

RED HILL BOROUGH COUNCIL
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023 - 590

"An Ordinance Amending and Restating Peddling, Solicitation and Transient Sales"

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF RED HILL, CHAPTER 13 (LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS) BY DELETING THE EXISTING PART 1 (PEDDLING, SOLICITING AND TRANSIENT SALES) IN ITS ENTIRETY AND REPLACING IT WITH A NEW AMENDED AND RESTATED PART 1 IN ORDER TO UPDATE VARIOUS SECTIONS OF CHAPTER 13, PART 1.

The Borough Council of the Borough of Red Hill does hereby **ENACT** and **ORDAIN**:

SECTION I. - Amendment to the Code.

The Codified Ordinances of the Borough of Red Hill, Chapter 13 (Licenses, Permits and General Business Regulations) Part 1 (Peddling, soliciting and transient sales), is hereby amended by deleting the existing Part 1 in its entirety and replacing it with a new Part 1 as follows:

§ 13-101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

COMMERCIAL PEDDLER, SOLICITOR AND TRANSIENT VENDOR — Any person or group engaging in commercial peddling, soliciting or transient vending as herein defined. The words "peddler," "solicitor" and "transient vendor" shall include the words "vendor," "street vendor," "hawker" and "huckster," and other such words carrying or conveying the same meaning and understanding and addressing the same activities described thereby.

COMMERCIAL PEDDLING — The selling or offering for sale of any goods, wares or merchandise for immediate delivery, which the person or group selling or offering for sale carries with him/her in traveling or has in his/her possession or control upon any of the streets or sidewalks, from house-to-house within the Borough of Red Hill or from a fixed location within the Borough of Red Hill on a temporary basis.

COMMERCIAL SOLICITING — The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery or for services performed for the homeowner by a person, group or for-profit corporation, upon any of the streets or sidewalks, from house-to-house within the Borough of Red Hill, including the door-to- door delivery of business advertisements that do not require direct contact with residents.

COMMERCIAL TRANSIENT VENDING – Commercial transient vending shall consist of peddling, soliciting, selling, offering for sale or taking orders for sale at any outdoor place, on a daily, weekly or seasonal basis, within the limits of private property with permission of the property owner, provided that said private property is zoned for the sale of the merchandise being sold and that said daily, weekly or seasonal use meets the requirements of Chapter 27, Zoning.

EXEMPT SOLICITOR — Any person or group representing a government agency, charitable, educational, religious or political organization or any association incorporated with or subject to the provisions of the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, for the purpose of soliciting membership, money and/or property by or on behalf of a nonprofit and/or exempt organization, cause, candidate or viewpoint.

ORGANIZATON - group, business, employers, or other legal or quasi-legal entity.

PERMIT HOLDER – Any peddler, solicitor or transient vendor who holds a valid permit.

§ 13-102. Permits

Any person who shall engage in peddling, soliciting or transient sales within the Borough of Red Hill shall submit a permit application to the borough secretary or other borough staff in the absence of the secretary, at the Red Hill Borough Building, 56 West Fourth Street, Red Hill at least Twenty-Four (24) hours in advance of the date they intend be in the borough.

No permit shall be valid for more than a seven (7) day period.

A. Permit Requirements

Permit Expiration – Permits expire seven (7) days after date of issuance.

Permit not transferable – No permit issued to any person under the provisions of this part shall be transferable.

Issuance – Prior to the issuance of any permit, an applicant must provide to the Borough Secretary or other Borough official in the absence of the Secretary the information and supplementary documentation required under §13-102.B and pay the required fee. Once the fee is paid, the required information and supplementary documentation is provided and the required twenty-four (24) hours advance application period is met, the Borough Secretary or other Borough official in the absence of the Secretary shall issue the permit requested, with all portions thereof complete.

Permit fee – The fee shall be established from time to time by resolution of Borough Council. The expiration date shall be prominently displayed on the permit.

B. Application Procedures

The applicant shall supply the following information which shall be entered in a logbook maintained by the Borough Secretary.

1. Name and address.
2. Phone number.
3. Criminal record, if any.
4. The applicant shall submit a clearance result from a completed Pennsylvania State Police "Request for Criminal Record Check.
5. Proof of identify (driver's license, government issued picture identification or student identification).
6. Nature of organization.
7. Description of article(s) to be sold.
8. Copies of any written materials being distributed to residents.
9. Address of organization.
10. Phone number of organization.
11. Type and registration of vehicle (s) to be used.
12. Necessary permits for sale of food such as, but not limited to, permits from Montgomery County Department of Health for operation of mobile food vending units.
13. For any applicant selling home improvement services, a copy of documentation bearing the license number of the Home Improvement Contractor as defined by the Home Improvement Consumer Protection Act.

§ 13-103. Rules of Conduct for Permit Holders and Exempt Solicitors

It shall be unlawful for any person to engage in peddling, soliciting or transient sales within the Borough of Red Hill without a valid permit unless said person is an exempt solicitor. Each applicant will be given a copy of the following rules which the applicant will sign upon the issuance of any permit. All permit holders and exempt solicitors shall, when conducting business activities in the Borough, comply with the following rules of conduct:

1. The permit must be carried at all times and be presented upon request to any person the permit holder and exempt solicitor is attempting to peddle or solicit.

