

BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 478-2021

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 195 OF THE BOROUGH OF LEESPORT IN ITS ENTIRETY, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, by Ordinance No. 195, enacted July 12, 1961, the Borough Council of Leesport Borough enacted an Ordinance regulating and requiring solicitors and peddlers to obtain a license, establishing license fees, and providing for the enforcement thereof and penalties for violations thereof; and

WHEREAS, the Borough Council deems it to be in the best interest to amend Ordinance No. 195 in its entirety.

NOWTHEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania, that Ordinance No. 195 is hereby amended in its entirety so as to read as follows:

SECTION 1. Short Title. This Ordinance shall be known as the “Peddling and Solicitation Ordinance”.

SECTION 2. Definitions and Interpretation.

- A. The word “peddling”, as used in this Ordinance, shall mean to sell, to offer for sale, to solicit or to make orders, either by sample or otherwise, for any goods, wares, services or merchandise, upon any of the streets in the Borough of Leesport; provided, the word “peddling” shall not apply to:
1. Farmers selling their own produce; or
 2. The sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof shall be applied to any charitable or philanthropic purpose (but in no event to an organization which seeks to affect legislation); or
 3. Any manufacturer or producer in the sale of fresh or frozen bread and bakery products, meat and meat products or milk and milk products.

- B. The word “soliciting”, as used in this Ordinance, shall mean engaging in the soliciting of any money or gift of any goods, wares, merchandise, services or other articles of value, upon any of the streets in the Borough of Leesport, or from door to door within the Borough of Leesport, whether or not accompanied by the dissemination of information.
- C. The word “peddler”, as used in this Ordinance, shall mean any person who shall engage in peddling, as defined above.
- D. The word “solicitor”, as used in this Ordinance, shall mean any person who shall engage in soliciting, as defined above.
- E. The word “person”, as used in this Ordinance, shall mean any individual, joint venture, association, partnership, trust, corporation or other legal entity.
- F. The word “street”, as used in this Ordinance, shall mean any street, road, highway, or alley and shall include the sidewalk within the lines of or along the same.
- G. The words “legal holiday” shall refer to New Year’s Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.
- H. In this Ordinance, the singular shall include the plural, and the plural shall include the singular, and the masculine shall include the feminine and the neuter.
- I. The terms “Permit” and “License” and “Permittee” and “Licensee” can be used interchangeably.

Section 3. Permit Requirement.

- A. On or after the effective date of this Ordinance, no person shall engage in peddling or in soliciting in the Borough of Leesport without first having obtained a permit to so peddle or solicit, respectively, as more fully set forth in this Ordinance.
- B. On or after the effective date of this Ordinance, the Borough of Leesport and Union Fire Company #1 of Leesport are required to obtain a permit to peddle or solicit, but are exempt from all other provisions of this Ordinance.

Section 4. Application for Permit.

Every person desiring a permit to engage in peddling or soliciting within the Borough of Leesport shall make separate application therefore to the Borough Secretary. If such person shall

also be required to obtain a license or permit from any county officer, he shall, when making such application, exhibit a valid county license to the Borough Secretary. Further, if any such person shall be required to register with the Commonwealth of Pennsylvania in connection with soliciting for any charitable organization, he shall, when making such application, exhibit evidence of such Commonwealth registration. Upon such application, such person shall give his name; address; his criminal record, if any; the name of the person for whom he works; the nature of the goods, wares, services and/or merchandise that he intends to peddle or the use to which funds solicited shall be put; the period of time he intends to peddle or solicit; the type of vehicle he uses, if any, and the license number thereof; the place where he was engaged in peddling or soliciting immediately prior to his making such application, if any; and the place where he intends to go after the completion of his peddling or soliciting in the Borough of Leesport. Notwithstanding anything herein stated to the contrary, each individual intending to peddle or solicit for or on behalf of any other legal entity shall make personal application for such license, which individual license shall be required for each individual to engage in peddling or solicitating in the Borough of Leesport. No license issued under this Ordinance shall be transferrable from one person to another person.

Section 5. Investigation of Applicant.

