

PEDDLING AND SOLICITING

Chapter 76

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Board of Warden and Burgesses of the Borough of Litchfield 11-6-1990 as Ord. No. 10-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses — See Ch. 60.
Conduct in parks — See Ch. 72.

§ 76-1. Definitions.

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

PEDDLER — Includes hawker and huckster and shall mean any person, as defined below, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, either on foot or from any animal, vehicle or stationary location.

PERSON — Any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provisions hereof.

SOLICITOR or CANVASSER — Any person traveling by foot, animal or vehicle, or by means of telephone, taking or attempting to take orders for the sale of goods, wares or merchandise for future delivery or for services to be performed in the future, whether or not such solicited sales are by sample and whether or not deposits or advance payments are collected.

WARDEN — The Warden of the borough or his or her designee.

§ 76-2. License required.

No person shall, within the Borough of Litchfield, sell or offer for sale or solicit orders for any provisions, fruits or any articles of food or goods, wares or merchandise, except milk, newspapers and bakery goods, sold within the Borough of Litchfield, nor shall any person solicit subscriptions for magazines, books, etc., unless he shall obtain a license to do so from the Warden. Said license may contain such conditions as the Warden may deem expedient and shall be revocable at his discretion upon notice. This chapter shall not apply to occupants of stores or shops within the borough.

§ 76-3. Application procedure.

Peddlers and solicitors, as defined above, shall make application for a license in person at the office of the Warden upon a required application form which shall contain the following information:

- A. The name and description of the applicant.
- B. The permanent home address and full local address of the applicant.
- C. A brief description of the nature of the business and the goods to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- E. The length of time for which the right to peddle or solicit is desired.
- F. A photograph of the applicant, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- G. A statement as to whether or not the applicant has been convicted of any crime of misdemeanor or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed therefor.

§ 76-4. Issuance of license.

- A. The granting of such license shall be under the supervision of the Warden and, in each and every case, a license shall be issued by him, if approved, within five (5) days after receipt of application therefor.
- B. Such license shall contain:
 - (1) The signature of the issuing officer and date of issuance.
 - (2) The name and address of the applicant.
 - (3) A description of the nature of the goods to be sold.
 - (4) An identifying description of any vehicle used in such peddling.

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- (5) The amount of the fee paid.
- (6) The expiration date of the license.

§ 76-5. Permitted hours of operation.

Such licensee, with or without a vehicle or vehicles, shall be licensed to do business only between sunrise and sunset, provided that ice cream vendors may operate between 8:00 a.m. and 10:00 p.m. from June 1 to September 15 of each year.

§ 76-6. Form of license; display required upon request.

Each licensee shall receive, with his license, identification bearing the name of the licensee, the license number, the expiration date of the license and the words "Licensed Peddler, Borough of Litchfield" or "Licensed Solicitor, Borough of Litchfield," as the case may be. Such identification must be available for inspection while engaged in peddling or soliciting and must be shown to any inhabitant of the borough upon request. No such identification shall be used by any person other than the licensee to whom the same was issued.

§ 76-7. Expiration of license.

Such license, unless sooner revoked, shall expire on the date set forth upon the license.

§ 76-8. Transferability.

The license shall be a personal license to the applicant and shall not be transferable.

§ 76-9. Fees.

License fees, which shall be charged by the Warden for such license, shall be twenty-five dollars (\$25.) per day, seventy-five dollars (\$75.) per week, one hundred dollars (\$100.) per month or two hundred dollars (\$200.) per year.

§ 76-10. Regulation of operations.

All persons soliciting or peddling within the Borough of Litchfield shall conform to the following regulations:

- A. The solicitor or peddler shall conduct himself at all times in an orderly and lawful manner.
- B. The solicitor or peddler shall give a written receipt for all orders taken within the Borough of Litchfield, which receipt shall be signed by the solicitor or peddler and shall set forth a brief description of the goods, wares or merchandise ordered, the total price thereof and the amount of the downpayment received by the solicitor or peddler from the purchaser, if any.
- C. No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location without a permit from the Planning and Zoning Commission, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

§ 76-11. Revocation of license.

Licenses issued under the provisions of this chapter may be revoked by the Warden for the following reasons:

- A. Fraud, misrepresentation or false statements.
- B. Violation of this chapter.
- C. Conviction of any crime or misdemeanor.

§ 76-12. Exemptions.

- A. This chapter shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the borough or to goods, merchandise or foodstuffs sold and delivered by the merchants of the borough or to vendors of newspapers or to the sale of goods by students of the schools of the borough, provided that such sales have been approved by the Board of Education.

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B. Charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the borough shall be exempt from the provisions of this chapter, provided that each person before peddling or soliciting on behalf of the same shall register with the Warden the name and address of the organization, the name and address of the persons intending to peddle or solicit and the purpose or object therefor. A copy of such registration shall be provided each registrant. Such registration shall serve as a means of identification.

§ 76-13. Required records.

It shall be the duty of the Warden to keep records of all licenses granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each license, the name, age and residence of each person so licensed, the amount of the license fee paid and also the date of revocation of any license. He shall keep a detailed account of all fees collected for such licenses and turn said fees over immediately to the Treasurer of the borough.

§ 76-14. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding one hundred dollars (\$100.), and each such date of violation shall constitute a separate offense.