

## Chapter 204

### PEDDLING AND SOLICITING

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**[HISTORY: Adopted by the Borough Council of the Borough of New Hope 11-28-1977 by Ord. No. 211 (Ch. 13, Part 2 of the 1990 Code). Amendments noted where applicable.]**

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**§ 204-1. Issuance of valid and unexpired licenses.**

From and after the effective date of this chapter it shall be unlawful for any person, not exempted by § 204-7 of this chapter, who is not the holder of a valid and unexpired license issued pursuant to this chapter, to sell or offer for sale or to solicit, by hawking, peddling or vending or advertising by placing advertising materials on premises other than by the postal system, or by placing signs or posters within the Borough, or doing any transient retail business of any goods, wares, printed matter, services, merchandise or food products of any description, or to solicit contributions, gifts or pledges of money or any other thing of value, by visitation to private homes, or residences, or on the streets or highways of the Borough of New Hope in the County of Bucks and Commonwealth of Pennsylvania.

**§ 204-2. Application to obtain a license. [Amended 8-13-1990 by Ord. No. 1990-2]**

A. Any person, not exempted by § 204-7 of this chapter, desiring to obtain a license to engage in the activities described in § 204-1 hereof, shall make application therefor, in person to the Chief of Police of the New Hope Borough Police Department. The applicant shall supply over his signature the following information:

- (1) Full name of the applicant and local address, if any;
- (2) Place and date of birth;
- (3) Permanent address of applicant;
- (4) The address at which the applicant will receive notices under this chapter;
- (5) The name and address of his, or her, employer or principal, if any, and the nature of the business activity thereof;

- (6) The nature of the business, or activity, in which the applicant wishes to engage in the Borough of New Hope;
  - (7) A statement as to whether the applicant has been convicted in any jurisdiction of any crime, and if so, where, when, the nature of the offense and the punishment and penalty imposed therefor;
  - (8) A statement as to the name, address and nature of employment of the applicant's previous two places of employment;
  - (9) Whether the applicant is working alone or will employ others and is seeking a primary license, or be employed by the holder of a primary license and is seeking a secondary license; and
  - (10) A statement as to whether or not the applicant is required to obtain a license from any county officer; and if the applicant is required to obtain a license from any county officer, he shall, on making application to the Chief of Police of the New Hope Borough Police Department, exhibit a valid county license.
- B. The applicant shall, together with the application, submit to the Chief of Police of New Hope Borough his or her photograph and a written description of himself or herself.
- C. The Chief of Police aforesaid shall make both a current and past National Crime Information Center Check, and shall submit the application with the results of the aforesaid check, together with the fee hereinafter provided for, to the Secretary of New Hope Borough. The Secretary shall issue a primary license or a secondary license unless the National Crime Information Center Check reveals facts which would be grounds for revocation of a license. For the purposes of this chapter, a primary license shall be one for which a fee as established from time to time by the Borough Council is paid and shall be issued to the person who is a vendor, merchant, or solicitor, or a person required to be licensed under this chapter, working alone or with employees or agents; and a secondary license shall be one for which a fee as established from time to time by the Borough Council is paid and shall be issued to any agent or employee or any licensee of a primary license.

**§ 204-3. Application fee. [Amended 8-13-1990 by Ord. No. 1990-2; 6-13-2007 by Ord. No. 2007-08]**

In addition to providing the aforesaid information, the applicant shall pay the sum as established from time to time by the Borough Council, as the case may be, for the aforementioned license, depending upon whether the application is for a primary or secondary license; such amount to be made payable to the Borough of New Hope for the use of said Borough. Upon submission of said application and supporting evidence of identification, and approval of same, as aforesaid, and the payment of the fee aforesaid, there shall be issued to the aforesaid applicant, after a lapse of seven days, a license in the form of a card which shall, until revoked, entitle the licensee to engage in the activities described in § 204-1 hereof until either the 30th day of June or 31st day of December, next occurring, upon which said date, first occurring, the aforesaid license shall become null and void. The aforesaid license may be renewed, for additional periods of six months, upon payment of the fee hereinabove provided

for and by the applicant filing an amendment of the original application to reflect any changes necessary in the information therein contained, but such renewed license may not be issued after a lapse of 72 hours.

**§ 204-4. Rules of conduct.**

Every person to whom either a primary license or secondary license has been issued hereunder shall, in the carrying on of his or her activity in the Borough of New Hope, comply with the following rules of conduct:

- A. The licensee shall carry his or her license card at all times and exhibit it upon request to any peace officer or any person upon whom the licensee shall call, or with whom the licensee shall talk in carrying on the licensed activity;
- B. The licensee shall not permit any other person to have possession of the license card and shall immediately report its loss to the Chief of Police of the New Hope Borough Police Department;
- C. The licensee shall not cause or permit the said license card to be altered or defaced;
- D. The licensee shall not enter, or attempt to enter, any dwelling house without the invitation or permission of the occupant and shall immediately leave any premises upon request;
- E. The licensee shall not represent the aforesaid license card to be an endorsement of the licensee or of the goods or services of his or her principal or employer;<sup>1</sup>
- F. The licensee shall immediately surrender the license card upon revocation of the license as hereinafter provided;
- G. A secondary license shall become void upon the termination of the employment, or agency, of the holder thereof with the person holding the primary license; and
- H. The licensee shall not establish a temporary or permanent location of sales or solicitations on public streets, sidewalks or public rights-of-way or on private property (except on a lot zoned for the purpose and owned by the licensee). Such temporary or permanent location on private property shall be subject to all setback requirements, yard requirements, and other provisions of the New Hope Borough Zoning Ordinance,<sup>2</sup> and the licensee shall be subject to the New Hope Borough Business Privilege Tax<sup>3</sup> and all other applicable ordinances.