Before issuing a peddler's license or a solicitor's license, the Borough Secretary, or his/her duly authorized agent, in the sole discretion of said Secretary or agent, may require an investigation of the applicant to obtain sufficient proof that the applicant is of good business and/or moral character and/or to confirm the accuracy of representation made in each such application. By submitting an application for a peddler's license or a solicitor's license, the applicant agrees to await a reasonable amount of time for such investigation, which investigation may take no more than ten (10) days from the date of application. If, as a result of such investigation, the applicant's business or moral character is found to be unsatisfactory or any representation is found to be false or misleading, the Borough Secretary, or his/her duly authorized agent, shall notify the applicant that such application has been disapproved and that no license shall be issued.

Section 6. Non-Discrimination.

The Borough of Leesport shall not discriminate in the granting of licenses, as long as the applicant abides by all regulations and requirements set forth in this Ordinance, on the basis of sex, national origin, race or religion.

Section 7. Permit Fess.

No permit shall be issued under this Ordinance until the fee therefor, which shall be for the use of the Borough of Leesport, shall have been paid to the Borough Secretary by the applicant for such license.

A. The fee for such Commercial/For-Profit license shall be **One Hundred**

Dollars (\$100.00) for each person who will be soliciting/peddling within the Borough regardless of whether more than one person represents a company/entity. Said fee is established by the Borough of Leesport and may be amended from time to time for commercial/for-profit entities.

- B. The fee for such Charitable/Non-Profit license shall be **Twenty Five Dollars (\$25.00)** for each person who will be soliciting/peddling within the Borough regardless of whether more than one person represents a company/entity or as set by the Borough of Leesport from time to time for non-profit/charitable entities.
- C. The permit fees may be waived at the sole discretion of Borough Council.

Section 8. Issuance of License; Custody, Display or Exhibit.

Upon receipt of such application and the prescribed fee, the Borough shall issue the license required under this Part if such license application is in order. Such license shall contain the information required to be given on the application. Any license issued pursuant to this Ordinance shall be valid for a period of **one (1) day/24 hours** from the date thereof. It shall be a privilege of the licensed person to conduct such business or activity as permitted by the license and no such license shall confer any property right up on the licensed person. Every licensee shall carry such license upon his person if engaged in soliciting or peddling within the Borough of Leesport. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Borough of Leesport. The licensee shall only be entitled to carry said license for the length of time for which the license is issued. When the time period for the license has expired, the licensee shall apply for a new license and pay a new license fee.

Section 9. Suspension and Revocation of License.

Any license issued hereunder may be suspended at any time, upon written charge presented to the Borough Secretary, alleging that the licensee has committed any violation of this Ordinance; has given any false or misleading information in connection with any application for such license; or has committed any violation of any other law, order, statute, regulation or rule in connection with licensed business or activity. Any license may appeal from such act of revocation to the Borough Council of the Borough of Leesport at the next regular meeting thereof. No license fee or portion thereof shall be refunded in the case of revocation.

Section 10. Limitation on License.

In addition to any other regulation in connection with a peddler's license or a solicitor's license contained herein or otherwise, the following restrictions shall apply:

- A. Peddlers. **No peddler having received a peddler's license under this ordinance shall peddle in the Borough of Leesport at any time on Sunday**

or at any time on a legal holiday or at any time on Monday through Saturday between the hours of 4:00 p.m. and 9:00 a.m., prevailing time. No peddler, having received a peddler's license under this Ordinance, shall peddle at any premises within the Borough of Leesport if, at any primary entrance to such premises, there is posted at the time such peddler enters upon the premises, a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If any such notice is posted, the peddler, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any peddler, whether licensed hereunder or not, who was gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof. No peddler shall occupy any fixed location upon any of the streets or public places in the Borough of Leesport for the purpose of peddling.

- B. **Solicitors.** No solicitor, having received a solicitor's license hereunder, shall solicit in any premises within the Borough of Leesport in the Borough of Leesport at any time on Sunday or at any time on a legal holiday or at any time on Monday through Saturday between the hours of 4:00 p.m. and 9:00 a.m., prevailing time. No solicitor, having received a solicitor's license hereunder, shall solicit in any premises within the Borough of Leesport in the Borough of Leesport if, at any primary entrance to such premises, there is posted at the time such solicitor enters upon such premises a notice which states "NO PEDDLERS OR SOLICITORS INVITED". If such notice is posted, the solicitor, whether licensed hereunder or not, shall immediately and peacefully depart from the premises. Any solicitor, whether licensed hereunder or not, who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so from the occupant there.

Section 11. Notices.

