

Chapter 13

Licenses, Permits and General Business Regulations

Part 1

Transient Retail Businesses

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Part 1**Transient Retail Businesses****§13-101. Definitions.**

For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

Canvass—the act of going upon property or approaching people to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

Canvasser—a person who engages in canvassing.

Canvassing—to canvass.

Peddle—the act of going upon property or approaching people to sell goods, services or products.

Peddler—a person who engages in peddling.

Peddling—to peddle.

Person—any natural person, corporation, association or organization.

Solicit—the act of going upon property or approaching people to ask for, request or seek monetary contributions, donations or support.

Soliciting—to solicit.

Solicitor—a person who engages in soliciting.

The singular shall include the plural and the masculine shall include the feminine and neuter.

(Ord. 2014-01, 10/2/2014)

§13-102. Registration Required.

1. It shall be unlawful for any person to go upon residential property within the Borough of Hunker, without being invited to do so by the owners or occupants of the subject property, to peddle and/or solicit Borough residents by knocking upon residential doors, or by ringing doorbells, or otherwise so as to cause or attempt to cause residents to open their doors unless the person doing the peddling and/or soliciting activity has first registered at the Borough Building and has received an identification card from the office of the Chief of Police of the Borough of Hunker.

2. The following individuals shall be exempt from the registration requirement set forth in subsection .1, above and the identification card requirement of §13-103 below:

A. Children under 18 years of age soliciting or peddling on behalf of a nonprofit, school or governmental organization.

B. Persons soliciting on behalf of a non-profit or neighborhood organization for either donations to, or membership in, such organization.

3. No identification card shall be issued to a peddler or solicitor unless the

following information is given by the applicant:

A. Full identification, including proof thereof by voter's registration card, vehicle operator's license or some other accepted method of identification, containing applicant's photograph, residence and office address.

B. The name of the organization for which the applicant is peddling and/or soliciting, together with the address of that organization.

C. The length of time the peddling and/or soliciting is to be carried on.

D. Any criminal record which the applicant may have.

4. Fees for registration under this Part shall be established, from time to time, by resolution of the Borough Council.

(Ord. 2014-01, 10/2/2014)

§13-103. Identification Card.

Peddlers and/or solicitors regulated by this Part shall carry their identification card, which shall be issued by the Chief of Police without charge, at all times while peddling and/or soliciting within the Borough and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities.

(Ord. 2014-01, 10/2/2014)

§13-104. Hours.

All peddling, soliciting and/or canvassing activities shall, in the case of residential door-to-door or house-to-house calling, be restricted to the following hours:

A. From November 1 through March 31: between the hours of 9 a.m. to 5 p.m., prevailing time, including Saturdays and Sundays.

B. From April 1 through October 31: between the hours of 9 a.m. to 9 p.m., prevailing time, including Saturdays and Sundays.

(Ord. 2014-01, 10/2/2014)

§13-105. Denial of Card; Revocation.

In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she maybe denied an identification card or the identification card may be revoked or canceled by the Borough Council after a hearing before the Borough Council. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or here identification or the identity of the organization for which the peddling and/or soliciting is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Borough Council after a hearing before the Borough Council.

(Ord. 2014-01, 10/2/2014)

§13-106. Solicitation at Businesses.

Soliciting shall be permitted at any business establishment and upon any business properties, such as shopping center parking lots, during normal business hours, as long as the solicitors receive written permission from the owner of the subject business or

property and comply with the registration, identification card and hour restrictions referenced in this Part.

(Ord. 2014-01, 10/2/2014)

§13-107. No-Soliciting/Peddling/Canvassing List.

1. Borough residents may post or display “No Soliciting/Peddling/Canvassing” or similar signs, not to exceed 80 square inches in size, on the front door of their dwelling or residence. It shall be a violation of this Part for any peddler, solicitor and/or canvasser to go upon any property that the owner or resident has posted a “No Soliciting/Peddling/Canvassing Sign.”

2. The Chief of Police shall maintain a list of the addresses of Borough residents who have notified the Chief of Police in writing that they do not wish peddlers and/or solicitors to enter upon their property. A copy of this “No Soliciting/Peddling List” shall be provided along with and as part of any identification card issued under this Part. It shall be a violation of this Part for a peddler and/or solicitor to go upon any property listed on the “No Soliciting/Peddling List.”

3. Violations of this Section are subject to the penalties set forth in §13-108 hereof, in addition to any other appropriate actions in law or equity, including prosecution for criminal trespass pursuant to the Pennsylvania Crimes Code, 18 Pa.C.S.A. §3503, as amended.

(Ord. 2014-01, 10/2/2014)

§13-108. Violations and Penalties.

1. Any individual, firm, corporation or entity who violates, causes or permits the violation of any provision of this Part shall be subject to a criminal fine of not less than \$100 nor more than \$1,000 per violation plus court costs, including reasonable attorney's fees incurred by the Borough, and in default of payment of said fines and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of the Part found to have been violated. Enforcement of this Part shall be by action brought before the magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In addition to any other remedy available under law, the Borough may enforce this Part by an action in equity. All fines and penalties collected for violation of this Part shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector, the Zoning Officer, the Code Enforcement Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

(Ord. 2014-01, 10/2/2014)