**§ 204-5. Primary and secondary licenses issued.**

- A. The Borough Council shall revoke any primary or secondary license issued prior to the effective date of this chapter or any primary or secondary license issued pursuant to the

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

2. Editor's Note: See Ch. 275, Zoning.

3. Editor's Note: See Ch. 240, Taxation, Art. I.

provisions of this chapter if they determine at a hearing before it that the licensee has failed to comply with the standards of conduct established in § 204-4 hereof, or upon ascertainment at a hearing before them that the licensee has made any false statements in his or her application for a license. The Borough Council shall notify the licensee in writing of the possible revocation of the license. Said notice shall set forth the grounds for possible revocation. Any person so notified shall be entitled to appear, with counsel, if he or she so desires before the Borough Council of New Hope Borough at a regular or special meeting to present the defense to the charges. Any licensee who has been notified of a possible revocation of the license, and who wishes to appear before the Borough Council of New Hope Borough, shall so notify the Secretary of the Borough Council in writing within 10 days after receiving notice of the possible revocation. Failure to so notify the Secretary of the Borough Council shall be deemed to be a waiver by such licensee of his or her right to appear before the Borough Council of New Hope Borough. The primary or secondary license of any licensee who waives the right to appear before the Borough Council shall become null and void at the expiration of the ten-day notice period.

- B. Any person whose application for a primary or secondary license has been denied by the Secretary of New Hope Borough shall be so notified in writing within seven days of such denial. A mailing of such written notice shall be deemed to be a compliance with the seven-day notice provision. Any applicant whose application for a license has been denied shall be entitled to appear, with counsel, before the Borough Council of New Hope Borough at a regular or special meeting and be heard on behalf of his or her request for issuance of the said license. Any person who has been aggrieved as aforesaid, and who wishes to appear before the Borough Council of New Hope Borough, shall so notify the Secretary of the Borough Council in writing within 10 days after receiving notice of the denial of an application. Failure to so notify the Secretary of the Borough Council shall be deemed to be a waiver by such aggrieved person of the right to appear before Borough Council, and in such case, the application for a primary or secondary license shall be deemed to have been finally denied by the Borough Council of New Hope Borough upon the expiration of the ten-day notice period.
- C. Upon any licensee being convicted of a violation of the provisions of this chapter, or upon any licensee being convicted of any crime involving moral turpitude, the primary or secondary license of such licensee shall become null and void at the time of such conviction.
- D. Notice of all hearings before Borough Council shall be given to the aggrieved applicant or aggrieved licensee in writing no less than seven days prior to the hearing date. The mailing of such written notice shall constitute compliance with the seven-day notice requirement. **[Amended 6-13-2007 by Ord. No. 2007-08]**
- E. Any licensee whose primary or secondary license has been revoked, or any licensee whose primary or secondary license has become null and void as heretobefore provided, or any applicant whose application for a primary or secondary license has been finally denied by Borough Council, shall not be issued a primary or secondary license for a period not less than six months, said period commencing on the date of revocation, final denial, or conviction by a District Justice or conviction of a crime involving moral turpitude.

**§ 204-6. Notice.**

All notices to a licensee or to an applicant for a primary or secondary license required by this chapter shall be given by written notice personally served or mailed to the address designated for this purpose in the application for license. Service of notice shall be completed upon the mailing of a properly addressed letter.

**§ 204-7. Exemption from license requirements.**

The following persons are exempted from the license requirements of this chapter:

- A. Farmers engaged in selling only the produce of their own farms from a truck or other vehicle;
- B. Persons soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of, or duly registered, pursuant to the Act of 1963, August 9, P.L. 628, provided, while soliciting, they are in possession of a card or other written evidence of their appointment or authority to solicit for said organization or nonprofit corporation; and
- C. Persons who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 204-1 hereof, when so engaged; including without limitation, real estate, insurance or securities brokers and salesmen of securities.

**§ 204-8. Definitions.**

- A. As used in this chapter, the following terms shall have the meanings indicated:  
PERSON — Any natural person, association, partnership, firm or corporation.
- B. In this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**§ 204-9. Violations and penalties. [Amended 8-13-1990 by Ord. No. 1990-2]**

Any person who shall violate any provision of this chapter shall, upon conviction before any District Justice of Bucks County, be subject to a fine or penalty of not less than \$25 nor more than \$600 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that the aforesaid violation is continued shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment.