

NEW BRITAIN BOROUGH  
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF NEW BRITAIN BY REPEALING CHAPTER 406 *TRANSIENT RETAIL BUSINESSES* IN ITS ENTIRETY AND REPLACING IT WITH NEW CHAPTER 406 *TRANSIENT RETAIL BUSINESSES AND DOOR-TO-DOOR SOLICITATION AND PEDDLING* CONTAINING REGULATIONS FOR TRANSIENT RETAIL BUSINESSES, PEDDLERS, AND DOOR-TO-DOOR SOLICITATION; REPEALING ALL PRIOR INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Borough of New Britain has established regulations and procedures for transient retail businesses in the Borough of New Britain;

**WHEREAS**, Borough Council of the Borough of New Britain believes it to be in the best interest of the Borough and its residents to establish additional regulations for businesses and organizations wishing to solicit within the Borough of New Britain on a temporary basis;

**WHEREAS**, included among the new regulations desired by Borough Council is the creation of a no solicitation/do-not-knock procedure; and

**WHEREAS**, the Borough, through its police powers, has the ability to establish such regulations.

**NOW THEREFORE**, be it **ORDAINED** and **ENACTED**, by the Borough Council of the Borough of New Britain as follows:

**SECTION 1.**

Chapter 406 *Transient Retail Businesses* of the New Britain Borough Code of Ordinances is repealed in its entirety.

**SECTION 2.**

A new Chapter 406 titled "*Transient Retail Businesses and Door-to-Door Solicitation and Peddling*" is created with the following provisions:

## **§ 406-1 Definitions and Interpretation**

A. As used in this Chapter, the following terms shall have the meanings indicated:

### **CANVASSER**

One who engages in the practice of canvassing, the practice of going from dwelling unit to dwelling unit to:

1. Conduct surveys for research purposes (other than those conducted by an agency of the state or federal government);
2. Make analyses, take opinion polls, and compile rating data;
3. Obtain or seek contributions for any person or organization or cause;
4. Advance religious or political causes and proselytize with regard thereto;  
or
5. Conduct any similar work which, by its nature, involves door-to-door or place-to-place activity, including distribution of circulars, but not for commercial activity of any kind.

### **DOOR-TO-DOOR SOLICITATION**

The activity of going onto the premises of other persons, without prior arrangement with the owner or occupant of such premises, for the principal purpose of the sale or taking of orders for future sales of any type of tangible goods, including, but not limited to, books, magazines, or other periodicals, or to enter into any agreement for the provision of services, or any combination of the sale of goods or provision of services, or the distribution of advertising circulars relating to the sale of goods or provision of services.

### **DOOR-TO-DOOR SOLICITOR**

A person engaging in the activity of door-to-door solicitation.

### **PEDDLER**

Any person who shall engage in peddling as herein defined.

### **PEDDLING**

The selling or offering for sale of any goods, wares, services, or merchandise, products for immediate delivery or the taking of orders or the execution of an application for goods, wares, services or merchandise to be delivered at a later time which the person is selling or offering for sale and may carry with him or her or has in his/her possession or control upon any of the streets or sidewalks or from house to house or by the visitation to private residences or by entering in or upon private property within said Borough. For the purpose of this definition, a carrying of a written contract for the purchase of goods, wares, services or merchandise or similar product shall also constitute peddling.

## **PERSON**

Any natural person, association, partnership, firm or corporation.

## **STREET SALES**

The activity of a person selling any goods from any type of portable stand or table or in a vehicle located on any street, roadway or public right-of-way, except a sidewalk abutting a property of which such person is the owner or a lawful occupant thereof.

## **TRANSIENT RETAIL BUSINESS**

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 shall not be limited to activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of specific yearly holidays.

- B.** In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

## **§ 406-2 License Required; Fees; Exceptions**

**A.** Any person or organization intending to engage or to cause persons to engage in the activity of door-to-door solicitation, peddling, or transient retail business, as defined in this Chapter, prior to commencing such activity shall obtain a license from the Central Bucks Regional Police Department. In the case of an organization, each person engaging in door-to-door solicitation, peddling, or transient retail business shall be required to obtain an individual license; the organization may not simply obtain one license applicable to all persons engaging in door-to-door solicitation, peddling, or transient retail business on its behalf. Such license or licenses shall be issued only after the person or persons seeking to obtain such license shall have provided on the application form appropriate information as set forth in § 406-2.C, which information shall be provided under the penalty of law as provided in 18 Pa.C.S.A. § 4904, and shall have completed such registration. In addition, the applicant shall execute an acknowledgement of receipt of the terms of § 406-6 of this Chapter with respect to private "No Solicitors" or "No Solicitation" or similar signs, and shall provide notice to the Central Bucks Regional Police Department of the approximate neighborhoods and locations in which the activity is to take place.

**B.** Every person to whom a license shall have been issued under this Chapter shall display the license on his or her person at all times and exhibit it, upon request, to any police officer or to any person on whom he or she shall call or with whom he or she shall talk.

**C.** Any person engaging in door-to-door solicitation, peddling, or transient retail business, or any organization employing any person engaged in such

activity, that shall engage in such activity without obtaining the required license shall be in violation of this Chapter and shall be liable for the penalty provided for in § 406-8.

**D.** The application process shall be performed by the Central Bucks Regional Police Department. As part of the application process, the Central Bucks Regional Police Department shall obtain the applicant's criminal history/record Pennsylvania State Police. The applicant shall pay a nonrefundable application fee to the Central Bucks Regional Police Department for obtaining the applicant's criminal history/record. Alternatively, the applicant may obtain his or her criminal history/record directly from the Pennsylvania State Police and present it to the Central Bucks Regional Police Department as part of the application process, provided it is dated within 30 days of license application.

