



# BOROUGH of MILLVALE

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## PEDDLING & SOLICITATION PERMIT APPLICATION

*BOROUGH OF MILLVALE CODE CHAPTER 205 – ORDINANCE NO. 2360*

**FEES: \$10/day, \$30/week, \$75/month, \$250/year**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

<b>APPLICATION DATE:</b>			
CHECK ONE:	<input type="checkbox"/>	PEDDLING	<input type="checkbox"/>
			SOLICITING
DATE SOLICITATION WILL BEGIN:		DATE SOLICITATION WILL END: (MAXIMUM 365 DAYS)	
TIME OF SOLICITATION:		LOCATION OF SOLICITATION:	
HOW MANY SOLICITORS WILL BE USED?		VOLUNTARY WORKERS	PAID WORKERS
TYPE OF GOODS, WARES, MERCHANDISE OR SERVICES YOU WISH TO PEDdle – OR – THE PURPOSE AND PERTINENT DETAILS OF THE PROPOSED SOLICITATION YOU WISH TO MAKE:			
WILL YOU OFFER FREE GIFTS OR LITERATURE TO ENTICE ANY DONATIONS OF ANY KIND:			YES NO
IF YES, EXPLAIN IN DETAIL:			

APPLICANT INFORMATION			
NAME:		SEX:	FEMALE MALE
DOB:	AGE:	DRIVER'S LICENSE #:	STATE:
HOME ADDRESS:			
EMAIL:	PHONE #:	CELL PHONE #:	
HAVE YOU EVER BEEN CONVICTED OF A FELONY, MISDEMEANOR OR CRIME OF ANY KIND:			YES NO
EACH WORKER MUST FILE AN APPLICATION AND OBTAIN A SEPARATE PERMIT. PERMITS ARE NOT TRANSFERABLE TO ANOTHER PERSON. PERMITS MUST BE CARRIED AT ALL TIMES, AND YOU SHALL EXHIBIT SUCH PERMIT UPON REQUEST TO ALL POLICE OFFICERS, BOROUGH OFFICIALS, AND CITIZENS. SOLICITATION IS PROHIBITED AT BUSINESSES OR HOMES WITH NO SOLICITATION SIGNS.			

VEHICLE INFORMATION		
VEHICLE MAKE:	MODEL:	COLOR:
LICENSE PLATE #:	STATE:	

ORGANIZATION INFORMATION	
ORGANIZATION NAME:	TYPE OF ORGANIZATION:
EIN / FEIN #:	
PERSON IN CHARGE OF SOLICITORS - NAME:	
ADDRESS:	
BUSINESS EMAIL:	BUSINESS PHONE #:

# PEDDLING & SOLICITATION PERMIT APPLICATION

APPLICATION CHECKLIST
<b>INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED</b>
<input type="checkbox"/> COMPLETED AND SIGNED APPLICATION
<input type="checkbox"/> 2 INCH BY 2 INCH PHOTOGRAPH THAT CONFORMS TO PASSPORT STANDARDS AND WAS TAKEN WITHIN THE PAST 3 MONTHS. MORE INFO: <a href="https://travel.state.gov/content/passports/en/passports/photos/photos.html">HTTPS://TRAVEL.STATE.GOV/CONTENT/PASSPORTS/EN/PASSPORTS/PHOTOS/PHOTOS.HTML</a>
<input type="checkbox"/> CRIMINAL HISTORY CHECK BY PENNSYLVANIA STATE POLICE WITHIN THE PAST 6 MONTHS.
<input type="checkbox"/> OUT OF STATE APPLICANTS; A FBI IDENTITY CHECK TAKEN WITHIN THE PAST 6 MONTHS. MORE INFO: <a href="https://epatch.state.pa.us/home.jsp">HTTPS://EPATCH.STATE.PA.US/HOME.JSP</a> OR <a href="https://www.fbi.gov/about-us/cjis/identity-history-summary-checks">HTTPS://WWW.FBI.GOV/ABOUT-US/CJIS/IDENTITY-HISTORY-SUMMARY-CHECKS</a>
<input type="checkbox"/> PHOTO IDENTIFICATION (ACCEPTABLE ID'S-DRIVERS LICENSE, STATE IDENTIFICATION CARD, STUDENT IDENTIFICATION)
<b>INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED</b>

