

Chapter 137

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Upland: Art. I, 9-16-1969 as Ch. 29, Art. I, of the 1969 Code; Art. II, 6-3-1980 as Ord. No. 2-1980 (Ch. 29, Art. II, of the 1969 Code). Amendments noted where applicable.]

ARTICLE I

Licensing Requirements

[Adopted 9-16-1969 as Ch. 29, Art. I of the 1969 Code]

§ 137-1. License required. [Amended 12-16-1981 by Ord. No. 12-1981¹]

From and after the passage and approval of this Article, it shall be unlawful for any person or persons, firm or corporation, either directly or indirectly, to sell or offer to sell within the Borough of Upland, as a hawker, peddler, transient retail merchant or agent, any produce, flowers, fruit, vegetables, fish, oysters, groceries, garden or dairy products, foodstuffs or any other kind of goods, wares or merchandise whatsoever from house to house or from a temporary store or other structure, as well as any movable vehicle, at retail within the limits of said borough, without first obtaining a license for such purpose from the Borough Manager and paying therefor the sum as set forth from time to time by resolution of the Borough Council, provided that the fee shall not apply to farmers selling their own produce, any person selling goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose or to any manufacturer or producer in the sale of bread and bakery products or milk or milk products, except ice cream and other frozen desserts.

§ 137-2. Period of validity.

Any license issued under this Article shall be valid for the period January 1 to December 31 of the year in which it is issued and shall automatically expire on December 31 of the year it is issued without regard to its date of issue. There shall be no pro rata apportionment of the license fee for a portion of a year.

§ 137-3. Denial of license.²

The Borough Manager may, for good and sufficient cause, decline to issue such license, but the applicant, in the event of such refusal, shall have the right to appeal to the entire Council for such permit. If the Borough Council refuses to grant the application, there shall be no further appeal.

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 137-4. License restrictions.

Each license shall particularly specify the time for which it is granted and the business the applicant desires to carry on.

§ 137-5. License fee.

All license fees under this Article shall be paid to the official issuing the license, who shall pay such money to the Borough Treasurer.

§ 137-6. Soliciting alms.³

It shall also be unlawful for any person or persons to solicit alms for any purpose without first obtaining written consent of the Borough Manager, it being understood that such authority may be given without charge and shall not be considered a license under the terms of this Article.

§ 137-7. Failure to comply; violations and penalties. [Amended 7-12-1988 by Ord. No. 7-1988⁴]

Any person or persons failing to obtain a license as required by this Article, or permit under § 137-6 hereof shall, upon conviction thereof before the District Justice of the County of Delaware, forfeit and pay a fine not exceeding six hundred dollars (\$600.) nor less than the amount required for a license, to such person or persons with the costs of suit, and in default of payment thereof, the District Justice may, in his or her discretion, commit the offender to prison for a period not exceeding thirty (30) days.

ARTICLE II

Rules and Regulations

[Adopted 6-3-1980 as Ord. No. 2-1980 (Ch. 29, Art. II, of the 1969 Code)]

§ 137-8. Request for permit required in advance.⁵

All persons intending to solicit contributions from the public in the Borough of Upland or any persons intending to vend any goods within the Borough of Upland shall make their requests twenty-four (24) hours in advance to the Borough Manager. If more than one (1) day is required, the right to grant or refuse such permit shall be within the discretion of Borough Council. The cost of the permit is to be as set forth from time to time by resolution of the Borough Council.

§ 137-9. Information required from applicant; hours; showing permit; violations and penalties.

A. The borough may require the following information from the applicant:

3. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

4. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

5. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (1) The name of the person and the purpose for which he or she is soliciting.
 - (2) The principal address of the person or persons soliciting and proper identification of the same.
 - (3) A description of the manner in which the person is organized and proof of its tax-exempt status if the permit is for a charitable organization.
 - (4) Whether the applicant intends to solicit from the public directly or to have such done on its behalf by others.
 - (5) The name or names under which it intends to solicit.
 - (6) Whether the applicant or applicants have ever been convicted of any crime in the Commonwealth of Pennsylvania.
- B. No soliciting shall be done in the Borough of Upland before 9:00 a.m. or after 5:00 p.m. or on Sunday.
- C. Every licensed person shall carry the permit at all times while soliciting in the borough and shall show it upon request to police, borough officials or to anyone solicited.
- D. Any person violating any provisions of this Article shall, upon conviction before a District Justice, be subject to a fine of six hundred dollars (\$600.) and costs or thirty (30) days' imprisonment in default of payment thereof.⁶
- E. Any license may be revoked or suspended if the person is found to be guilty of disorderly, immoral or illegal conduct or has violated any regulations or ordinances of the borough.

⁶. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.