

HONESDALE BOROUGH  
WAYNE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 230

AN ORDINANCE AMENDING CHAPTER 152 (PEDDLING AND SOLICITING) OF THE BOROUGH OF HONESDALE CODE TO ADDRESS FOOD TRUCKS.

WHEREAS, the Borough of Honesdale is charged with responsibility for the general protection and welfare of the citizenry, residents and visitors of the Borough; and,

WHEREAS, Chapter 152, Peddling and Soliciting, requires amending to deal with a new type of peddling with respect to Food Trucks.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

I. The definition of Food Truck is hereby added to Section 152-1, Definitions, to read as follows:

**FOOD TRUCK**

A mobile unit on or connected to a licensed, registered and insured vehicle to serve food, liquids and/or other consumable products, souvenirs, crafts, hand-made items, clothing or other items offered for sale therefrom to the public.

II. Subsection I shall be added to Section 152-2, Permit Required, to read as follows:

1. Applications for Food Trucks shall, in addition to the above information requirements, require the following data for each use, which may be used by the Code Enforcement Officer to establish specific permit conditions so as to protect the public safety and welfare and avoid disturbing the peace of the neighborhood:
  - (1) Written permission of the property owner to place the Food Truck on their property.
  - (2) A description of water, wastewater and electric services to be utilized along with the means.
  - (3) The specific location of the proposed Food Truck.

- (4) Days and hours of operation.
- (5) Products or services to be offered.

III. The introduction to Section 152-4, Prohibited Acts, is amended to read as follows:

No Food Truck, Peddler, Solicitor or Transient or Itinerant Dealer shall:

IV. Section 152-4, Prohibited Acts, is amended to revise Subsection E and add Subsection H to read as follows:

E. No Food Trucks shall be permitted except in C-1, C-2, ID, R-5 and R-6 Zoning Districts.

H. No Food Trucks shall be placed on any public property other than approved by resolution of the Borough Council for special events, including those conducted by the Greater Honesdale Partnership, In the case of other entities, including individuals, businesses and private organizations, no Food Trucks shall be placed on private property except by written agreement with property owners. The Code Enforcement Officer shall be authorized to determine whether proposed parking arrangements are satisfactory and, if not, to condition approval on the provision of additional or different parking. Food Trucks will limited to such areas of the Borough as the Borough Council, by resolution, determines appropriate, which limitations may also be modified from time to time by resolution.

V. Survival Clause: Any and all other provisions of Chapter 163 of the Code unaffected by this Amendment shall remain in full force and effect.

VI. Inconsistencies: Any ordinance or part(s) thereof inconsistent herewith are hereby repealed or simultaneously amended.

VII. Savings Provisions: Should any section, subsection, clause, provision or other portion of this Ordinance or any other similar ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this ordinance as if such invalid propoflions had not been included therein.


VI", Effective Date: This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of 6 to 0 this 16<sup>th</sup> day of December 2024.

## Honesdale Borough Council

Seal

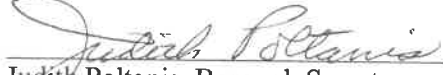
Attest:


  
Judith Poltanis, Borough Secretary

  
James Brennan, Council President

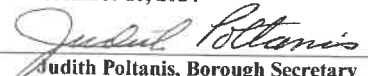
Approved, this 19<sup>th</sup> day of December 2024, by the Mayor of Honesdale Borough, Wayne County, Pennsylvania.

Attest:

  
Judith Poltanis, Borough Secretary

  
Derek Williams, Mayor

I hereby certify that the foregoing ordinance was duly enacted and approved as set forth at the regular meeting of the Honesdale Borough Council held on December 16, 2024

  
Judith Poltanis, Borough Secretary

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Borough of Honesdale, PA  
Wednesday, July 24, 2013

## 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.

### § 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.

### § 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.

### § 152-3. Permit fees; waiting periods.

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

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

## § 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.



Alternate Materials and Methods Review..... 150% of costs

**Day Care Centers**

Annual Inspection and Registration \$200.00  
Plus inspection fees

**Board of Appeals Hearing**

Application for Hearing .....\$1,000.00\*

\*The fee identified provides for a hearing extending not longer than 4 hours; a similar fee shall be charged to the application for each time period or any part thereof over and above the first four hours. Costs in excess of the initial hearing fee posted by the applicant shall be invoiced to the applicant prior to the next scheduled hearing. The applicant is required to pay the invoice prior to the next scheduled hearing. The Board of Appeals hereby reserves the right to require the applicant to post additional monies at the time of the filing of the application, commensurate with the scope and magnitude of the application filed therewith.

**The Fee Schedule for Chapter 112, Floodplain shall be as follows:**

Fee .....\$150% of costs

**The Permit Fee Schedule for Chapter 114, Garage Sales, shall be as follows:**

Garage Sale .....\$10.00 for 3-day sale

**The Fee Schedule for Chapter 126, Insurance shall be as follows:**

Municipal Certificate .....\$50.00  
Inspection of Property.....\$90.00  
Re-inspection of Property .....\$90.00  
Fee as necessary .....\$50.00 per hour  
Stop Work Order.....\$150.00

**Emergency Property Maintenance**

Inspection of Property.....\$200.00  
Closing a public thoroughfare.....\$250.00  
Emergency Repairs .....150% of costs  
Secure Property to render structure safe .....150% of costs

**The Fee Schedule for Chapter 152, Peddling and Soliciting, shall be as follows:**

Peddlers and transient or itinerant dealers who are bona fide residents of Honesdale Borough, but not in addition thereto, resident Honesdale Borough businessmen having a principal place of business in the Borough ..... \$5.00 per year and a 24 hour waiting period.  
Individuals or organizations that are non-residents of the Borough and acting as a peddler, transient or itinerant dealer, or solicitor ..... \$25.00 per day and a 7 day waiting period.

**The Fee Schedule for Chapter 156, Plumbing, shall be as follows:**

See Fee Schedule for Chapter 89, Uniform Construction Code

**The Fee Schedule for Chapter 160, Property Maintenance/ Quality of Life, shall be as follows:**

Notice of Violation .....\$100.00  
Inspection of Property.....\$90.00  
Stop Work Order.....\$150.00  
Condemnation of Property.....\$200.00  
Code Officer Fee.....\$75.00 per hour  
Professional Fees .....\$250.00

**Quality of Life :**

Accumulation of rubbish or garbage	1 <sup>st</sup> offense	2 <sup>nd</sup> offense	3 <sup>rd</sup> offense
	\$25.00	\$50.00	\$100.00

