

**ORDINANCE NO. 798**

**AN ORDINANCE OF THE BOROUGH OF MONT ALTO, FRANKLIN COUNTY, PENNSYLVANIA, ENACTING AN ORDINANCE REGULATING PEDDLING, IDENTIFYING PROHIBITED ACTS AND PENALTIES, AND PROVIDING CRITERIA AND PROCEDURES FOR THE ISSUANCE, SUSPENSION AND REVOCATION OF PEDDLING LICENSES WITHIN THE BOROUGH OF MONT ALTO.**

**WHEREAS**, the Borough Code, 8 Pa. C.S. § 101, *et seq.*, at Section 1202(20), authorizes the Borough of Mont Alto to provide for the licensing and regulation of business unless prohibited by law, 8 Pa. C. S. § 1202(20)(ii); and

**WHEREAS**, Section 1203 of the Borough Code, 8 Pa. C. S. § 1203, authorizes the Borough to make and adopt all ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of the Commonwealth as may be expedient or necessary for the proper management, care and control of the borough and the maintenance of safety and welfare of the borough and its trade and commerce; and

**WHEREAS**, the Council of the Borough of Mont Alto deems it in the best interest and for the general welfare of the residents and visitors of the Borough to enact the provisions set forth herein.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Mayor and Borough Council of the Borough of Mont Alto, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION I: PURPOSE.** In the interest of maintaining public health, safety and general welfare and the comfort and repose of Borough residents, the Borough hereby provides for the regulation of peddling within the Borough.

**SECTION II: INTERPRETATION.** The provisions of this Ordinance shall be the minimum requirements to meet the stated purpose. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

**SECTION III: TITLE.** This Ordinance may be cited as “The Borough of Mont Alto Peddling Ordinance.”

**SECTION IV: DEFINITIONS.** The following terms, phrases, words, and their derivations shall have the meanings indicated in this section.

- A. “Peddling” shall include engaging in selling, peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods or merchandise, including subscriptions for magazines or other printed matter, the obtaining of

contracts for home and building devices, repairs and improvements, and the securing of contribution to various causes and organizations, from house to house, or upon any street or sidewalk in the borough, or by a telephone within the Borough.

- B. "Peddler" shall include any person engaged in peddling.
- C. "Person" shall include any natural person, association, partnership, firm, or corporation.

**SECTION V: PEDDLING LICENSE REQUIRED; FEE, EXEMPTIONS**

- A. No person shall engage in peddling within the Borough of Mont Alto without first having obtained a daily license or yearly license from the Borough Secretary or his/her designee. The fee for the daily license and yearly license shall be set by Borough Council from time to time by resolution. Each peddler shall be required to obtain his/her own license.
- B. No license shall be required for peddling that meets all of the following requirements:
  - 1. Conducted by a person under the age of 18 years old;
  - 2. Receives no more than \$5,000 in proceeds per year, unless for charitable purposes;
  - 3. Conducted for not more than 84 days in a calendar year; and
  - 4. Located a sufficient distance from a license commercial entity such that the minor's peddling is not a direct economic competitor.
- C. Upon receipt by the Borough Secretary or his/her designee of the proof of exemption required under Section (E), no license fee shall be charged under this section: (a) to farmers selling their own produce; (b) for the sale of goods, and merchandise, donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose; (c) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products; or (d) to persons working without compensation and selling goods, or merchandise for the sole benefit of any nonprofit corporation. All persons exempted from payment of the license fee shall be required to register with the Borough Secretary and to obtain a license without fee.

Any person dealing in one or more of the exempted categories above, and selling other goods or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for the activities in connection with the sale of goods or merchandise not in such exempted categories.

- D. Every license issued under this Ordinance shall be issued on an individual basis to each natural person engaged in such peddling.

- E. Notwithstanding anything in this Ordinance to the contrary, anyone claiming or seeking exemption from license fees required by this Ordinance shall provide dispositive proof of such exemption to the Borough Secretary or his/her designee at the time of application for the license required by this Ordinance.

