

Fountain Hill Borough

941 Long St. Fountain Hill, PA 18015

Phone: 610-867-0301

Checklist for Completing Peddling and Soliciting License Application

- o Complete Application for Peddling and Soliciting License. Failure to provide all information requested will result in denial of application.
- o application fee \$10 one day license, \$25 seven day consecutive license, \$60 thirty day license (charitable and non-profit organizations may be exempt). A Seasonal license (Memorial Day through Labor Day) is also available, with an application fee of \$125.
- o Documentation of organization's non-profit or charitable status (only required if claiming exemption from application fee).
- o Driver's license or other form of identification for each person engaging in solicitation activities (Borough will make copies to attach to application).
- o Criminal background checks for each person engaging in solicitation activities. Background checks must be from the person's state of residence and dated within the 30 days prior to filing application.
- o Proof of compliance with all licensing or certification requirements applicable to applicant's business.
- o Applicant has read and understands Ordinance No. 651.
- o Applicant has received a copy of the "DO Not Solicit List"

BOROUGH of FOUNTAIN HILL
941 Long St.
Fountain Hill, PA 18015
610-867-0301

APPLICATION FOR PEDDLING AND SOLICITING LICENSE

Application is hereby made for a Peddling and Soliciting License to engage in door-to-door sales and solicitations in Fountain Hill Borough pursuant to Ordinance No.651. Incomplete Applications will not be processed.

Date of Application: _____

Application is made on behalf of: (check one)

- Self
- For-Profit Business / Company
- Non-Profit Association / Organization
- Other _____
(Please Specify)

Applicant Information:

Name of Applicant _____

All other names under which Applicant conducts business, _____

Temporary Address _____

Permanent Address Street _____ State _____ Zip Code _____

Business Address Street _____ City _____ State _____ Zip _____

Street _____ City _____ State _____ Zip Code _____

Address for service or receipt of notices

Street _____ City _____ State _____ Zip Code _____

(A post office box is not acceptable for any required address)

Telephone # _____ Email Address _____

Person responsible for supervising solicitation activities on behalf of Applicant:

Last Name, _____ First Name _____ MI _____

Temporary Address, _____

Permanent Address, Street _____ Cit _____ State _____ Zip Code _____

Street _____ City _____ State _____ Zip Code _____

(A post office box is not acceptable for any required address)

Telephone # _____ Cell Phone # _____ Email _____

Vehicle Information:

Year, make, model, color, license plate number of vehicle(s) used: _____

If more space is needed to record additional vehicles, please use a separate sheet of paper.

Nature of Solicitation / Peddling Activity:

Description and location of proposed solicitation or peddling activity _____

Type of goods, wares, services or merchandise _____

Are you engaging in fund raising activities on behalf of a charitable or non-profit organization? ____ Yes ____ No

*If you answered "yes" to the question above, please provide documentation of your organization's charitable or non-profit status.

Dates and times of solicitation or peddling activity _____

*Solicitation activities are prohibited on Sundays, legal holidays and between the hours of 9:00 pm and 8:00 am Monday through Saturday.

Please provide a list of all individuals engaging in solicitation / peddling activities under this application. If more space is needed, a separate sheet of paper may be used.

Name (Last, First, M)	Home Address	Date of Birth	Driver's License (State & Number)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Each person engaging in solicitation activities under this application must provide a lawful driver's license or other form of identification to the Township for inspection and photo copying.

Criminal History:

List convictions (other than traffic violations and summary offenses) for all persons engaging in solicitation / peddling activities under this application. Additionally, if there are any pending charges that, if convicted, would result in a felony, those must also be listed here with the note that the matter is pending.

Person's Name	Offense	Date of Conviction
_____	_____	_____
_____	_____	_____

"Applicant must provide a criminal history background check for each person engaging in solicitation / peddling activities under this application. Background check must be from the person's state of residence and domicile (if different from residence) and dated within the 30 days prior to filing this Application.

