

Permit No: \_\_\_\_\_

Mon, Tues, Wed, Thu, Fri, Sat - 9 a.m. to 4 p.m. ONLY

Date Issued: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

**Application for license for Soliciting, Hawking, Peddling, Canvassing, Transient Merchants, and/or Distributing Samples, Advertising, Pamphlets, Materials, Etc.**  
(In accordance with Ordinance No. 555, attached)

Name of Applicant: \_\_\_\_\_ Occupation: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_  
Street No. City/Town State Zip

Applicant Telephone No. \_\_\_\_\_ (work) \_\_\_\_\_ (cell)

Driver's License/ID: \_\_\_\_\_  
License No. Expiration Date State

Motor Vehicle Data: \_\_\_\_\_  
Year Make Model Plate No. State

Employer/Company Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_  
Street No. City/Town State Zip

Supervisor's Name: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Purpose of Peddling/Soliciting: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notes:

1. Permittee MUST exhibit Permit when requested by ANY Official or Citizen
2. Each Individual MUST have a separate Permit – PERMITS ARE NOT TRASNSFERABLE
3. For Profit Entities - Fee of One Hundred Dollars (\$100.00)/person/each day to solicit within Kenhorst
4. For Non-Profit Entities – Fee of Twenty Five Dollars (\$25.00)/person/each day to solicit within Kenhorst
5. Borough Council or its agent may waive permit fee for non-profit entities.

**Certification of Permit Registration  
Borough of Kenhorst**

*(This is not an Endorsement or Recommendation by the Borough of Kenhorst of the Products or Services Offered by the Bearer)*

Approved: \_\_\_\_\_ Authorized by Kenhorst Borough Manager: \_\_\_\_\_

Denied: \_\_\_\_\_ Reason for Denial: \_\_\_\_\_

**DELIVERIES**

**KENHORST  
BOROUGH  
NO PEDDLING  
OR SOLICITING  
WITHOUT  
A PERMIT**



ORDINANCE NO. 555

AN ORDINANCE OF THE BOROUGH OF KENHORST, BERKS COUNTY PENNSYLVANIA, REGULATING PEDDLERS AND SOLICITORS IN THE BOROUGH OF KENHORST BY REQUIRING LICENSES FOR PEDDLING/SOLICITATIONS; BY ENABLING OCCUPANTS AND PLACE OF PEDDLING/SOLICITATION; BY ENABLING OCCUPANTS AND OWNERS OF PREMISES TO LIMIT ACCESS BY PEDDLERS AND SOLICITORS; BY ESTABLISHING PENALTIES AND REMEDIES FOR VIOLATIONS THEREOF; BY PROVIDING AT A COST, NOTICES TO GIVE NOTICE OF LIMITED ACCESS TO PREMISES; AND BY PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Kenhorst, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Short Title. This Ordinance shall be known as the "Peddling and Soliciting 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 take orders, either by sample or otherwise, for any goods, wares, services or merchandise, upon any of the streets in the Borough of Kenhorst; 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 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 Kenhorst, or from door to door within the Borough of Kenhorst, 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 alongside of the same.
- G. 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.
- H. 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 Kenhorst 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 Kenhorst and Kenhorst Volunteer Fire Company #1 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 in soliciting within the Borough of Kenhorst 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 that 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 Kenhorst. 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 soliciting in the Borough of Kenhorst. No license issued under this Ordinance shall be transferable 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 Kenhorst 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 Fee. No Permit shall be issued under this Ordinance until the fee therefor, which shall be for the use of the Borough of Kenhorst, 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 Kenhorst 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 Kenhorst 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 and Revocation of Permits.** Any permit 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. 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 Kenhorst at the next regular meeting thereof. No license fee or portion thereof shall be refunded in the case of revocation.

**Section 9. 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 Kenhorst at any time on Sunday 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 Kenhorst 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 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 Kenhorst 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 Kenhorst in the Borough of Kenhorst at any time on Sunday 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 Kenhorst in the Borough of Kenhorst 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 10. Notices. Any person owning or occupying any building or portion thereof within the Borough of Kenhorst, 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 Kenhorst 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 11. Penalties. Any individual, joint venture, partnership, trust or corporation who or which shall violate the provisions of this Ordinance, shall, upon judicial finding or verdict thereof, be subject to judgment for each such violation of not more than Six Hundred Dollars (\$600.00), 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 Kenhorst for its general use.

Notwithstanding anything herein to the contrary, any suit for financial penalty brought by or on behalf of the Borough of Kenhorst against a person under this Ordinance shall in no way constitute an election of remedies, and the Borough of Kenhorst, and any other person having a 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 12. Severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or in any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 13. Repeal of Conflicting Ordinances. All existing ordinances or parts of ordinances, including, *inter alia*, Ordinance No. 150 entitled, "The Borough of Kenhorst Peddling, Canvassing and Soliciting Ordinance", together with the amendments and supplements thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 14. Effective Date. This Ordinance shall become effective five days after the adoption hereof.


DULY ORDAINED AND ENACTED this 4<sup>th</sup> day of April, 2013, by the Borough Council of the Borough of Kenhorst, Berks County, Pennsylvania, in lawful session duly assembled and shall be effective five days hereof.

BOROUGH OF KENHORST



David Roche, President of Council

Attest:

  
Eileen D. Becker, Secretary/Treasurer

Approved this 4<sup>th</sup> day of April, 2013.

  
Nickolas J. Hatzas, Mayor