**E.** The license fee for each person engaging in door-to-door solicitation, peddling, or transient retail business shall be in line with the current Borough of New Britain fee schedule, to be set from time to time at the discretion of Council by Resolution.

1. No fee shall be charged under this section to:

(1.i.a) Farmers selling their own produce.

(1.i.b) Any manufacturer or producer in the sale of milk or milk products, bread and bakery products, or meat and meat products.

**F.** The terms of this section shall not apply to:

1. Boys or girls under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy and the like, or who represent the Boy Scouts and Girl Scouts or similar organizations and take orders for and deliver cookies and the like.

2. Persons defined as "canvassers" herein.

3. Bona fide candidates for elective office.

**G. Contents of License**

The license issued under this Chapter shall contain the following information:

1. Name of the licensee.

2. Home address of licensee.

3. Name and address of employer or organization for whom licensee shall be working, if any.

4. The period of time for which the license is issued and the expiration date of the license.
5. The type of goods, wares, merchandise, or information to be distributed or sold by the licensee.
6. The licensee's previous criminal record, if any.
7. The type of vehicle the applicant will be using, together with its license number.
8. A brief physical description of the licensee.

**§ 406-3 Rules applicable to licensee**

Every person to whom a license shall be issued under this Chapter shall, while engaging in such transient retail business within the Borough, comply with the following rules of conduct:

- A.** He shall carry his license card upon his person at all times and shall exhibit it upon request of any police officer, Borough official or citizen.
- B.** He shall not permit any other person to have possession of his license card, and he shall immediately report its loss to the Central Bucks Regional Police Department.
- C.** He shall not cause or permit his license card to be altered or defaced.
- D.** He shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant, and he shall immediately leave any premises upon request.
- E.** He shall not represent his license card to be an endorsement of himself or the goods, wares or merchandise with which he deals.
- F.** He shall immediately surrender his license card upon suspension or revocation of his license as hereinafter provided.
- G.** He shall not engage in selling any product not mentioned in his license.

- H. He shall not engage in any activities under his license at any time on Sunday or at any time on any of the following legal holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas, or upon any other day at any time before 9:00 a.m. or after 5:00 p.m.
- I. He shall not hawk or cry his wares upon any street or sidewalk in the Borough.
- J. He shall not use any loudspeaker or horn or other device for announcing his presence.

#### **§ 406-3 Time Limitations**

No person licensed as a peddler, a door-to-door solicitor, canvasser, or transient retail business under this Chapter shall engage in those activities within the Borough on Sundays or state or federal legal holidays or other than between the hours of 9:00 a.m. and 5:00 p.m. on other days. The license shall not entitle its holder to engage in selling products within any Borough park.

#### **§ 406-4 Street Sales Prohibited**

No person shall engage in any street sales as defined in this Chapter except as a Transient Retail Business as provided for in this Chapter.

#### **§ 406-5 Enforcement of "No Solicitors" or "No Solicitation" Signs**

The owner or lawful occupant of any premises within the Borough not desiring to have persons enter onto his/her premises may post on such premises a legible sign stating "No Solicitors," "No Solicitation," or words of similar meaning, including "peddling." Any door-to-door solicitor, peddler, or canvasser who shall enter upon the premises in defiance of such sign shall be in violation of this section and shall be liable for the penalty provided for in § 406-8.

#### **§ 406-6 No Solicitors or No Solicitation Registry**

The owner or lawful occupant of any premises within the Borough not desiring to have persons enter onto his/her premises may, in addition to posting on such premises according to § 406-5, register with the Central Bucks Regional Police Department to have his/her address placed on a registry to be distributed to those door-to-door solicitors or peddlers required to obtain a license under § 406-2. Door-to-door solicitors or peddlers who enter onto premises appearing on the registry shall be subject to the penalty provided for in § 406-8.

#### **§ 406-7 Grounds for Denial of License; Revocation of License**

- A. A license under this Chapter shall not be issued to any person who:

1. Has previously been found guilty of violating any provision of this Chapter.
2. Has been convicted, within the seven years preceding the date of the application for a license, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.
3. Has been convicted of any felony.

**B.** A license under this Chapter shall be revoked for for any of the following reasons:

1. Conduct by any license holder that constitutes a violation of this Chapter.
2. A license holder going upon premises either posted "No Solicitors" or "No Solicitation," or appearing on the no solicitors or no solicitation registry provided for in § 406-6 of this Chapter, or both.
4. Conduct by any license holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.
5. If a company or other entity has more than one person engaging in door-to-door solicitation, peddling, or transient retail business in New Britain Borough, and the license issued to any one such person is revoked under Subsection 2, above, the licenses for all persons working for that company shall be revoked.
6. In the event that a license is revoked under this section, no administrative or other fees shall be refunded to the license holder.

**§ 406-8      Penalty**

Any person, firm or corporation who shall violate any provisions of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Chapter continues or each section of this Chapter which shall be found to have been violated shall constitute a separate offense.

**Section 3.    Severability**

In the event that any section, sentence, clause or word of this Chapter shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Chapter.

**Section 4. Repealer**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Former Chapter 406 *Transient Retail Businesses* of the New Britain Borough Code of Ordinances is specifically repealed and replaced hereby.

**Section 5. Effective date**

This Chapter shall be effective upon enactment.

**ORDAINED** and **ENACTED** an ordinance of the Borough of New Britain this \_\_\_\_ day of \_\_\_\_\_, 2017.

NEW BRITAIN BOROUGH COUNCIL

By:

Robyne Kelemen, Council President

Approved:

David Holewinski, Mayor

Attest:

Borough Secretary