I verify that I am authorized to execute this application on behalf of the Applicant named herein, and that the statements made herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to penalty of 18 PA. C.S.A. §4904, relating to unsworn falsification to authorities, I understand and agree that submission of false information may constitute grounds for revocation or denial of a License to engage in door-to-door solicitation activities in Fountain Hill Borough. I acknowledge that I have read and agree to comply with Borough Ordinance No. 651.

Date

Signature of Applicant or Applicant's Representative

Print Name

TO BE COMPLETED BY Borough:

Date Received _____
License Fee _____

Permit No. _____
Amount Received _____

Approval

- Administrative Asst. (Completeness Review)
- Police Department
- Zoning Office
- Township Manager

Reviewed By	Date
_____	_____
_____	_____
_____	_____

Approved _____ Denied _____

Conditions of approval

Permit issued by _____ Title _____ Date _____
 Signature of Borough Official _____
 Applicant notification (date and method) _____

**BOROUGH COUNCIL
BOROUGH OF FOUNTAIN HILL
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance # 831

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 13,
LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, TO ADD PART 3,
SOLICITATION, TO REGULATE SOLICITATION AND TRANSIENT RETAIL
BUSINESS WITHIN THE BOROUGH OF FOUNTAIN HILL**

WHEREAS, the Borough Council of the Borough of Fountain Hill desires to regulate and license solicitation and transient retail business within the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council as follows:

§ 301. **Definitions.** The following terms shall have the following meanings unless otherwise expressly set forth in the text.

- (a) "Applicant" shall mean a Person who desires to secure a License for solicitation, peddling, or a transient retail business.
- (b) "Approved" shall mean acceptable to Borough Council.
- (c) "Borough" shall mean the Borough of Fountain Hill.
- (d) "Borough Council" shall mean the Borough Council of the Borough of Fountain Hill.
- (e) "License" shall mean the License issued by the Borough pursuant to the terms, conditions and provisions hereof.
- (1) "Licensee" shall mean any person, individual, association, organization, corporation, partnership, co-partnership, firm, joint venture or similar business entity that secures a License.
- (g) "License Period" shall mean the period of time for which a License has been issued and is valid.
- (f) "Person" shall mean any individual, association, organization, corporation, partnership, co-partnership, firm, joint venture or similar business entity that applies for a License.
- (g) "Transient Retail Business" shall mean any of the following events or practices: peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods,

wares, merchandise, magazines, periodicals, books or other personal property, or services to be furnished or performed now or in the future, or solicitation of contributions for various causes and organizations including, but not limited to, charitable, religious, political, educational or philanthropic **organizations upon or from:**

1) any street, alley, sidewalk or public place, or from house-to-house within the Borough;
or

2) a fixed location within the Borough, on a temporary basis, which shall include, but is not limited to, any activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

§ 302. License Required.

- (a) No Person shall engage in any solicitation or Transient Retail Business in the Borough without registering with and obtaining a License from the Borough. With respect to non-profit corporations or other charitable organizations, only the organization is required to register with the Borough and obtain a License. Individual members are exempt from the requirements of this section.
- (b) Pursuant to 73 P.S. § 2011 et seq., no Person shall solicit the subscription of any magazine by the use of door-to-door salespersons without first obtaining a License from the Attorney General and complying with the applicable requirements of 73 P.S. § 2011 et seq.; provided that these provisions of 73 P.S. § 2011 et seq. shall not apply to any charitable or non-profit organization which solicits the subscription of magazines by the use of door-to-door salespersons.

§ 303. Application for License; Investigation.

- (a) An Applicant for a License shall file with the Borough Executive Administrator an application, in writing, on a form to be provided by the Borough for that purpose, which form shall be approved by Resolution of Borough council. If such Person is also required to obtain a License from the Attorney General pursuant to 73 P.S. § 2011 or from any County Treasurer pursuant to 60 P.S. § 21, such Person shall exhibit said valid License(s) when making the application to the Borough.
- (b) The application shall be accompanied by the required License Fee as prescribed below in § 305 and a **photograph of the Applicant(s)**.
- (c) A list of any and all solicitors of an Applicant shall accompany all applications for a License.
- (d) All applications for a License shall be submitted to the Borough at least fifteen (15) days in advance of the date an Applicant plans to commence the solicitation or Transient Retail Business.