SIGNATURE
<b>BY COMPLETING AND SUBMITTING THIS APPLICATION FOR APPROVAL, I HEREBY STATE THE FOLLOWING</b>
ALL INFORMATION PROVIDED ON THE APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
I UNDERSTAND THAT COMPLETING AND SUBMITTING THIS APPLICATION IS NOT APPROVAL OF A PERMIT.
I UNDERSTAND THAT SOLICITATION IS NOT PERMITTED AT HOMES AND/OR BUSINESSES THAT DISPLAY A NO SOLICITATION SIGN OR STICKER.
AS THE APPLICANT, I FULLY ACCEPT RESPONSIBILITY FOR ALL AND ANY ACTIONS MADE BY THE COMPANY AND/OR ORGANIZATION I AM REPRESENTING, INCLUDING MYSELF AND ALL OTHERS LISTED ON THE APPLICATION(S)
I HAVE READ, FULLY UNDERSTAND, AND WILL ABIDE BY THE BOROUGH OF MILLVALE ORDINANCE NO. 2360, ALSO KNOWN AS THE PEDDLING AND SOLICITATION ORDINANCE. THIS SHALL ALSO INCLUDE ALL OTHER PERSONS LISTED ON THIS APPLICATION(S).
I understand that in consideration of the issuance by the Borough of Millvale of a Peddling & Solicitation Permit to the undersigned Applicant, the Applicant acknowledges that, employees of the Borough are only performing their duties to require compliance with the minimum requirements of the applicable ordinances of the Borough pursuant to the police power of the Borough, and are not warranting to the Applicant or to any third party, The Applicant agrees to defend, hold harmless, and indemnify the Borough, its elected and appointed officials and employees from and against any and all claims, demands, actions, and causes of action of any one or more third parties arising out of or relating to the Borough's review of the Applicant's application, or issuance of a permit or permits, or arising out of or relating to the peddling and or solicitation. All references in this agreement are applicable to the Applicant's employees, agents, independent contractors, subcontractors of any other persons or entities performing work pursuant to the issuance of the PEDDLING & SOLICITATION PERMIT by the Borough. Furthermore, the Applicant is hereby informed that any violation(s) of the Borough Code and/or the State or Federal law is subject to fines and penalties as stated in the applicable ordinance(s).
<b>SIGNATURE:</b>
<b>DATE:</b>

BOROUGH USE ONLY						
<b>DATE RECEIVED:</b>			<b>RECEIVED BY:</b>			
COMPLETED AND SIGNED APPLICATION			2 INCH BY 2 INCH PHOTOGRAPH			
CRIMINAL HISTORY CHECK BY PENNSYLVANIA STATE POLICE WITHIN THE PAST 6 MONTHS.			OUT OF STATE APPLICANTS; A FBI IDENTITY CHECK TAKEN WITHIN THE PAST 6 MONTHS.			
PHOTO IDENTIFICATION (ACCEPTABLE ID'S-DRIVERS LICENSE, STATE IDENTIFICATION CARD, STUDENT IDENTIFICATION)						
REVIEW				FEES		
DEPARTMENT	APPROVED	DENIED	DATE	APPLICATION FEE	BALANCE	PAID
ADMINISTRATION						
POLICE						
<b>PERMIT ISSUED BY:</b>				<b>TITLE:</b>	<b>DATE:</b>	
<b>PERMIT #</b>				<b>START / END DATE</b>		

# PEDDLING & SOLICITATION PERMIT APPLICATION

## BOROUGH OF MILLVALE

### CHAPTER 205

### PEDDLING AND SOLICITING

§ 205-1. DEFINITIONS.

§ 205-2. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

§ 205-3. EXCEPTIONS.

§ 205-4. LICENSE APPLICATION.

§ 205-5. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.

§ 205-6. PROHIBITED ACTS.

§ 205-7. SUPERVISION; RECORD AND REPORTS.

§ 205-8. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.

§ 205-9. VIOLATIONS AND PENALTIES.

[HISTORY: ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MILLVALE 10-9-2007 BY ORD. NO. 2360. AMENDMENTS NOTED WHERE APPLICABLE.]

§ 205-1. DEFINITIONS.

- A. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas;

PERSON - Any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS -

- (1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk OR PUBLIC ground, or from house to house, within the Borough.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough, on a temporary basis, which shall include but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
- (3) Canvass by means of the practice of going from dwelling unit to dwelling unit to conduct surveys for research purposes (other than those conducted by an agency of the State or Federal government), to make analyses, to take opinion polls, to compile rating data and to conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including the obtaining of contributions or donations for any person or organization and the advancement of religious, social or political causes and proselytizing with regard thereto.

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- (4) Canvassing by providing pamphlets or other printed materials or advertisements to individuals or businesses involving door-to-door, place-to-place, or general distribution within the community, but not for the purpose of obtaining contributions or donations for any person or organization and the advancement of religious, social or political causes and proselytizing with regard thereto.
- B. The singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

## § 205-2. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

No person shall engage in any transient retail business within the Borough without first having obtained from the Borough Manager and/or her designee, a license, for which a fee, which shall be for the use of the Borough, shall be charged, established pursuant to a resolution of the Borough; except that no license shall be required of children under the age of 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; organizations and/or persons conducting street fairs, parades or similar gatherings pursuant to permits issued by the Borough for the use of the Borough streets, shall be exempt from the requirements of this Part. Persons described by Subsection (3) of the definition of "transient retail business" shall be exempt from the licensing requirements of this Part and shall be subject only to the requirements of § 205-4D, E and F. The license fee may include a reasonable fee related to the disposition of trash and litter associated with pamphleting and/or any other transient retail activity so licensed.

