

Chapter 91
PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Board of Supervisors of Bear Creek Township at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 91-1. Definitions and word usage.

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

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

SOLICITING — The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery or for subscriptions of contributions upon any of the streets or sidewalks, from house to house, by visitation of private residences or by entering in or upon private property within the said township, and shall further mean the seeking or taking of contracts or orders for home or other building repairs, improvement and alterations and also orders of contracts for any mechanical, electrical, plumbing or heating device or equipment for houses or other building improvements or repairs, upon or from the places aforesaid within the said township.

SOLICITOR — Any person who shall engage in soliciting as hereinabove defined.

B. The words “soliciting” and “peddling” shall not apply to:

- (1) Farmers seeking or taking orders for the sale of their own products.

- (2) The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products.
 - (3) 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.¹
 - (4) The seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania for insurance.
 - (5) Persons, corporations, partnerships and associations, their agency or employees, who have complied with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania of 1963, P.L. 628, as amended,² governing solicitations for charitable, benevolent, patriotic or other purposes.
 - (6) Any person taking orders for merchandise from dealers or merchants for resale to an ultimate consumer.
- C. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 91-2. License required.

No person shall engage in soliciting or peddling in the Bear Creek Township, Luzerne County, Pennsylvania without first having taken out a license as herein provided.

§ 91-3. Application for license.

- A. Every person desiring to engage in soliciting or peddling in said township shall first make application to the Secretary of the Board of Supervisors for a license. If such person shall also be required to obtain a license from any county officer, he shall, on making such application, exhibit a valid county license. The application shall be upon a blank provided by the Township Secretary and shall contain at least the following information verified by oath or affirmation:
- (1) The full name of the applicant and local address, if any.
 - (2) Permanent address.
 - (3) The name of employers or a statement that such applicant is self-employed.
 - (4) The nature of the goods, wares, services or merchandise offered for sale.
 - (5) A statement as to whether or not the applicant has ever been convicted of any crime, and if the answer is in the affirmative, the nature of the offense or offenses and the punishments imposed therein.

¹ Editor's Note: Original Section 1(c)(4), regarding exemption of certain discharged military personnel, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Said Act was repealed April 30, 1986, by P.L. 107, No. 36, § 19. For current provisions, see now 10 P.S. § 162.1 et seq.

- (6) The type of vehicle to be used, if any.
 - (7) Upon request, the applicant shall also submit to fingerprinting and furnish a photograph.
- B. Where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper and verified or affirmed by oath or affirmation by him, and an individual license shall be required for each helper. No license under this chapter shall be transferable from one person to another.

§ 91-4. License fee.

No license shall be issued under this chapter until the sum of two dollars and fifty cents (\$2.50) shall be paid to the Township Secretary, and it shall be for the use of said township. A separate application shall be filed and a separate permit fee shall be paid by each person who shall actually conduct the soliciting or peddling and shall apply where an employee desires to secure licenses for his employees, agents or servants.

§ 91-5. Term of license; renewal.

The license granted pursuant to this chapter shall be valid for thirty (30) days after the date of such license, and upon the expiration of any license, if the person holding the same shall desire to continue or renew soliciting or peddling, he shall be required to file a new application for a permit and pay a new license fee. Such licenses may be issued in advance for consecutive thirty-day periods, not exceeding twelve (12) in number, upon payment in advance of the license fee of two dollars and fifty cents (\$2.50) for each thirty-day period provided in § 91-4.

§ 91-6. License to be displayed.

Such licenses, when issued, shall state, inter alia, the products to be sold or services to be rendered by the licensee. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in said township, carry such license upon his person and shall exhibit it upon request to all police officers, said township officials and citizens. No solicitors or peddler shall engage in selling any product or service not mentioned on such license.

§ 91-7. Hours of activity.

No person licensed as a solicitor or peddler under this chapter shall engage in soliciting or peddling on any day of the week before 8:00 a.m. or after 8:00 p.m. During the time of the year when Eastern standard time is effective the aforesaid hours shall be Eastern standard time, and during the time of the year when Eastern daylight saving time is effective, the aforesaid hours shall be Eastern daylight saving time.

§ 91-8. Operation of vehicles; littering.

No person licensed as a solicitor or peddler under this chapter shall park any vehicle upon any of the streets, highways or alleys of said township in order to sort, rearrange or clean any of his goods, wares, services or merchandise. No such person shall place or deposit any refuse on any such streets, highways or alleys. No such person shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in said township for any longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.

§ 91-9. Regulation of fixed locations.

No person licensed as a solicitor or peddler under this chapter shall occupy any fixed location upon any of the sidewalks of the streets, highways, alleys or sidewalks of said township for the purpose of soliciting or peddling with or without any stand or counter.

§ 91-10. Record and supervision of licenses.

The Secretary shall keep record of all licenses issued under this chapter and the Chief of Police shall apply daily for a list of licenses issued hereunder since the previous day. The Chief of Police shall supervise the activities of all holders of such licenses.

§ 91-11. Suspension or revocation of license.

Any license issued under this chapter may be suspended or revoked at any time by the Secretary of said township upon proof being furnished to him that the application for the license contained false information or the the applicant or licensee was convicted of a crime involving moral turpitude after the issuance of such license and that the licensee was convicted of disorderly conduct under any law of the commonwealth.

§ 91-12. Noise.

No person licensed as a solicitor or peddler under this chapter shall hawk or cry his wares or services upon any of the streets or sidewalks of said township, nor shall he use any loudspeaker, bell, whistle or other device for announcing his presence by which the public is annoyed.

§ 91-13. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined not more than six hundred dollars (\$600.) and costs of prosecution for each offense, or, in default of the payment of such fine and costs, undergo imprisonment in the Luzerne County Prison for a period not exceeding thirty (30) days.