- (e) Within five (5) days after a complete application is filed, the Borough Executive Administrator shall direct the Borough Police Department to conduct an investigation of the Applicant and the information set forth in the application. Said investigation shall be completed within seventy-two (72) hours and the results reported to the Borough Executive Administrator.

§ 304. Issuance of License.

- (a) Within two (2) days of receiving the investigation results from the Borough Police Department, the Borough Executive Administrator may issue a License to the Applicant, provided the application conforms to the requirements of this Ordinance and all applicable laws and regulations and the Applicant has paid the required License Fee.
- (b) The Borough may attach any reasonable conditions to an issued License. The issued License must include the date(s) the License is valid or provide for a thirty (30) day period, whichever is shorter, and any time restrictions as to when a Person may solicit.

§ 305. License Fee; Waiver of License Fee.

- (a) A fee shall be charged for each License issued in an amount to be established by Resolution of Borough Council and as amended by Resolution from time to time by Borough Council. This fee may be waived for non-profit associations, at the Borough's discretion.
- (b) In the event a License is denied; the Borough shall return the License Fee less \$5.00. Any fees retained shall be used to partially reimburse the Borough for the expenses, of the investigation.
- (c) Any non-profit organization, even if the license fee is waived, is still required to register with the Borough and is subject to all other provisions of this Ordinance except pertaining to the payment of a License Fee.

§ 306. Exhibition of License.

Every Licensee shall carry a valid and unexpired License on their person or display it on their vehicle or from a fixed location, as applicable. The Licensee shall exhibit the License, immediately upon request, to any police officer, Borough official, or any citizen or resident of the Borough.

§ 307. License Non-transferable; Reporting Lost License.

- (a) No License shall be transferable from one Person to any other Person.
- (b) If a License is lost or stolen, the Licensee shall immediately report it to the Borough Executive Administrator who shall reissue the License, at no cost, for the duration of the License Period.

§ 308. Expiration of License.

Every License shall terminate automatically at the time of 6:00 p.m. on the day the License Period expires.

§ 309. Rules and Regulations; Violations; Penalties.

- (a) No Person engaged in any Transient Retail Business shall:
 - 1) Sell any goods, wares, merchandise or service other than that provided for in the License;
 - 2) Hawk or cry the Licensee's wares upon any street, alley or public ground in the Borough or use any loudspeaker or horn or other device for announcing the Licensee's presence, which device may annoy the public;
 - 3) When selling from a vehicle, stop or park the vehicle upon any street, alley or public ground in the Borough for longer than necessary to make a sale;
 - 4) Be guilty of any false pretense or misrepresentation and particularly, shall not represent the Licensee's License to be an endorsement of the goods or services;
 - 5) Enter or attempt to enter any dwelling without the invitation or permission of the occupant and/or refuse to leave any premises upon request of the occupant; Engage in any house-to-house activity, except by prior appointment, before 9:00 a.m. or after 6:00 p.m. or dusk (whichever is earlier); or
 - 6) Transfer or attempt to transfer or permit any other Person to have possession of the License or cause or permit the License to be altered or defaced in any way.

(b) Any violation or failure to comply with any provision of this Ordinance shall constitute a summary offense. Any Person found guilty thereof shall, upon conviction, pay a fine of not more than \$600, plus costs and attorney's fees. In the event of nonpayment of said fine, the Person may be imprisoned for a period not to exceed thirty (30) days; provided a court shall not commit a Person to prison for failure to pay a fine or costs unless it appears after a hearing that the Person is financially able to pay the fine or costs. Each section of this Ordinance found to have been violated shall constitute a separate offense. Each day that a violation of a License or this Ordinance continues shall constitute a separate offense. In addition to the aforementioned penalties, all other actions are reserved to the Borough, including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation shall not excuse the violation or non-compliance or permit further violations or non-compliance.

