

ARTICLE 333
Peddlers and Solicitors

**Fees: \$40.00 per year for the first person
\$5.00 per year for each additional person with the same group
(Fees established by Res. No. 140 of 2009)**

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CROSS REFERENCES

General power to levy license taxes - see 3rd Class §2601 (53 P.S.
§37601)

Farmers excepted - see 3rd Class §2610 (53 P.S. §37610)

333.01 DEFINITIONS.

As used in this article, certain terms are defined as follows:

- (a) "Soliciting" means the seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private or public property or business establishments, within the City. "Soliciting" also includes the seeking or taking of contracts or orders for home or other building repairs, improvements and alterations, or for work on trees, landscaping or fences, and orders or contracts for any mechanical, electrical, plumbing or heating device or equipment for houses, or other building improvements or repairs, upon or from the places aforesaid within the City.
- (b) "Peddling" means the selling or offering for sale of any goods, wares, services or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling, or has in his possession or control, upon any of the streets or sidewalks, from house to house, by visitation to private residences, or by entering in or upon private or public property or business establishments within the City.
- (c) "Solicitor" means any person who engages in soliciting.
- (d) "Peddling" means any person who engages in peddling.

- (e) "Person" means any natural person, association, partnership, firm, organization or corporation.
- (f) "Primary" registration means the first registration form filed in the particular calendar year.
(Ord. 19-2011. Passed 6-7-11.)

333.02 REGISTRATION REQUIRED; EXEMPTIONS.

(a) No person shall engage in soliciting or peddling in the City without first having registered as herein provided, except as listed below:

- (b) Registration requirements shall not apply to:
 - (1) Farmers seeking or taking orders for the sale of fresh produce;
 - (2) The seeking or taking of orders by any manufacturer or producer for the sale of bread and bakery products, meat and meat products or milk and milk products;
 - (3) The seeking or taking of orders by insurance or real estate agents or brokers licensed under the laws of the Commonwealth of Pennsylvania;
 - (4) Any person taking orders for merchandise from dealers or merchants, for resale to an ultimate consumer;
 - (5) Public or charitable activities in which the City is a participant, such activities being conducted for the enjoyment and well being of the community.
 - (6) Artists, musicians, actors, videographers, photographers, poets, or other individuals in artistic fields displaying 5 total items or less of original artwork, music cd's, films, photos, or poetry books or poems, or other similar original creations, or any individual in an artistic field creating for immediate sale original works of art, playing music, reciting poetry, acting, or performing for artistic purposes shall be exempt from registration.
 - A. This exemption does not apply to any individual involved in the creation and/or sale of food, drink or other edible items.
 - B. This exemption does not apply to any individual wishing to perform or sell items or art door-to-door or outside the "CBD" or City parks.
 - C. This exemption it not intended to allow individuals to avoid registration for street festivals or other planned City events that require other means of registration to participate.
 - D. All Codified Ordinances in Part 7, General Offenses, are still applicable to any individual under this exemption and may be enforced without warning.
 - E. For the purpose of this section, "original" means those artistic works, creations, wares or services sold on-site by the artist, artisan or performer who hand-crafted or created them.
 - F. This exemption does not apply to firearms, explosive devices, fireworks, swords, knives or other weapons.
 - G. This exemption does not apply to tattoo or permanent body art services. (Ord. 29-2012. Passed 9-18-12.)

333.03 REGISTRATION PROCEDURE AND INFORMATION.

Every person desiring to engage in solicitation or peddling in the City shall register with the City on a form provided by the City. The registration shall contain only the following information verified by certification, and separate forms shall be provided for profit or nonprofit religious, public or charitable organizations:

(a) For Profit Making Registrants.

- (1) Date of application, company name, address and phone number;
- (2) Name and telephone number of supervisor, or a statement that such applicant is self-employed;
- (3) Full name of applicant, local address, local phone number, permanent address and permanent phone number;
- (4) The nature of the goods, wares, services or merchandise offered for sale;
- (5) The year, registration license number and type of vehicle to be used in activities;
- (6) Identification (driver's license number, Social Security number, or in the case of a business an Employer Identification Number. The City shall keep such information confidential);
- (7) Reference;
- (8) Signature of applicant (should be verified, driver's license, etc.);
- (9) A registration card shall be furnished which in addition to other information shall contain the following statement:

"The issuance of this card does not endorse or sanction the activity of the bearer".

