

**OFFICIAL
BOROUGH OF CORAOPOLIS
ORDINANCE NO. 1809**

AN ORDINANCE OF THE BOROUGH OF CORAOPOLIS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA ESTABLISHING RULES AND REGULATIONS REGARDING HAWKING OR PEDDLING OF GOODS, WARES, OR MERCHANDISE WITHIN THE LIMITS OF THE BOROUGH OF CORAOPOLIS.

WHEREAS, the Coraopolis Borough Council has heretofore enacted into law the Borough Code of Ordinances; and,

WHEREAS, the Council of the Borough of Coraopolis desires to amend said Code to provide rules and regulations regarding the hawking or peddling of goods, wares, or merchandise within the limits of the Borough of Coraopolis by adding the following:

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

§ 1. Definitions.

The following definitions are provided for construction and use for this chapter:

A. CANVASSING

To go from house to house, place to place or street to street, soliciting or taking, or attempting to take, orders from individuals for goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature for future delivery, or for services to be performed at that time or in the future, regardless of whether such person collects in advance payments for such orders.

B. DISTRIBUTING

To go from house to house, place to place or street to street and distribute or cause to be distributed verbal or written information, whether in the form of a handbill, advertisement, circular, card, pamphlet or printed material of any kind, other than a regularly distributed newspaper, magazine or periodical.

C. PEDDLING

To go from house to house, place to place or street to street, conveying or transporting goods, wares or merchandise, offering or exposing the same for sale or making sales, and/or delivering articles to purchasers.

D. SOLICITING

To seek or request money, donations of money or property or financial assistance of any kind, or to sell or distribute, or attempt to sell or distribute, literature, tokens or merchandise for which a fee is charged or requested from persons. This definition does not apply to individuals or members of organizations who, upon the streets, in office buildings, by house-to-house canvass or in public places, canvass, solicit, or distribute materials for charitable, religious, political or philanthropic purposes.

§ 2. License Required.

It shall be unlawful for any person to canvass, hawk, distribute, solicit or peddle any goods, wares or merchandise within the limits of the Borough of Coraopolis without first having obtained a license from the Mayor to do so. Said license shall be issued only for the hours from 9:00 a.m. to 9:00 p.m. of each day of the license period. No canvassing, hawking, distributing, soliciting or peddling shall be licensed during any other hours.

§ 3. Conditions of License.

The license shall be issued by the Mayor upon and with the following conditions and restrictions:

- A. The Mayor shall be satisfied that the applicant is of good moral character.
- B. The applicant will remain of good moral character and he/she will be honest in his/her dealings with the citizens of Coraopolis.
- C. The said applicant will keep and comply with all the ordinances of the Borough of Coraopolis, and the laws of the Commonwealth of Pennsylvania and United States of America.

If a licensee fails to comply with any provisions contained within this Chapter, then licensee's license shall be revoked.

§ 4. Fees.

Any person or organization desiring to canvass, hawk, distribute, solicit or peddle any goods, wares or merchandise within the limits of the Borough of Coraopolis shall first obtain a license to do so from the Borough Manager. A license can be obtained by filing an application with the Borough on a form to be provided by the Borough. The application for a license shall be accompanied by a nonrefundable license application fee which shall defray the administrative costs of the Borough in investigating and approving or denying said license application. The nonrefundable fee shall be established by Resolution of the Borough Council.

§ 5. Action on Application.

The Borough Manager shall approve or deny an application no later than fifteen (15) days after receiving a completed application. If the application is denied, the Borough Manager shall inform the applicant of the grounds for denial, in writing, and apprise applicant of his/her/its right of appeal.

§ 6. Appeal Procedure.

The applicant shall have the right to appeal the denial of a license. A notice of appeal shall be filed within five (5) days after mailing or personal delivery of a notice of denial, setting forth the grounds for the appeal. The appeal must be filed no later than one (1) calendar week preceding a Borough Council's regular monthly meeting, to be placed on the next regular meeting's agenda. The Borough Council shall hear the applicant or a designated representative, receive any relevant information and documents and act on the appeal at its next regular meeting. The decision of the Borough Council is final.

§ 7. Excepted Activities.

The Borough hereby declares its intention that this Ordinance shall only apply to commercial conduct and speech and the solicitation of money or other things of value. This Ordinance is specifically not intended to, and shall not be interpreted to:

- A. Limit or affect constitutionally protected pamphleteering, political or religious speech or conduct;
- B. Apply to persons selling wholesale to dealers in such goods;
- C. Apply to merchants or their employees delivering good or performing services in the regular course of business;
- D. Prohibit any sale required by statute or order of court; or,
- E. Prevent any licensed auctioneer from conducting a bona fide auction sale subject to auctioneers' law.

§ 8. Non-Solicitation Signs.

Residents of the Borough may, at their individual option, display upon their front door or upon another conspicuous and open space, a notice, sign or sticker which declares "No Soliciting." It shall be a violation of this Ordinance for any person, firm or corporation to enter upon the premises of a Borough resident who displays such a notice, sign or sticker and attempts to engage in activity herein defined as canvassing, hawking, distributing, soliciting or peddling.

§ 9. Violations and Penalties.

Any person, firm, corporation or association that violates the provisions of this Chapter shall, upon the conviction thereof, be punished by imposition of a fine of THREE HUNDRED DOLLARS (\$300.00) or by imprisonment not to exceed THIRTY (30) days, or both.

§10. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§ 11. Repealer.

Any and all Ordinances or subsections of Ordinances inconsistent with the provisions of this Chapter are hereby repealed.

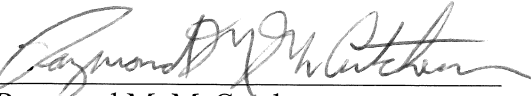
§12. Effective Date.

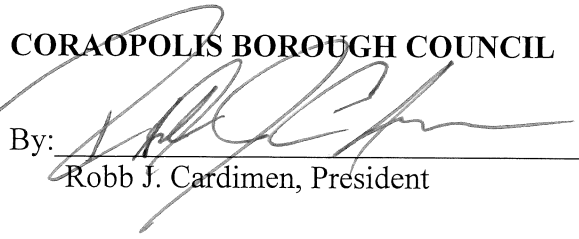
This Ordinance shall become effective immediately upon the adoption thereof.

ORDAINED and **ENACTED** by the Council of Coraopolis Borough, Allegheny County, Pennsylvania, this 14th day of August, 2019.


ATTEST

CORAOPOLIS BOROUGH COUNCIL

By: 
Raymond M. McCutcheon,
Borough Manager

By: 
Robb J. Cardimen, President

Reviewed and approved by the Mayor of the Borough of Coraopolis this 14th day of August, 2019.


Shawn P. Reed, Mayor