

**BROOKHAVEN BOROUGH**  
**DELAWARE COUNTY, PENNSYLVANIA**  
**ORDINANCE No. 796**

AN ORDINANCE OF BROOKHAVEN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA ESTABLISHING REGULATIONS PERTAINING TO DOOR-TO-DOOR SOLICITATION IN THE BOROUGH, ESTABLISHING LISCENSE PROCEDURES AND FEES, SETTING TIME LIMITATIONS UPON SOLICITATION, REQUIRNING MONTHLY REPORTS TO COUNCIL REGARDING PERMITS, ESTABLISHING EXEMPTIONS FROM THE PERMIT REQUIREMENT, AND REPEALING ALL ORDINANCES, RESOLUTIONS AND PARTS OF ORDINANCES OR RESOLUTIOSN INCONSISTENT HEREWITH.

WHEREAS, Brookhaven Borough Council is charged with maintaining the health, safety and welfare of Borough residents; and

WHEREAS, in furtherance of that obligation, this Council deems it appropriate to establish new laws with regard to door-to-door solicitation within the Borough.

NOW, THEREFORE, be it ORDAINED, that:

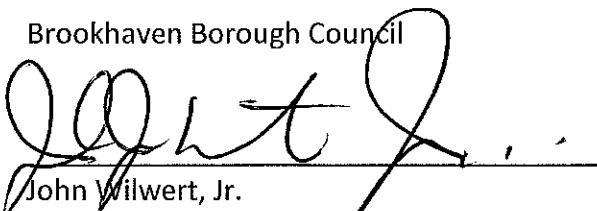
1. Regulation of door-to-door solicitation. The regulations attached hereto as Exhibit A are hereby established as the law of the Borough with regard to door-to-door solicitation.

2. Repealer. All ordinances, reolutions and parts of ordinances and resolutions are hereby repealed to the extent of their inconsistency with the regulations established in Exhibit A. Chapter 828 of the Brookhaven Borough Code is specifically repealed and replaced by the regulations established in Exhibit A.


ENACTED AND ORDAINED, this 1st day of May 2017.

Attest:

Mary Ellen McKinley  
Mary McKinley  
Borough Secretary

Brookhaven Borough Council  
  
John Wilwert, Jr.  
President

EXAMINED AND APPROVED THIS 1<sup>st</sup> DAY OF MAY 2017.

By:   
Michael Hess, Mayor

## CHAPTER 828

### Peddlers and Solicitors

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| 828.01 Activities described; license required. | 828.07 Use of whistles, horns, etc.             |
| 828.02 Effective period of licenses.           | 828.08 Display of license.                      |
| 828.03 License fee.                            | 828.09 Reports to Council.                      |
| 828.04 License application.                    | 828.10 Suspension and/or Revocation of License. |
| 828.05 Transferability of licenses.            | 828.11 Rules of Conduct.                        |
| 828.06 Business hours                          | 828.12 Exemptions.                              |
|  | 828.99 Penalty.                                 |

### CROSS REFERENCES

Power to license and regulate peddling – see Borough Code 1202(20)  
(8 Pa.C.S. 1202 (20))

License fee exemptions – see Borough Code 2901, 2904 et seq.  
(8 Pa.C.S. 2901, 2904)

Power to license transient retail business – see Borough Code 2901 (8 Pa.C.S. 2901)

Transient merchants – see B.R.&T. Ch. 836

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#### 828.01 ACTIVITIES DESCRIBED; LICENSE REQUIRED.

No person shall, without first having made application to the Borough Secretary for the license herein required and paid the fee herein required, do any of the following acts or engage in any of the following activities within the Borough:

- A. Conduct, whether as principal or agent, a transient retail business for the sale of any goods, wares or merchandise of any kind;
- B. Canvass from house to house for the purpose of selling or offering for sale or taking orders for the sale of any goods, wares, or merchandise of any kind, or books, periodicals or other publications of any kind;
- C. Hawk, huckster or peddle any goods, wares or merchandise of any kind;
- D. Engage in the business of buying or collecting, itinerantly along the streets of the Borough or from house to house, any refuse or discarded materials of any kind; or
- E. Canvas from house to house for the purpose of soliciting donations, contributions or gifts for any purpose whatsoever except those exempted by Section 828.12 herein.

#### 828.02 EFFECTIVE PERIOD OF LICENSES.

The license required by Section 828.01 shall be void and of no effect following 60 (sixty) days from the date of issuance thereof.

#### 828.03 LICENSE FEE.

The fee for the license required by Section 828.01 shall be as set forth in Section 208.03(d) of the Administration Code. All fees herein required shall be collected by the Secretary of the Borough and paid into the Treasury of the Borough.