§ 310. Denial, Suspension and Revocation of License; Appeal.

- a) An application for a license may be denied, or, if issued, may be suspended for any of the following reasons:
1. Failure of background check
 2. Receipt of three (3) or more citizen complaints within a 30-day period
 3. False or misleading information provided in the application
 4. Failure to present food/health inspection certifications (if applicable)
 5. Violation of any Ordinance provision
 6. When deemed to be in the interest of the public health, safety, welfare or morals.
- b) An applicant whose license is denied, revoked or suspended shall receive notice and an opportunity to be heard (to occur within five (5) days of the date of the notice). Any notice of suspension or revocation shall include the reasons therefor.
- e) Appeals from any suspension or revocation of a License must be made to the Borough Council within ten (10) days of said suspension or revocation. Appeals from the Borough Council's subsequent decision may be made to the Lehigh County Court of Common Pleas pursuant to the provisions of the Local Agency Law, 2 Pa.C.S.A. § 752.
- d) In the event a License is suspended or revoked, no portion of the License Fee shall be refunded to any Person.

§ 311. Applicability.

This Ordinance shall not apply to any Person who is beyond the legal power of the Borough under either the Constitution of the United States or the Constitution or Laws of the Commonwealth of Pennsylvania. This Ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

§ 312. Severability.

The provisions of this Ordinance are severable. If any provision, sentence, clause, phrase, section or part thereof shall for any reason be found unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts thereof, but the same shall remain in effect. It is hereby declared to be the intent of Borough Council that this Ordinance shall stand notwithstanding the invalidity of any part included herein.

§ 313. Effective Date.

The provisions of this Ordinance shall become effective 30 days after enactment.

§314. Repealer.

Any ordinance, in part or in whole, conflicting or inconsistent with the provisions of this Ordinance are hereby repealed insofar as the same may conflict with or be inconsistent with the terms of this Ordinance.

ORDAINED AND ENACTED this 5th day of December, 2016, in lawful session duly assembled.

	Motion	2nd	Yes	No	Abstain	Absent
Philip Trabel			X			
Carolee Gifford			X			
Norman Blatt		X	X			
Annmarie Jordan	X		X			
Larry Rapp			X			
Doug Trotter			X			
Helen Halleman			X			
Mayor Jose Rosado						

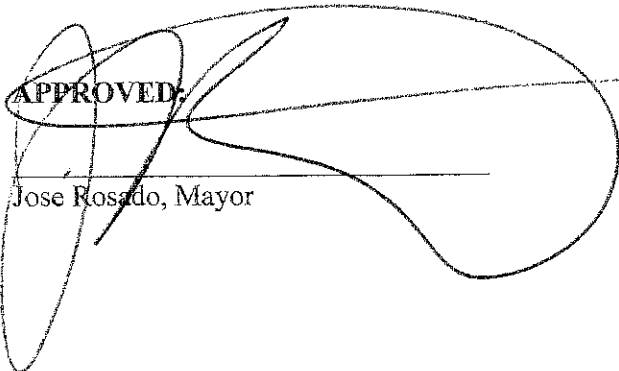
BOROUGH OF FOUNTAIN HILL

LEHIGH COUNTY, PENNSYLVANIA


 Lawrence E. Rapp, President of Council

ATTEST:


 Anthony Bianco, Borough Secretary

APPROVED:

 Jose Rosado, Mayor

CERTIFICATE

I, the undersigned, Secretary of the Borough of Fountain Hill, Lehigh County, Commonwealth of Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of an Ordinance of the Borough which was duly enacted by affirmative vote of the majority of the members of Borough Council at a meeting duly held on December 5, 2016, and that said Ordinance remains in effect, unaltered and un-amended, as of the date of this certificate.

IN WITNESS, WHEREOF, I set my hand and affix the official seal of the Borough this 5th day of December, 2016.



Anthony Bianco, Executive Administrator/Secretary