

## Chapter 124

### PEDDLING AND SOLICITING

#### **§ 124-1. License required; exempt organizations or individuals to register.**

- A. From and after the effective date of this chapter, it shall be unlawful for any organization or individual not exempted by § 124-6 hereof who is not the holder of a valid and unexpired license issued pursuant to this chapter to engage in selling, purchasing or soliciting the sale or purchase of food, printed matter, services, goods, wares or merchandise 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 public streets or highways of the City of Sunbury.
- B. Those organizations or individuals who desire to engage in such activities but are not required to obtain a license by virtue of exemption pursuant to § 124-6 hereof must register in accordance with § 124-7 hereof.

#### **§ 124-2. Licenses; application; fee; issuance; refusal; renewal.**

- A. Any organization or individual desiring to obtain a license to engage in the activities described in § 124-1 hereof shall make application therefor, in person, to the Department of Code Enforcement.
  - (1) The applicant shall supply, over his, her, or its signature, the date of application and the following information:
    - (a) The name of the individual, or, if an organization, the name of any agent acting on behalf of said organization (hereinafter referred to as "licensed agent");
    - (b) The licensed agent's date of birth, social security number, and place of birth;
    - (c) The licensed agent's temporary address of where said applicant is staying while conducting business within the City;
    - (d) The licensed agent's home/ mailing address;
    - (e) The licensed agent's supervisor's name and phone number;
    - (f) The name and address of the licensed agent's employer, if any, and the nature of the business or activity thereof.
    - (g) The nature of the business or activity in which the licensed agent wishes to engage within the City. Also, the licensed agent shall supply a copy of all information that will be distributed.
    - (h) A statement as to whether the licensed agent has been convicted in any jurisdiction of any crime other than of minor traffic violations and, if so, of what crime or crimes, and whether the licensed agent has been arrested for a felony offense and, if so, what crime or crimes, and when the crime or crimes occurred.

- (i) The length of time for which the license is desired.
- (2) In addition to the information required above, the applicant shall also submit:
  - (a) Two forms of identification, one of which must be in the form of a driver's license or identification card issued by the state of residence. Additional forms of identification that will be accepted are a recent pay stub, social security card, recent bill in the applicant's name, or state-issued identification of any form.
  - (b) Certification that a request for criminal record check has been completed by the Sunbury Police Department and the applicant has been cleared by the Chief of Police or his/her designees.
- B. The City Code Administration Office shall be informed, in writing, of any change in the information supplied during the period for which a license has been issued pursuant to said application within 24 hours of said change.
- C. Upon submission of said application, the applicant shall pay to the City Code Administration Office a license fee as set by resolution of the City Council. Proof of payment of said fee shall be submitted to the City Code Administration Office, who shall issue to the applicant, on or before the next business day of the City, a license in the form of a card which shall, unless revoked, entitle the licensee to engage in the activities specified for the period of time stated on the license; provided, however, that the City Code Administration Office shall refuse to issue a license if the applicant has had a license revoked by Council, the Sunbury Police Department, or the City Code Administration Office within the preceding five years, has been convicted of violating § 124-1 of this chapter within the preceding five years, or has made any false statement in his application for a license pursuant to the provisions of this chapter. Any applicant who has been refused a license may appeal to Council in the same manner as from a suspension of license under § 124-5 hereof. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Licenses shall not be effective until 24 hours after the time of issuance, and no organization or individual shall commence to engage in any activity specified on such license until said 24 hours have elapsed.
- E. Licenses may be renewed upon payment of the fee hereinabove provided for, unless the licensee is exempt from such requirement pursuant to § 124-6 below, and amendment of the original application shall reflect any changes in the information therein contained.

### § 124-3. Rules of conduct for licensees.

Every individual, organization, or agent thereof to whom a license has been issued under this chapter shall, in the carrying on of his business or activities in the City, comply with the following rules of conduct:

- A. The licensed agent shall carry his or her license card at all times and exhibit it upon request to any Code Administration Officer, Sunbury police officer, City Council member, or any person upon whom the licensed agent shall call or with whom the

licensed agent shall talk in carrying on the licensed activities.

- B. The licensed agent shall not permit any other person to have possession of his or her license card and shall immediately report its loss to the City Code Administration Office. The licensed agent shall not cause or permit the license card to be altered or defaced.
- C. The licensed agent shall not enter, or attempt to enter, any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- D. The licensed agent shall not represent the license card to be an endorsement of himself or of his goods or the services of his principal or employer.
- E. The licensed agent shall immediately surrender the license card upon suspension and/or revocation of the license as hereinafter provided.
- F. The licensed agent shall comply with all the provisions of this chapter.

