(412) 628-1340

BOROUGH OF SOUTH CONNELLSVILLE,

FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 205

ADOPTED

AN ORDINANCE OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA TO CONTROL AND CORRECT CERTAIN CONDITIONS CONNECTED WITH THE ACTIVITIES OF PERSONS ENTERING UPON PRIVATE RESIDENTIAL PROPERTIES FOR THE PURPOSE OF SOLICITING, AS HEREIN DEFINED. THE BOROUGH COUNCIL HAVING FIRST DETERMINED THAT SOLICITING CAN AND DOES LEAD TO CRIME, FRAUD AND INVASION OF THE PRIVACY OF BOROUGH RESIDENTS IN THE QUIET ENJOYMENT OF THEIR HOMES BEFORE AND AFTER NORMAL WORKING HOURS. THE ORDINANCE IS ALSO DESIGNED TO PREVENT SIMILAR ABUSES BY TRANSIENT MERCHANTS.

BE IT HEREBY ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF SOUTH CONNELLSVILLE, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

SECTION 101 - DEFINITIONS

When used in this Ordinance, the following terms shall have the following meanings:

LEGAL HOLIDAY - shall include New Years Day, Memorial Day, Independence Day, Veterans Day, Thanksgiving Day and

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Christmas Day.

PERSON - any natural person, partnership, association, corporation, other legal entity, or agent thereof.

SOLICITOR - shall include any person:

(a) who goes from private house to house, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers;

(b) who goes from private house to house, soliciting or attempting to take orders from individuals for sale of goods, ware or merchandise, including magazines, books, periodicals or personal property of any nature, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders;

(c) who goes from private house to house soliciting or canvassing, or soliciting donations of money for themselves or for any organization for any purpose, whether or not anything of value is given in return.

TRANSIENT MERCHANT - shall include any person, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a market stand, or a private residence, for the sale of goods, wares, merchandise or to offer or expose the same for sale or for future delivery and sale. (Temporarily and short time shall be construed as three (3) months or less).

CHARITABLE ORGANIZATION - an organization which has been granted an exemption by the United States Internal Revenue Service under Section 501 (c) or Section 509 (a) of the Internal Revenue Code.

SECTION 102 - LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE

No person shall engage in any act as a Solicitor or Transient Merchant within the Borough of South Connellsville, without first having obtained from the Borough Secretary a

license, for which a fee, which shall be for the use of the Borough, shall be charged, as established by Resolution of the Borough Council:

Five and 00/100 ($5.00) Dollars for one (1) day;

Fifteen and 00/100 ($15.00) Dollars for one (1) week;

Thirty and 00/100 ($30.00) Dollars for one (1) month; and

One Hundred and 00/100 ($100.00) Dollars for one (1) year.

SECTION 103 - EXCEPTIONS

No license fee shall be charged:

(a) to farmers selling their own produce;

(b) for the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds from which are to be applied to any charitable or philanthropic purpose;

(c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat

products, or milk and milk products;

(d) to children under the age of eighteen (18) years who take orders for and deliver newspapers, greeting cards, candy, bakery products, and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations;

(e) to any honorably discharged member of any of the armed services who complies with the Act of 1987, April 8, P. L. 50, 60 P. S. Section 61 (1982), hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate in pursuance of the Act of 1867;

(f) to the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania;

(g) to any person who has complied with the provisions of the Solicitors of Charitable Funds Act, August 9, 1963, P. L. 628, 10 P. S. Section

160-1 to 160-17 (1982), as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania; or

(h) for taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who own and operate a business in the Borough of South Connellsville.

But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Secretary and obtain a license without fee. It shall be unlawful for any solicitor or transient merchant, as defined in Section 101 of this Ordinance to engage in any such business within the Borough of South Connellsville without first obtaining a license therefor in compliance with the provisions of this Ordinance.

SECTION 104 - LICENSE APPLICATION

1. Every person deserving a license under this Ordinance shall first make application to the Borough Secretary or her designated agent, for such license. The applicant shall, when making such application, exhibit a valid license from any

state or county officer, if such license is also required. The applicant shall state:

(a) name and physical description of applicant;

(b) complete permanent home and local address of the applicant;

(c) name and address of the person by whom he is employed;

(d) a brief description of the nature of the business and the goods to be sold or the organization on behalf of which funds are solicited;

(e) length of time for which license is to be issued;

(f) type and license number of the vehicle to be used, if any, and

(g) a statement as to whether or not the applicant has been convicted of any felony or crime involving moral turpitude.

2. This application completed as to all matters required shall be turned over to the Borough Secretary, together with the initial fee to cover the expenses of investigation, payable to the Borough of South Connellsville; said fee to be established by Resolution of the Borough Council.

SECTION 105 - ISSUANCE OF LICENSE; CUSTODY, DISPLAY OR EXHIBIT

Upon receipt of such application and the prescribed fee, the Borough Secretary, if she shall find such application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the Borough of South Connellsville.

SECTION 106 - PROHIBITED ACKO LAW LVD. A 15425 O

No person in the act as a solicitor or transient mer-

chant shall:

(a) sell any product or type of product not mentioned in his license;

(b) hawk or cry his wares upon any of the streets, alleys, sidewalks, or public grounds in the Borough;

(c) when operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity;

(d) solicit at any private residence exhibiting a sign reading "No Solicitors" or words of the same meaning, which are conspicuously displayed near their entrance walk or doorway;

(e) engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9:00 o'clock A. M. prevailing time or after 5:00 o'clock P. M. on any day of the week other than a Sunday or legal holiday.

SECTION 107 - SUPERVISION; RECORDS AND REPORTS

The Borough Secretary shall supervise the activities of all persons holding licenses under this Ordinance. She shall keep a record of all licenses issued hereunder, and shall make a report thereof each month to the Borough Council.

SECTION 108 - SUSPENSION AND REVOCATION OF LICENSE

The Borough Secretary is hereby authorized to deny, suspend or revoke any license or application under this Ordinance when she deems such suspension or revocation to be beneficial to the public health, safety, or morals, for violation of any provision of this Ordinance, or for giving false information upon any application for a license hereunder.

SECTION 109 - APPEALS

Any person aggrieved by the action of the Borough Secretary or her designee in the denial of an application approval as provided in Section 105 of this Ordinance, or in the action of the revocation provided in Section 108 of this Ordinance, shall have the right of appeal to the Borough Council. Such appeal shall be taken by filing with the Borough Council,

within ten (10) days after revocation or suspension, a written statement setting forth fully the grounds for the appeal. Hearings shall be governed by the Local Agency Law. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

SECTION 110 - EXPIRATION OF LICENSE

All licenses expire on the date specified on the license.

SECTION 111 - VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than Three Hundred and 00/100 ($300.00) Dollars; and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION 112 - SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of

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this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall stand notwithstanding the invalidity of any part.

SECTION 113 - CONFLICTING ORDINANCES REPEALED

All Ordinances or parts of Ordinances which are in conflict with the provisions of this Ordinance are hereby repealed in the extent of such conflict.

SECTION 114 - ENACTMENT

This Ordinance shall take effect immediately upon its enactment.

ORDAINED AND ENACTED BY THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, ON THE 11 DAY OF August, 1987.

BOROUGH OF SOUTH CONNELLSVILLE

BY: Carl McElhaney, Jr.
Carl McElhaney, Jr., President

ATTEST:

Jayne Burrell
Secretary