

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL
LEGISLATION / Chapter 142, PEDDLING AND SOLICITING**

Chapter 142, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Borough Council of the Borough of Malvern 12-2-1975 by Ord. No. 254 (Part 6, Ch. 4, of the 1975 Code of Ordinances). Amendments noted where applicable.]

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL
LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-1. Definitions
and word usage.**

§ 142-1. Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON -- Any natural person, association, partnership, firm or corporation.

TRANSIENT RETAIL BUSINESS -- Includes the following:

- (1) Engaging in peddling, selling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street, alley, sidewalk or public place, or from house to house, within the Borough; and
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for or in advance of particular yearly holidays.

B. In this chapter the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

**CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL
LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-2. License
required; fee.**

§ 142-2. License required; fee.

No person shall engage in any transient retail business within the Borough without first having obtained from the Mayor a license for which a fee of \$5, which shall be for the use of the

Borough, shall be paid. Such license shall be valid for a period of three months, and no license shall be issued for less than three months. Provided that no license fee shall be required under this section (1) from farmers selling their own produce; (2) for the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose; or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products. Provided, further, that any person dealing in one or more of the hereinabove mentioned exempted categories, and selling other goods, wares and merchandise not so exempted, shall be subject to payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares and merchandise not so exempted. Provided, further, that the Mayor may similarly exempt from payment of the license fee persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. Provided, further, that every license issued under the provisions of this chapter shall be issued on an individual basis to persons engaging in such businesses; every such individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-3. Application for license.

§ 142-3. Application for license.

Every person desiring a license under this chapter shall first make application to the Mayor for such license. If such person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall give his name and address; the name of the person by whom he is employed; the type of goods, wares and merchandise he wishes to deal with in such transient retail business; the number of persons to be employed by him in the Borough; and the type and license number of all vehicles to be used, if any. Such application shall be accompanied by the fee herein required and shall include a photograph of the applicant.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-4. Investigation; issuance of license; refusal.

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Following the making of such application by the applicant, no license shall be issued until the

Police Department shall have investigated such application, and the waiting period for the purpose of such investigation shall not exceed 72 hours. Following such investigation, the Police Department shall report the results thereof to the Mayor, and the Mayor may refuse the license in cases where the investigation shall disclose a criminal record or any false or misleading statement on the application. When a license is refused, the Borough shall return to the applicant the license fee that had been paid to the Borough at the time of making the application, less the sum of \$5, which shall be retained by the Borough to partially reimburse the Borough for the expenses of investigation.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-5. Custody, display and exhibit of license.

§ 142-5. Custody, display and exhibit of license.

Every license holder shall carry such license upon his person or shall display the same upon his vehicle, if he is engaged in a transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the fixed location where he shall engage in such business if doing so from a fixed location. He shall exhibit such license, upon request, to all police officers, Borough officials and citizens or residents of the Borough.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-6. Prohibited acts.

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No person engaged in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough, or use any loud speaker or horn or other device for announcing his presence by which the public may be annoyed.
- C. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Engage in any house-to-house activity, except by prior appointment, prior to the hour of 9:00

a.m. or after the hour of 5:00 p.m.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-7. Suspension or revocation of license.

§ 142-7. Suspension or revocation of license.

The Mayor is hereby authorized to suspend or revoke any license issued under this chapter when he deems such suspension or revocation to be in the interest of the public health, safety or morals, or for violation of any provision of this chapter, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Borough Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

CODE OF THE BOROUGH OF MALVERN, PENNSYLVANIA / PART II, GENERAL LEGISLATION / Chapter 142, PEDDLING AND SOLICITING / § 142-8. Violations and penalties.

§ 142-8. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction, be sentenced to pay a fine of not more than \$100 and cost of prosecution or shall be sentenced to imprisonment for a period not exceeding 30 days as now or hereafter provided by law.