## § 205-3. EXCEPTIONS.

- A. No license fee shall be charged:
- (1) To farmers selling their own produce.
  - (2) To any person who has complied with the provisions of the Solicitation Charitable Funds Act, August 9, 1963, P.L. 628, 10 P.S. § 160-1 et seq., as hereafter amended, supplemented, modified or reenacted by General Assembly of Pennsylvania.
  - (3) Persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation.
- B. All persons exempted from the payment of the license fee shall be required to register with the Borough Manager and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing WITH OTHER goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories.
- C. Provided further, on every license issued under the provision of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a

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separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that representative of a charitable organization may obtain licenses for the applicants.

## § 205-4. LICENSE APPLICATION.

Every person desiring a license under this Part shall first make application to the Borough Manager for such license. He shall, WHEN MAKING SUCH APPLICATION, EXHIBIT A VALID LICENSE from any State or County officer if such a license is also required. The applicant shall state:

- A. His name, age, sex, home address and telephone number.
- B. His criminal record, if any.
- C. Name and address of the person by whom he is employed.
- D. BUSINESS ADDRESS, either his or her employer and telephone number.
- E. Type of goods, wares and merchandise he wished to deal with in such transient retail business.
- F. Length of time for which license is to be issued.
- G. Make, type and license number of the vehicle to be issued.
- H. Two RECENT PHOTOGRAPHS OF the APPLICANT SHOWING THE applicant's face and shoulders in a clear and recognizable manner.

## § 205-5. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.

Upon receipt of such application and the prescribed fee, the Borough Manager, if he shall find such application in order, shall issue the license REQUIRED UNDER this Part. Such license shall be issued for the number of days requested, IF APPROVED BY THE Borough Manager. The license shall indicate the name of the applicant and the dates for which the license is approved. 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, and 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.

## § 205-6. PROHIBITED ACTS.

No PERSON IN any transient retail business 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.

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- 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 except as part of an organized fair or festival.
- D. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or any time before 9:00 a.m. or after 6:00 p.m. on any day of the week other than a Sunday or legal holiday unless as part of an organized fair or festival, provided, however, that persons canvassing or soliciting as described in Subsection (3) of the definition of "transient retail business" may conduct such activities until 9:00 p.m. on permitted days.
- E. Carry on transient retail business activities at a private residence or business premises exhibiting a sign reading "no solicitor" or words of similar meaning. A sign reading "no solicitors" or similar sign, not to exceed on 100 square inches in size, may be placed on residential or business premises and for the purpose of this Part shall be conspicuously displayed near the entrance or doorway.
- F. Carry on transient retail business activities at a private residence or business premises connoted on the "list of residences requesting no solicitation" ("no soliciting list") as supplied by the Borough to any license holder.

## **§ 205-7. SUPERVISION; RECORD AND REPORTS.**

- A. The Borough Manager shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder.
- B. The Borough Manager shall maintain a list of the addresses of residents who have stated in writing or by telephone call to the Borough Offices that they do not wish to be solicited at any time. A copy of such list shall be supplied along with and as part of any transient retail license issued hereunder.

## **§ 205-8. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.**

- A. The Borough Manager is hereby authorized to deny, suspend or revoke any license applied for or issued under this Part when he finds that such denial, suspension or revocation is supported by any of the following grounds:
  - (1) It is necessary to PROTECT RESIDENTS from annoyance or intrusions during hours of rest or to deter or prevent crime or potential crime by a particular license applicant or holder.
  - (2) Fraud, misrepresentation or false statement contained in the license application.
  - (3) Fraud, MISREPRESENTATION OR false STATEMENTS MADE in the course of carrying the activities of a transient retail business.
  - (4) Any violation of this Part.

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- (5) CONDUCTING TRANSIENT RETAIL BUSINESS ACTIVITIES in AN UNLAWFUL MANNER OR SO to constitute a breach of the peace.
- (6) Refusing to leave premises when asked to do so by the occupant of the premises.
- (7) Conducting TRANSIENT RETAIL BUSINESS activities at residential premises POSTED WITH a "no solicitors" or similar sign or at residential PREMISES IDENTIFIED on the Borough's "no soliciting" list accompanying the issuance of a license hereunder.

B. License denials, suspensions or revocations shall be in writing, STATE the grounds therefor and advise of the opportunity to file an APPEAL THEREFROM WITH THE BOROUGH COUNCIL within 10 DAYS FROM the date of the denial, suspension or revocation. Appeals from any denial, suspension or revocation of a license may be made to the Borough Council at any time within ME 0 DAYS AFTER such denial, SUSPENSION OR REVOCATION AND a HEARING SHALL be held within 30 days of the filing of such appeal. No part OF A LICENSE FEE SHALL BE refunded to any person whose license shall have been suspended or revoked.

## **§ 205-9. VIOLATIONS AND PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.