

**CODE OF THE BOROUGH OF HONESDALE, PENNSYLVANIA, v9 Updated
08-01-2010 / PART II GENERAL LEGISLATION / Chapter 152, PEDDLING AND
SOLICITING**

Chapter 152, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Honesdale 12-8-1980 by Ord. No. 464. Amendments noted where applicable.]

GENERAL REFERENCES

Loitering -- See Ch. 132.

Noise -- See Ch. 140.

Streets and sidewalks -- See Ch. 179.

**CODE OF THE BOROUGH OF HONESDALE, PENNSYLVANIA, v9 Updated
08-01-2010 / PART II GENERAL LEGISLATION / Chapter 152, PEDDLING AND
SOLICITING / § 152-1. Definitions.**

§ 152-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

NONPROFIT RELIGIOUS ORGANIZATION -- A bona fide corporation, organization or association recognized as such by the Internal Revenue Service and the Commonwealth of Pennsylvania. [Amended 12-30-2008 by Ord. No. 635]

PEDDLER -- An individual who goes from place to place or from house to house carrying for sale and exposing for sale goods, wares and merchandise which such individual carries with him or her.

POLITICAL CANDIDATE -- An individual who has officially registered to run for any lawful political office within either the Borough of Honesdale, County of Wayne, Commonwealth of Pennsylvania or United States of America.

SOLICITOR -- An individual who goes from person to person or from house to house seeking orders, subscriptions, contributions or any other kind of support or who, without necessarily having the intention to make sales, distributes literature, pamphlets, handbills or samples and the like for the purpose of information, advertising or the furtherance of public, political, economic, religious or social beliefs, doctrines, systems or projects.

TRANSIENT OR ITINERANT DEALER -- An individual who establishes him- or herself in

business in a locality with the intent to remain there for a limited time, and who, for such time, occupies a place for the exhibition and sale of his or her wares.

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SOLICITING / § 152-2. Permit required. [Amended 12-8-1997 by Ord. No. 564;
12-30-2008 by Ord. No. 635]**

§ 152-2. Permit required. [Amended 12-8-1997 by Ord. No. 564; 12-30-2008 by Ord. No. 635]

Any individual, association, corporation or organization, except for nonprofit religious organizations and political candidates or political organizations as defined in § 152-1, shall make an application for a permit prior to engaging in such activities, which application shall be made to the Borough of Honesdale, shall be sworn in writing and shall contain the following information:

- A. The name and physical description of the applicant.
- B. The address of the applicant.
- C. A brief description of the nature of the business to be conducted and the goods to be sold, if any, or distributed and, if the goods are farm or orchard products, a statement as to whether they are produced or grown by the applicant.
- D. If the applicant is employed, the name and address of the employer, together with credentials establishing exact relationship.
- E. The length of time for which the right to do business or disseminate information is desired.
- F. If a vehicle is to be used, a description of the same, together with the state vehicle license number or other means of identification.
- G. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance and, if so, the nature of the offense and the punishment or penalty assessed therefor.
- H. Such other information as the Chief of Police of the Borough of Honesdale may deem necessary for the proper police protection of the Borough. The Chief of Police of the Borough of Honesdale shall have the discretion to require photographs of the applicant filed along with said application, which photographs shall be clear and precise and show the head and shoulder of the applicant in a clear and distinguishing manner.

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08-01-2010 / PART II GENERAL LEGISLATION / Chapter 152, PEDDLING AND
SOLICITING / § 152-3. Permit fees; waiting periods. EN [Amended 1-1-1982 by
Ord. No. 467; 12-8-1997 by Ord. No. 564]**

**§ 152-3. Permit fees; waiting periods. EN(1) [Amended 1-1-1982 by Ord. No. 467;
12-8-1997 by Ord. No. 564]**

The permit fees shall be as set forth from time to time by resolution of the Borough Council. Waiting periods for peddlers, transient or itinerant dealers and solicitors, along with the waiting periods between the submission of the application for the permit and the actual granting of the permit, shall be as follows:

- A. There shall be a twenty-four-hour waiting period between the application for the permit and the actual issuance of the permit for all peddlers and transient or itinerant dealers who are bona fide residents of the Borough of Honesdale, but not, in addition thereto, resident Honesdale Borough businesspersons having a principal place of business established in the Borough of Honesdale.
- B. There shall be a seven-day waiting period between the application and the actual issuance of a permit for all individuals or organizations who are nonresidents of the Borough of Honesdale who are peddlers or transient or itinerant dealers. EN(2)

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§ 152-4. Prohibited acts.

No peddler, transient or itinerant dealer or solicitor shall:

- A. Shout, make any outcry, blow a horn, ring a bell or use any sound device or musical instrument, including any loudspeaker or radio or sound-amplifying system, on any of the streets, alleys, parks or other public places of the Borough or on any private premises in the Borough where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard on the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell, where the same shall constitute a public nuisance.
- B. Have any right to any location in any public street, sidewalk or walkway located in the

Borough nor be permitted to operate in any other congested area where his or her operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. [Amended 4-10-1989 by Ord. No. 506]

- C. Sell or offer for sale goods, wares or merchandise from vehicles on any of the public streets of the Borough; provided, however, that the prohibition herein contained shall not include the peddling, from door to door or from vehicles, of fresh food products of farm or garden nor bona fide deliveries of goods, wares, merchandise or food made on a regular route to regular customers.
- D. Solicit or peddle from 9:00 p.m. to 8:00 a.m. or at any time when a sign has been posted on a building stating "No solicitors or peddlers" or words to that effect, except that a licensed solicitor or peddler may call upon the occupant of a residence at other times when such solicitor or peddler has received express prior permission from such occupant to do so.
- E. (Reserved)^{EN(3)}
- F. Cast, throw, distribute, scatter, pass out, give away, circulate or deliver any commercial or business handbill, dodger, circular or other advertising material or device to any residence or business or leave the same on any porch, doorstep or vestibule thereof or in any yard or public hallway thereof or on any vacant lot or other private property in the Borough without first having obtained the express consent or without the express request of an adult resident or occupant thereof.
- G. Cast, throw, deposit, leave upon, distribute, scatter, pass out, give away, circulate or deliver to any premises any commercial advertising sample or device or other merchandise of any kind, except into the hands of an adult person who resides upon or occupies such premises.

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08-01-2010 / PART II GENERAL LEGISLATION / Chapter 152, PEDDLING AND
SOLICITING / § 152-5. Enforcement; violations and penalties. [Amended
12-8-1997 by Ord. No. 564]**

§ 152-5. Enforcement; violations and penalties. [Amended 12-8-1997 by Ord. No. 564]

This chapter shall be enforced by the issuance of a proceeding before the local District Justice, and upon conviction, an individual violating any section or portion of a section of this chapter shall pay a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs shall be imprisoned for not more than 30 days.

Endnotes

1 (Popup - Popup)

Editor's Note: The current Fee Schedule is on file in the Borough offices.

2 (Popup - Popup)

Editor's Note: Former Subsections C, D and E, concerning no permit charges for resident charitable organizations, the waiting period for nonresident nonprofit charitable organizations, and no permit charges for political candidates, respectively, which immediately followed this subsection, were repealed 12-30-2008 by Ord. No. 635.

3 (Popup - Popup)

Editor's Note: Former Subsection E, prohibiting solicitation without a permit, was repealed 12-30-2008 by Ord. No. 635.