**SECTION VI: APPLICATION FOR LICENSE.**

- A. Every person desiring a license under this Ordinance shall first submit an application to the Borough Secretary for a peddling license. If such person shall also be required to obtain a license from any state or county officer, he/she shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall give his/her name, address and telephone number, his/her previous criminal record, if any, the name of the person by whom he/she is employed, the type of goods or merchandise he/she wishes to deal with in such peddling, the length of time for which such license is to be issued, and the type and license number of the vehicle to be used by him/her, if any, in addition to any information requested on the application form established by the Borough Secretary.
- B. The Borough Secretary shall have five business days from the date that the Borough Secretary receives the application to issue the license. If the Borough Secretary does not issue the license with the time prescribed, the application shall be deemed denied. The applicant may appeal such denial to the Borough Council within ten (10) days after such denial. The license fee shall not be refunded if the application is denied.

**SECTION VII: ISSUANCE OF LICENSE; CUSTODY AND DISPLAY THEREOF.**

Upon receipt of such application and the prescribed fee, the Secretary, if he/she shall find such application in order, shall issue the license required under this Ordinance. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his/her person, if engaged in peddling from house to house or upon the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he/she shall engage in such peddling if doing so at a fixed location. He/she shall exhibit such license at all times by placing the license at a conspicuous and readily available visible location on his/her person, and shall upon request allow, all police officers, Borough officials, patrons, and citizens or residents of the Borough to examine such license.

**SECTION VIII: PROHIBITED ACTS.**

No person or peddler engaged in peddling shall:

- A. Sell any product or type of product not mentioned in his/her license;
- B. Engage in false, misleading, or fraudulent selling or soliciting;
- C. Use a speaker, horn, or any other device for announcing his/her presence or promoting goods, by which the public is annoyed;

- D. When selling from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough for longer than necessary to sell to individuals residing or working in the immediate vicinity;
- E. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of sorting, rearranging or cleaning any of his/her goods or merchandise, or of disposing of any carton, wrapping material, stock, or foodstuff which have become unsalable through handling, age, or otherwise; or
- F. Engage in such peddling after 7:00 p.m. in the case of peddlers operating from house to house, or after 9:00 p.m. in the case of peddlers not operating from house to house, but operating instead upon the streets, alleys, sidewalks or public grounds or from a fixed location. Hours may be extended upon receipt of special written permission from the Borough Secretary or Mayor or another public officer in charge of code enforcement.

#### **SECTION IX: DUTIES OF BOROUGH SECRETARY.**

The Borough Secretary shall supervise the activities of all persons holding licenses under this Ordinance, and shall keep a record of all licenses issued hereunder, and shall make a monthly report to the Borough Council.

#### **SECTION X: SUSPENSION OF LICENSES; APPEALS.**

- A. The Borough Secretary, Code Official, or Mayor of the Borough of Mont Alto is hereby authorized to suspend any license issued under this Ordinance when he/she shall deem such suspension to be beneficial to the public health, safety, welfare or morals, or for violation of any provision of this Ordinance, or for giving false or incomplete information upon any application for a license hereunder. Upon suspension, the license shall become null and void. Appeals from any suspension may be made to the Borough Council at any time within ten (10) days after such suspension. No part of a license fee shall be refunded to any person whose license shall have been suspended.
- B. Any person or peddler whose license under this Ordinance is suspended or revoked, or who has been convicted of a violation of this Ordinance, shall not be issued another license under this Ordinance for a period of two (2) years after the date of suspension, revocation, or conviction.

#### **SECTION XI: VIOLATIONS AND PENALTIES.**

Any person who shall violate any provision of this Ordinance shall, for every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Provided, each day's violation of any provision of this Ordinance shall constitute a separate violation, and each section of this Ordinance that is violated shall also constitute a separate offense.

**SECTION XII: REPEALER.** All provisions of previous Ordinances of the Borough of Mont Alto which are contrary to this Ordinance are expressly repealed, specifically Ordinance 35 is hereby repealed.

**SECTION XIII: SAVINGS CLAUSE.** In all other respects, the Ordinances of the Borough of Mont Alto shall remain as previously enacted and ordained.

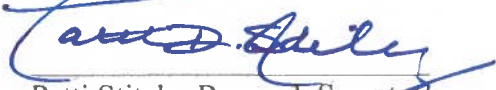
**SECTION XIV: SEVERABILITY.** The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses, or sentences.

**SECTION XV: EFFECTIVE DATE.** This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 7<sup>th</sup> day of April 2025.

BOROUGH COUNCIL OF BOROUGH OF  
MONTH ALTO, FRANKLIN COUNTY,  
PENNSYLVANIA

ATTEST:

  
Patti Stitely, Borough Secretary

By:   
Richard Lee, Council President

  
Leisa McCleaf, Mayor