#### **§ 124-4. Suspension of license.**

Any license hereafter issued may be suspended by the City Code Administration Office upon the failure of the licensee to comply with the standards of conduct established by § 124-3 hereof or upon ascertainment that the licensee has made any false statement in the license application hereunder. Notice of suspension shall be given by written notice personally served or sent by registered mail to the address designated for this purpose in the application for license.

#### **§ 124-5. Appeal from license suspension.**

Any individual, organization, or agent thereof whose license has been suspended shall be entitled to appear before the City Council at the next regular or special meeting and be heard in behalf of a request for reinstatement of the license. The Council shall hear the licensee at that time if the licensee has given the Council at least five days' notice of the desire for a hearing. Otherwise, the Council may hear the licensee at that time or may decline to hear the licensee at that time, in which case it shall schedule a hearing within five days. Following the hearing, the Council may reinstate or revoke the license or may continue the suspension of the license for a period not to exceed five years. No individual, organization, or agent thereof shall be denied a license or have his license suspended or revoked except by procedures consistent with the procedures herein.

#### **§ 124-6. Individuals or organizations exempt from licensing fee requirements.**

- A. The following individuals, organizations, or agents thereof, although subject to all other provisions of this chapter and required to register under § 124-7 below, are exempted from the licensing fee requirements only of this chapter:
  - (1) Farmers engaged in selling only the produce of their own farms.
  - (2) Individuals or organizations engaged in the sale or free distribution of goods, wares and merchandise donated by the owner thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or from which no

proceeds are derived. [Amended 6-10-2019]

- (3) Property owners or residents who hold yard sales, garage sales, or porch sales; provided, however, that all yard sales, garage sales, or porch sales are subject to the regulations under Chapter 175, Zoning, Article XI, Supplementary Regulations, § 175-84, Special sales.
  - (4) A person selling bakery products, meat and meat products or milk and milk products if that person is the manufacturer or producer of the products sold. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The following individuals, organizations, or agents thereof, although subject to all other provisions of this chapter and required to register under § 124-7 below, are exempted from the licensing fee requirements only of this chapter:
- (1) Individuals, organizations, or agents thereof, soliciting contributions on behalf of organizations or nonprofit corporations exempted from the provisions of, or duly registered pursuant to, the Act of 1925, May 13, P.L. 644, as amended,<sup>1</sup> who while soliciting possess a card or other written evidence of their appointment or authority to solicit for said organization or nonprofit corporation.
  - (2) Individuals, organizations, or agents thereof who have been licensed by the Commonwealth of Pennsylvania to engage in an activity described in § 124-1 hereof, when so engaged, including real estate, insurance or securities brokers or salesmen.
  - (3) These exemptions shall apply to the aforesaid individuals, organizations, or agents thereof only, and then only while they are engaged in the aforesaid activity. At all other times, all the provisions of this chapter shall apply.

**§ 124-7. Registration of exempted individuals, organizations, or agents thereof required; exception.**

All individuals, organizations, or agents thereof exempted from the licensing requirements hereof shall nevertheless register with the City Code Administration Office, supplying proper identification of the individual, organization, or agent thereof, and sign all registration forms. The City Code Administration Office shall issue a registration card good for one year from date of issuance. Chairmen of door-to-door fund drives for charitable organizations may register in behalf of the volunteer solicitors, provided that the Chairman agrees to provide some identifying tag, button or similar identification for all the door-to-door solicitors.

**§ 124-8. Occupying fixed locations on streets prohibited; time restrictions on solicitations.**

- A. No individual, organization, or agent thereof licensed under this chapter shall occupy any fixed location upon any of the streets, alleys or sidewalks of the City

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1. Editor's Note: Repealed by 1963, Aug. 9, P.L. 628, § 16 (10 P.S. § 160-16). For the current statute on this subject, the Solicitation of Funds for Charitable Purposes Act, see 10 P.S. § 162.1 et seq.

for the purpose of engaging in the business aforesaid, with or without any stand or counter.

- B. No individual, organization, or agent thereof licensed under this chapter shall, at any time on a Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m., engage in selling, purchasing, or soliciting the sale or purchase of food, printed matter, services, goods, wares, or merchandise of any description.

**§ 124-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any individual, organization, or agent thereof who violates any provisions of this chapter shall, upon conviction thereof, be fined not more than \$500 and, in default of payment of said fine, undergo imprisonment for not more than 30 days. Any unused license fee for a suspended or revoked license shall be deemed forfeited, not as a penalty, but as assessed and liquidated damages for failure to comply with the provisions of this chapter.