does not include sales of milk or milk products or bakery products.

**TRANSIENT VENDOR** — Includes any person, corporation, partnership, association or any agent thereof who conducts a business in the Borough, either from door-to-door or in any other manner where the vendor does not have either a residence or a business office within the geographic limits of the Borough.

**§ 127-12. Refuse and waste; stopping longer than necessary.**

No transient vendor shall deposit any refuse or waste on the streets or alleys or any private or public property in the Borough, nor may he or she be parked or stopped for a longer time than is necessary for the reasonable conduct of his or her business.

**§ 127-13. Violations and penalties. [Amended 12-19-1985  
by Ord. No. 566]**

Any person, firm or corporation violating any provision of this chapter shall be subject to prosecution before a District Justice and, upon conviction, shall be fined not more than \$300, plus costs of prosecution, or imprisoned for up to 30 days.

**§ 127-14. List of homes not wishing to be solicited.  
[Amended 3-17-2003 by Ord. No. 775]**

Any resident of the Borough of Baldwin may register with the Borough of Baldwin Police Department by signing a registration list or application indicating that such owner or resident of such home does not wish to be solicited. The Borough of Baldwin shall place the name of such individual upon a registration list for the same and provide that individual with a NO SOLICITATION sticker, which that party may display on the upper left-hand side of his or her front door. Any person seeking a licensing permit under the provisions of this chapter shall, in signing the application to obtain the same, agree that he or she will not solicit homes whose owners or residents have signed a registration list which indicates that such owner or resident of such home does not wish to be solicited. Such a list shall be made available to the residents of the Borough and shall be held by the Department of Police, and a copy thereof shall be given to each person obtaining a license and identification card under the provisions of this chapter. In the event that such person soliciting within the boundaries of the Borough shall fail to recognize the wishes of the homeowner or the resident of such home as expressed in the notice, then any such attempt to solicit such home shall result in a revocation of the solicitor's license and identification card after a hearing held before the Borough Council of the Borough of Baldwin.

