

BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 411

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, DEFINING "PEDDLING" AND "PEDDLER"; REQUIRING A LICENSE TO ENGAGE IN PEDDLING IN THE BOROUGH; PROVIDING FOR A LICENSE APPLICATION AND LICENSE FEES FOR A PEDDLING LICENSE; PROVIDING FOR THE ISSUANCE AND EXHIBITION OF A PEDDLING LICENSE IN THE BOROUGH; SETTING FORTH PERMITTED HOURS OF PEDDLING; PROHIBITING THE USE OF LOUDSPEAKERS; PROHIBITING THE USE OF STREETS AND CURBS FOR PEDDLING; PROHIBITING FIXED LOCATIONS OF PEDDLING; SETTING FORTH PENALTIES FOR VIOLATION; AND SETTING FORTH SEVERABILITY AND REPEALER PROVISIONS

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1. Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Peddler. Any person who shall engage in peddling, as herein defined.

(b) Peddling. Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, or accepting donations directly or indirectly, for any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Borough of St. Lawrence. The term "peddling" shall include soliciting of donations. PROVIDED: the word "peddling" shall not apply (1) to farmers selling their own produce, (2) to 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, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(c) Person. Any natural person, association, partnership, firm, corporation or other entity.

(d) Borough. The Borough of St. Lawrence, Berks County, Pennsylvania.

**Section 2. License Required.** No person shall engage in peddling in the Borough without first having taken out a license as herein provided.

**Section 3. License Application.** Every person desiring to engage in peddling in the Borough shall first make application to the Borough Manager or the designee of the Borough Manager. Upon such application, such person shall give his or her name; any criminal convictions other than for minor traffic violations; local and permanent home address; the name of the person for whom he or she works, if any; the type of goods, wares and merchandise he or she wishes to peddle or organization for which he or she is collecting donations; proof of registration with the Commonwealth of Pennsylvania under the Solicitation of Funds for Charitable Purposes Act; the length of time for which he or she wishes to be licensed; the detailed type of vehicle(s) he or she uses, if any; and the number of helpers he or she has. PROVIDED: where a person makes application for himself or herself and one or more helpers, all applicable personal information specified above shall be given for each helper. No license issued under this Ordinance shall be transferable from one person to another.

**Section 4. License Fees.** No license shall be issued under this Ordinance until the proper fee, as follows, shall be paid to the Manager or the Manager's agent, which shall be for the use of the Borough:

(a) Foot peddler: Five Dollars (\$5.00) per week; Ten Dollars (\$10.00) per month, Thirty Dollars (\$30.00) per year.

(b) Peddler operating from a vehicle: Ten Dollars (\$10.00) per week; Twenty Dollars (\$20.00) per month; Sixty Dollars (\$60.00) per year.

**Section 5. Issuance and Exhibition of License.** Upon making application therefor and paying the proper fee, as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the Borough carry such license upon his person, and shall exhibit such license, upon request, to all police officers, Borough officials and citizens. No peddler shall engage in selling any product or soliciting any contribution not mentioned upon such license nor shall any person having a foot peddler's license operate directly from a vehicle.

**Section 6. Permitted Hours of Peddling.** No person licensed as a peddler under this Ordinance shall engage in peddling at any time on a Sunday, or upon any other day of the week before nine o'clock (9:00) A.M., prevailing time, or after eight o'clock (8:00)P.M., prevailing time.

**Section 7. Loudspeakers Not Permitted.** No person licensed as a peddler under this Ordinance shall hawk or cry his or her wares upon any of the

streets or sidewalks of the Borough, nor shall he or she use any loud speaker, horn or any other sound amplification device for announcing his or her presence.

**Section 8. Use of Streets and Curbs.** No person licensed as a peddler under this Ordinance shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, re-arrange or clean any of his or her goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may 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 sell or distribute therefrom to persons residing in the immediate vicinity.

**Section 9. Fixed Locations Not Permitted.** No person licensed under this Ordinance shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter.

**Section 10. License Records; Supervision.** The Manager or the Manager's agent shall keep a record of all licenses issued under this Ordinance, and the Manager or the Manager's agent shall notify the police department of each license issued on the date it is issued. The Manager and the Chief of Police shall supervise the activities of all holders of such licenses.

**Section 11. License Suspension.** The Manager of the Borough is hereby authorized to suspend any license issued under this Ordinance when he or she deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license hereunder.

**Section 12. Penalties.** Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, and, in default of payment thereof, to imprisonment for not more than sixty (60) days.

**Section 13. Severability.** The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provision not been included therein.

**Section 14. Repealer.** All ordinances or parts of ordinances of this Borough which are inconsistent herewith are hereby repealed.

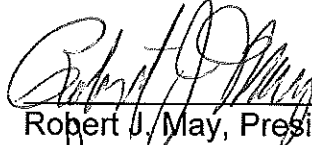
**Section 15. Effective Date.** This Ordinance shall become effective on

the earliest date allowed by law.

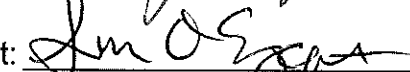
DULY ENACTED AND ORDAINED this 9<sup>th</sup> day of December, 2010.

BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA

By:

 12/09/10  
Robert J. May, President of Council

Attest:

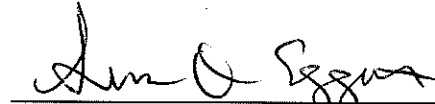
  
Susan D. Eggert, Borough Secretary

Approved as an Ordinance this 9<sup>th</sup> day of December, 2010:

By:

  
Michael C. Fritz, Mayor

I certify that this is a true and correct copy of an Ordinance adopted by the  
Borough of St. Lawrence, Berks County, Pennsylvania on December 9, 2010.

  
Susan D. Eggert, Borough Secretary