Any person owning or occupying any building or portion thereof within the Borough of Leesport, Berks County, Pennsylvania, who desires to secure the protection under the Notice Regulations contained in this Ordinance shall comply with the following requirements:

- A. Such individual shall post at a primary entrance to such premises a notice which states "NO PEDDLERS OR SOLICITORS INVITED".
- B. Such notices shall be in block letters at least one (1) inch in height and shall be provided by the Borough of Leesport to persons requesting them, at the cost thereof.
- C. Such notice so exhibited shall constitute sufficient notice to any peddler or solicitor, whether registered under this Ordinance or not, of the determination

by the occupant or owner of such premises of the information contained on such notice.

Section 12. Penalties.

Any individual, joint venture, partnership, trust or corporation who or which shall violate the provisions of this Ordinance, shall, upon judicial findings or verdict thereof, be subject to judgment for each violation of not more than One Thousand and 00/100 Dollars (\$1,000.00), plus costs of suit. Each such day that a violation continues shall constitute a separate offense. All fines shall be paid to the Borough of Leesport for its general use.

Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of the Borough of Leesport against a person under this Ordinance shall in no way constitute an election of remedies, and the Borough of Leesport, and any person having cause of action against such person, shall be entitled to pursue any such remedies against such person as provided by law or in equity.

Section 13. Repealer.

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 14. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 15. Effective Date.

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 17th day of November, 2021.

COUNCIL FOR THE
BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA



Martin Goetz, President

ATTEST:

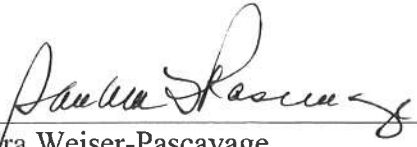
Sandra Pascavage
Sandra Weiser-Pascavage, Borough Manager / Secretary

APPROVED this 17th day of November, 2021.

Charles Berger /s/ (aw)
Charles Berger, Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 478 - 2021 adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on 17th November, 2021, pursuant to notice as required by law.



Sandra Weiser-Pascavage
Borough Manager / Secretary

NOTICE TO THE RESIDENTS OF THE BOROUGH OF LEESPORT

The Borough Council of Leesport, Berks County, Pennsylvania on Wednesday, November 17, 2021, beginning at 7:00 p.m. in the Leesport Fire Company Social Hall located at 27 South Canal Street in Leesport will consider enactment of the Ordinance summarized below. The complete title and summary of the proposed Ordinance are as follows:

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 195 OF THE BOROUGH OF LEESPORT IN ITS ENTIRETY, REQUIRING SOLICITORS AND PEDDLERS TO OBTAIN LICENSES, ESTABLISHING LICENSE FEES, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATIONS THEREOF

Section 1 entitled "Short Title" sets forth the title of the Ordinance. Section 2 entitled "Definitions and Interpretations" sets forth the definitions and interpretations for words used within the Ordinance. Section 3 entitled "Permit Requirement" requires solicitors and peddlers to obtain a permit. Section 4 entitled "Application for Permit" sets forth the application process for a permit. Section 5 entitled "Investigation of Applicant" provides for the investigation of an applicant before the issuance of a permit. Section 6 entitled "Non-Discrimination" provides that the Borough of Leesport shall not discriminate in the issuance of licenses. Section 7 entitled "Permit Fees" sets forth the permit fees. Section 8 entitled "Issuance of License; Custody, Display of Exhibit" sets forth the display requirements of a license. Section 9 entitled "Suspension and Revocation of License" provides that a license may be suspended or revoked. Section 10 entitled "Limitation on License" sets forth the limitations on a license. Section 11 entitled "Notices" sets forth the notice regulations for a person owning or occupying any building or portion thereof with the Borough of Leesport. Section 12 entitled "Penalties" sets forth the penalties for violation of the Ordinance. Section 13 is the repealer. Section 14 provides that the provisions of the Ordinance are severable. Section 15 provides an effective date.

All interested residents are invited to attend and be heard. A complete copy of the proposed Ordinance is available for inspection without charge and for copying at a charge not greater than the cost thereof at the Borough Hall at 27 S. Canal Street, Leesport during regular office hours.

COUNCIL FOR THE BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA
Sandra L. Weiser-Pascavage
Manager/Secretary/Treasurer

Christopher J. Hartman, Esquire, Solicitor
To be published in the Reading Eagle on November 10, 2021