

Chapter 157

PEDDLING AND SOLICITING

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§ 157-1. Definitions.

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

CANVASSER

(1) One who engages in the practice of canvassing- the practice of going from dwelling unit to dwelling unit to;

- (a) Conduct surveys for research purposes (other than those conducted by an agency of the state or federal government);
- (b) to make analyses, to take opinion polls, to compile rating data;
- (c) to obtain or seek contributions for any person or organization or cause
- (d) to advance religious or political causes and proselytizing with regard thereto; or
- (e) to conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including distribution of circulars, but not for commercial activity of any kind.

DOOR-TO-DOOR SOLICIATION

The activity of going onto the premises of other persons, without prior arrangement with the owner or occupant of such premises, for the principal purpose of the sale or taking of orders for future sales for any type of tangible goods, including, but not limited to, books, magazines, or other periodicals, or to enter into any agreement for the provision of services, or any combination of the sale of goods or provision of services, or the distribution of advertising circulars relating to the sale of goods or provision of services.

DOOR-TO-DOOR SOLICITOR

A person engaging in the activity of door-to-door solicitation.

STREET SALES

The activity of a person selling any goods from any type of portable stand or table or in a vehicle located on any street, roadway, or public right-of-way.

For the purposes of section 157-5 only, a "canvasser" shall be considered a "door to door solicitor."

§ 157-2. Permit required for door-to-door solicitations.

A. Any person or organization intending to engage or to cause persons to engage in the activity of door-to-door solicitation, as defined in this Ordinance, prior to commencing such activity shall obtain a permit from Linesville Borough. In the case of an organization, each person engaging in door-to-door solicitation shall be required to obtain an individual permit; the organization may not simply obtain one permit applicable to all persons engaging in door-to-door solicitation on its behalf. Such permit or permits shall be issued only after the person or persons seeking to obtain such permit shall have provided on the application form appropriate information as to the identities and current addresses of all persons that shall be engaged as door-to-door solicitors, which information shall be provided under the penalty of law as provided in 18 Pa.C.S.A. §4904 and shall have completed such registration. In addition, the applicant shall execute an acknowledgement or receipt of the terms of Section 157-5 of this Chapter with respect to private "No Solicitors" or "No Solicitation" or similar signs and shall provide notice to the Linesville Borough of the approximate neighborhoods and location in which the activity is to take place.

B. Every person to whom a permit shall have been issued under this Chapter shall carry the permit on his or her person at all times and exhibit it, upon request, to any police officer or to any person on whom he or she shall call or with whom he or she shall talk.

C. Any person engaging in door-to-door solicitation or any organization employing any door-to-door solicitors that shall engage in such activity without obtaining the required permit shall be in violation of this Chapter and shall be liable for the penalty provided for in section 157-7.

D. The application process shall be completed at the Linesville Borough Office. As part of the application process the Linesville Borough Police

Department shall obtain the applicant's criminal history/record. The applicant shall pay a fee, as set by duly authorized Resolution, to the Linesville Borough for obtaining the applicant's criminal history/record. Alternatively, the applicant may obtain his or her criminal history/record directly from the Pennsylvania State Police and present it to the Linesville Borough as part of the application process. The applicant must also complete a signed verification under penalty of perjury pursuant to 18 Pa.C.S.A. Section 4904 that he or she has no criminal history in any other state or jurisdiction that would be grounds for denial or revocation of a permit pursuant to Section 157-6 of this Chapter

E. The permit fee for each person engaging in door-to-door solicitation shall be TWO HUNDRED DOLLARS (\$200.00) per calendar month or fractional part thereof during which the door-to-door solicitation is continued.

F. The terms of this section shall not apply to

- (1) Solicitations for charitable, benevolent, political or other non-profit purposes.
- (2) Persons defined as "canvassers" herein.
- (3) Bona fide candidates for elective office.

§ 157-3. Time Limitations.

No person shall engage in any door-to-door solicitation and no canvasser shall enter upon the premises of another person prior to 9:00 am or after 7:00 pm prevailing time and only door to door on Monday thru Friday with no soliciting on Saturdays, Sundays, or Holidays.

§ 157-4. Street sales prohibited.

No person shall engage in any "street sales" as defined in this Chapter except with the written permission of the owner or lawful occupant of the property upon which activity is to take place and with the written permission of Linesville Borough.

§ 157-5. Enforcement of "no solicitors" or "no solicitations" signs.

The owner or lawful occupant of any premises within the Borough not desiring to have any or persons enter onto their premises may post on such premises a legible sign stating, "No Solicitors," "No Solicitation," or words of similar meaning. Any door-to-door solicitor or canvasser who shall enter upon the premises in defiance of such sign shall be in violation

of this section and shall be liable for the penalty provided for in Section 157-7.

§ 157-6. Grounds for denial of permit; revocation of permit.

A. A door-to-door solicitation permit shall not be issued to any person who:

(1) Has previously been found guilty of violating any provision of this Chapter

(2) Has been convicted, within the seven years preceding the date of the application for a permit, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.

(3) Who has been convicted of any felony.

B. A door-to-door solicitation permit shall be revoked for any of the following reasons:

(1) Conduct by any permit-holder that constitutes a violation of this Chapter.

(2) A permit-holder going upon premises either posted "no solicitors" or "no solicitation" or words of similar meaning.

(3) Conduct by any permit-holder while on private premises that constitutes a criminal offense or criminal act, including, but not limited to, defiant trespass.

C. If a company or other entity has more than one person engaging in door-to-door solicitation in Linesville Borough, and the permit issued to any one such person is revoked under paragraph B above, the permits for all door-to-door solicitors working for that company shall be revoked.

D. In the event that a door-to-door solicitation permit is revoked under this section, no administrative or other fees shall be refunded to the permit holder.

§ 157-7. Penalty.

Any person violating any provision of this Ordinance shall be guilty of a summary offense and shall, upon conviction, be required to pay a fine of one hundred dollars (\$100) for a first offense and a fine of three hundred dollars (\$300) for any subsequent offense and/or be sentenced to a term

of imprisonment of not more than 90 days. Each and every violation of the Chapter shall be punishable as a separate offense.

§ 157-8. Severability.

In the event that any section, sentence, clause or word of this Chapter shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Chapter.

§ 157-9. Repealer.

All Chapters, Ordinances, or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. This Chapter specifically repeals and replaces the current Chapter 157 "Peddling and Soliciting" of the Code of Linesville Borough.

§ 157-10. Effective date.

This Chapter shall be effective upon enactment.

ENACTED AND ORDAINED this day 14 of September, 2021

Attest:
BOROUGH



Amanda Harper, Secretary/Treasurer
President

LINESVILLE

BY: 
Kevin McGrath,


David Hoogstad, Sr., Mayor