#### 828.04 LICENSE APPLICATION.

A. The application for a license required by Section 828.01 shall be made upon a form that shall be available from the Borough Secretary. Any person desiring to obtain a license to engage in the activities herein shall make application therefor, in person, to the Borough Secretary no more than thirty (30) days and no less than ten (10) days prior to the date of the proposed sale.

B. The applicant shall, together with his/her application, submit to the Borough Secretary his/her photograph and the applicant's criminal history report, obtained from the applicant's State of residency and dated no more than ninety (90) days before the date of the application, a copy of his/her state-issued photo identification, a 2x2 photograph taken no more than thirty (30) days prior to the date of the application and shall pay the fee as set forth under Section 828.03 of this Chapter.

C. Upon submission of said application together with the supporting documentation as provided herein and fee as aforesaid, the Borough Secretary, after approval by the Chief of Police, may deny the issuance of a license for cause in the case of any person not satisfying the provisions of this Chapter; or in the event that the conduct of the proposed soliciting and/or peddling would be injurious to the public health, safety or general welfare; or in the event that the background check indicates that the applicant has been convicted of any felony or misdemeanor who is still under court-ordered supervision of any kind as a result of said conviction(s); otherwise the Borough Secretary shall issue a license to the applicant.

#### 828.05 TRANSFERABILITY OF LICENSES.

The license issued under the provisions of this chapter shall not be transferable.

#### 828.06 BUSINESS HOURS.

None of the acts or activities requiring a license under this chapter shall be carried on before the hour of 10:00 am and no more than one-half hour before sunset or no later than 7:00 pm (whichever is earlier) unless such peddler or solicitor has been specifically invited to a house by the occupant or having made an appointment with such person previously.

#### 828.07 USE OF WHISTLES, HORNS, ETC.

No person procuring a license under this chapter shall be permitted to use any whistle, horn, siren or other noise or signal to attract attention to his business.

#### 828.08 DISPLAY OF LICENSE.

Police Officers and Special Policemen of the Borough shall arrest any person who fails to show a license issued under authority of this chapter when requested to do so by such Officer or Special Policeman.

#### 828.09 REPORTS TO COUNCIL.

The Secretary of the Borough shall prior to each Council Meeting, send to Council a list of all persons to whom licenses have been granted since the last report to Council, which list shall contain the names of the persons to whom licenses have been granted, their addresses and the character of goods, wares and merchandise which the licensee is entitled to sell or solicit.

#### 828.10 SUSPENSION AND/OR REVOCATION OF LICENSE.

A. The Borough Secretary, after approval by the Chief of Police, may suspend or revoke at any time any license issued under this Chapter if there is a determination that:

(1) The application for the license contained false information.

(2) The Licensee has been soliciting and/or peddling within the Borough in a manner which is injurious to the public health, safety or general welfare.

(3) The Licensee has been convicted of a felony or a misdemeanor and is under court-ordered supervision of any kind.

(4) For just cause.

B. Notice of revocation shall be given by written notice personally served or sent by certified mail to the Licensee's current address with a copy to the Employer as listed in the application for license.

C. Any person whose license has been revoked shall be entitled to appear, if he/she so desires, before the Borough Council at a regular or special meeting and be heard with regard to a request for reinstatement of his/her license.

D. A violation of this section shall render the applicant liable to the penalty as set forth in Section 828.99.

#### 828.11 RULES OF CONDUCT.

Every person to whom a license has been issued hereunder shall, in the carrying on of his/her business or activities in the Borough, comply with the following rules of conduct:

A. He/She shall carry his/her license card at all times and exhibit it upon request to any Police Officers or Special Policemen of the Borough or any person upon whom he/she shall call or with whom he/she shall talk in carrying on his/her licensed activities.

B. He/She shall not permit any other person to have possession of his/her license card and shall immediately report its loss to the Borough Secretary.

C. He/She shall not cause or permit his/her license card to be altered or defaced.

D. He/She shall follow established walkways, driveways, or pathways only and seek entrance to a dwelling or business by the primary entrance to such dwelling or business.

E. He/She shall not enter or attempt to enter any dwelling house or business in the Borough without invitation or permission of the occupant and shall immediately leave any premises upon request.

F. He/She shall not represent his/her license card to be an endorsement of himself/herself or of his/her goods or services or of the goods or services of his/her principal employer.