2. The permit holder and exempt solicitor shall not enter or attempt to enter any dwelling house or place of business without the invitation or permission of the occupant and shall immediately leave the premises upon request.
3. The permit holder and exempt solicitor shall only engage in peddling/soliciting within the Borough between the hours of 10:00 a.m. 5:00 p.m. Monday through Sunday.
4. The permit holder and exempt solicitor shall not call out, shout or use any voice amplification system to sell services or goods.
5. The permit holder and exempt solicitor are not permitted in Borough parks and/or playgrounds.
6. The permit holder and exempt solicitor shall not peddle or solicit on private property without permission of the property owner.
7. The permit holder and exempt solicitor shall not cut across or walk upon any front lawn, back yard, or courtyard except upon sidewalks, walkways or private driveways, whenever such sidewalks, walkways or driveways are provided.
8. It shall be unlawful for the permit holder and exempt solicitor to peddle, solicit or conduct transient sales or attempt to peddle, solicit or conduct transient sales at any entrance other than the main entrance of the residence.
9. The permit holder and exempt solicitor who is offering any food for sale or using any mobile food unit that requires a permit from the Montgomery County Health Department must carry and present said permit to residents and Borough Officials upon request.
10. Any permit holder and exempt solicitor selling home improvements services must carry proof of licensure under the Home Improvement Consumer Protection Act and present said license to residents and Borough Officials upon request.
11. The permit holder and exempt solicitor are prohibited from entering upon any property that is posted with a "No Peddling" and/or "No Soliciting" sign and may be prosecuted for trespassing.
12. The permit holder shall not represent that his or her permit is an endorsement of himself or herself or of the goods or services or of the foods or services of his or her principal or employer.

13. Commercial Transient Vendors must operate only in a zoning district where the sale of their merchandise is permitted under the provisions of the Red Hill Borough Zoning Ordinance, Chapter 27 of the Code of Ordinances of Red Hill Borough.

§13- 104. Revocation and Suspension of Permits

Any Borough official is hereby authorized to revoke or suspend any permit issued under this Part for any violation of the provisions of this Part, or for giving false information upon any application for a permit. Any Borough official is further authorized to revoke or suspend any permit for the failure to comply with rules set forth in §13-102.

§13-105. Exemptions for Nonprofit and/or Exempt Peddlers and Solicitors

1. Persons, organizations, their employees, agents, and representatives who engage in door-to-door soliciting and/or peddling on behalf of nonprofit and/or exempt organizations and causes that are in compliance with the provisions set forth by the Commonwealth of Pennsylvania, Department of State, Bureau of Charitable Organizations, are exempt from the requirement to obtain a permit and to pay any fee to peddle or solicit.
2. Persons who are exempt from obtaining permits, are requested as a courtesy to let the borough office staff know of their presence and solicitation activity, so that the office is aware, for public information purposes.
3. All other provisions of this ordinance shall apply.

§ 13-106. Violations and Penalties.

Any person or group who or which has violated or permitted the violation of the provisions of this Part shall be subject to immediate suspension of their permit, if any, and must immediately cease and desist all peddling and soliciting activities as ordered by any Borough official or other public official with probable cause to believe a violation has occurred. Upon conviction before the Magisterial District Judge, violators shall be subject to a penalty of not more than \$600 for each

violation plus court costs and attorney fees for the Borough, and in default of payment of such fine and costs, to a term of imprisonment not to exceed 30 days, or both such fine and imprisonment. Each day that a violation continues may be regarded as a separate offense for each individual violation and punishable as such.

SECTION II. – Severability.

The provisions of this Ordinance are intended to be severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. – Failure to enforce not a Waiver.

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement.

SECTION IV. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.


SECTION V. – Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and **ENACTED** by the Borough Council of Red Hill Borough, Montgomery County, Pennsylvania, this 12th day of April 2023.

Signatures are on the following page.

RED HILL BOROUGH COUNCIL

By: 
Doris Decker, President

Attest: 
Gia McKinley, Secretary

APPROVED the 12th day of April, 2023.


David Schiffgens, Mayor

NOTICE

NOTICE is hereby given that the Red Hill Borough Council, at its public meeting on April 12 2023 at 7 PM at the Red Hill Borough Hall, 56 West Fourth Street, Red Hill, Pennsylvania 18076, will consider and could vote to adopt an Ordinance amending the Codified Ordinances of the Borough of Red Hill, Chapter 13 (Licenses, Permits and General Business Regulations by deleting the existing Part 1 (Peddling, Soliciting and Transient Sales) in its entirety and replacing it with a new amended and restated Part 1 in order to update various sections of Chapter 13, Part 1.

Copies of the proposed Ordinance are available for public inspection at the Borough Offices, 56 West Fourth Street, Red Hill, Pennsylvania 18076 where a copy of the proposed ordinance may be obtained at a charge not greater than the cost thereof, the offices of *The Town & Country*, 2508 Kutztown Road, Pennsburg, PA 18073 and the Montgomery County Law Library, Court House, Norristown, Pennsylvania, during normal business hours.

MARK A. HOSTERMAN, ESQUIRE

WISLER PEARLSTINE, LLP

Solicitor for the Borough of Red Hill