G. He/She shall immediately surrender his/her license card upon revocation of his/her license as hereinbefore provided.

H. He/She shall comply with "No Soliciting" notices on any property or business in the Borough.

828.12 EXEMPTIONS.

A. The following persons are exempted from the licensing fees required of this Chapter; however, such persons shall complete the license application and provide the application to the Borough Secretary:

(1) Persons soliciting contributions in behalf of organizations or nonprofit corporations or a political entity for the purpose of political canvassing exempted from the provisions of or duly registered with the State of Pennsylvania pursuant to 10 P.S. 162-1 et seq., as amended, who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation or political entity. ☐

(2) Persons soliciting funds or canvassing for purposes permitted under the Act of 1937, June 3, P.L. 1333 (25 P.S. § 2601 et seq.), as amended.☐

(3) Authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for the federal, state, county, or Brookhaven Borough government, or any agency thereof. Also exempt shall be authorized persons, carrying satisfactory identification, engaged in making surveys or collecting information for any bona fide educational or quasi-governmental agency, if such activity has previously been approved by the Borough Council.

B. In an effort to ensure pedestrian safety and maintain the efficient flow of traffic, no person, firm, or corporation exempt from licensing under this section shall distribute flyers, solicit funds, or can on any roadway, medial barrier, berm, shoulder, or traffic way within Brookhaven Borough.

C. Any person who is exempt under this subsection or any person who is engaged in political canvassing shall only conduct such activities no earlier than 10:00 a.m. and no later than one-half hour before sunset or 7:00 p.m. (whichever is earlier) and shall comply with the "Rules of Conduct" of Section 828.11 herein.

828.99 PENALTY.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof before a District Justice, be subject to a penalty or fine of not more than \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for a term not exceeding thirty (30) days, for each such violation.

**BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA  
SOLICITING AND/OR PEDDLING LICENSE APPLICATION**

*This Application shall be filled out by the applicant in person at the Brookhaven Borough Secretary's Office during normal business hours. The Application shall be deemed complete upon receipt and verification of required documents.*

*Required documents include 1) a completed application; 2) the Applicant's criminal history report, obtained from the Applicant's State of residency and dated no more than ninety (90) days before the date of the application; 3) a copy of the Applicant's state-issued photo identification; and 4) a 2x2 inch photo taken within thirty (30) days of the date of the Application. This Application will be approved or disapproved five (5) days prior to the start date of sale, providing all requirements are met. The Application form shall be submitted to the Borough no more than thirty (30) days and no less than ten (10) days prior to the day of the proposed sale.*

**I. Personal Information:**

Applicant's Legal Name: \_\_\_\_\_

Property Owner's Name (for Sidewalk/Street Sale Location): \_\_\_\_\_

Applicant's Current Address: \_\_\_\_\_

Applicant's Permanent Address (if different from above): \_\_\_\_\_

Contact Phone #: \_\_\_\_\_ Phone#/Night: \_\_\_\_\_

Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

**II. Criminal Record Information:**

\_\_\_\_\_ I do \_\_\_\_\_ I do not have a previous criminal record . **A copy of your Official Criminal History is required with your application.** In addition, please list below all misdemeanors, felonies or violations for which you have convicted. Please use the back of this page if additional space is needed.

Offense: \_\_\_\_\_ Year Charged: \_\_\_\_\_ Place Charged (City/State): \_\_\_\_\_

Disposition: \_\_\_\_\_

**III. Vehicle Information:** A copy of your State Issued Driver's License or State Issued Identification is required with your Application. If a vehicle is to be used, please complete the below:

Title #: \_\_\_\_\_ Plate # and State: \_\_\_\_\_ VIN#: \_\_\_\_\_

Make, Model and Year of Vehicle: \_\_\_\_\_

**IV. Employer Information:**

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Please state in the space provided below the purpose of the proposed soliciting and/or peddling as well as a description of the nature of any goods, wares, devices, articles, subscriptions, contributions, contracts or services to be offered for sale or provided or for which you wish to solicit in the Borough: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brookhaven Mercantile Tax Number: \_\_\_\_\_

PA State Sales Tax Number: \_\_\_\_\_

Municipalities where you within two (2) years preceding the date of this application did conduct soliciting and/or peddling : \_\_\_\_\_

**V. Insurance Information:**

Company Liability Insurance Carrier/Policy #: \_\_\_\_\_

Insurance Home Office Phone #: \_\_\_\_\_ Insurance Agent's Phone #: \_\_\_\_\_

**VI. Applicant Certification:** I hereby certify the above information is true and correct and I further understand that any falsifications of the above information or failure to complete the application and provide the required additional information as stated above in totality will be grounds for the denial of the permit.

Date: \_\_\_\_\_ Applicant's Signature: \_\_\_\_\_

**OFFICE USE ONLY**

Date Application Received: \_\_\_\_\_

\_\_\_\_\_ APPROVE \_\_\_\_\_ DENY

Borough Secretary's Signature: \_\_\_\_\_ Date: \_\_\_\_\_