- (10) All applicable personal information specified above shall be given for every person registering. An individual registration card shall be required for each helper. No registration card under this article shall be transferable from one person to another.

(b) For Nonprofit Charitable, Religious or Public Organizations:

- (1) Date of application, full name of group or organization, address and telephone number;
- (2) Name, permanent address, permanent phone number, local address, local phone number and title of person registering on behalf of the above group or organization;
- (3) Purpose of organization;
- (4) Nature of solicitations being made or goods or services offered for sale;
- (5) Give dates when activity will be performed;
- (6) Has organization complied with provisions of the Solicitation of Funds for Charitable Purposes Act of Dec. 19, 1990, P.L. 1200, No. 202 as amended, governing solicitations for charitable, benevolent, patriotic or other purposes;
- (7) The registrant shall supply a list of all solicitors and peddlers, providing name, address and telephone number;
- (8) A registration card shall not be issued or required.

- (c) Companies registered to do business in the Commonwealth of Pennsylvania may elect to register their direct sales agents or employees by providing the completed registration forms of those agents or employees, together with the fees for same, to the City. For this purpose, companies shall include any individual, partnership or corporation, which engages in soliciting or peddling and which employs one or more direct sales agents or employees.

(Ord. 19-2011. Passed 6-7-11.)

333.04 REGISTRATION FEE.

All fees for peddlers and solicitors' permits shall be established by resolution of Council. (Ord. 19-2011. Passed 6-7-11.)

333.05 REGISTRATION TERM.

The registration cards granted pursuant to this article shall be valid until the end of the calendar year of the year issued. (Ord. 19-2011. Passed 6-7-11.)

333.06 REGISTRATION CARD EXHIBITION.

Any registration card, when issued, shall state inter alia the products to be sold, services to be rendered or subscriptions or contributions to be solicited by the registrant. Every solicitor or peddler shall at all times, when engaged in soliciting or peddling in the City, carry such registration card upon his person and shall exhibit it upon request to all police officers, City officials and residents. No solicitor or peddler shall engage in selling any product or service not mentioned on such registration card.

(Ord. 19-2011. Passed 6-7-11.)

333.07 RECORD OF REGISTRATION.

The Bureau of Police shall keep a record of all registrations issued under this article, and shall forward daily to the Chief of Police a list of registrations issued hereunder. The Chief of Police shall supervise the activities of registrants and furnish information to residents as requested by them. (Ord. 19-2011. Passed 6-7-11.)

333.08 HOURS.

No person operating as a solicitor or peddler under this article shall engage in soliciting or peddling on Sundays or legal holidays nor any other day of the week before 8:00 a. m. or after 9:00 p. m. prevailing time, except any person obtaining consent of occupant prior to presenting himself in person. (Ord. 19-2011. Passed 6-7-11.)

333.09 PARKING VEHICLE ON STREET; LITTERING.

No person operating as a solicitor or peddler shall maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the City for any longer than necessary to make his presence known to persons residing in the immediate vicinity. No such person shall place or deposit any refuse on any such street, highway or alley.

(Ord. 19-2011. Passed 6-7-11.)

333.10 FIXED LOCATION PROHIBITED.

No person operating as a solicitor or peddler under this article shall occupy any fixed location upon any of the sidewalks, streets, highways or alleys of the City for the purpose of soliciting or peddling with or without any stand or counter.

(Ord. 19-2011. Passed 6-7-11.)

333.11 FAILURE TO LEAVE UPON REQUEST.

No person shall engage in peddling or soliciting at, or remain on the premises of, any residence after having been asked by the occupant thereof to leave such premises or residence.

(Ord. 19-2011. Passed 6-7-11.)

333.12 POSTED PREMISES AND RESIDENCES.

No person shall engage in peddling or soliciting upon any premises or residence located thereon if such premises or residence is posted against solicitation by means of a notice prominently displayed, upon which is printed the legend:

"NO SOLICITORS"

A residence shall be deemed to be posted against peddling or soliciting if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches in size, which bears the above legend in letters at least one-third inch in height.

(Ord. 19-2011. Passed 6-7-11.)

333.13 FRAUDULENT AND DECEPTIVE PRACTICES.

(a) No person who engages in canvassing or soliciting shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's visit is other than to obtain orders for or to make sales of goods or services.

(b) No person who engages in solicitation shall misrepresent the right of a buyer to rescind, or cancel a sale under the provisions of applicable law, and shall provide buyer with all information as required by State and Federal Regulations.

(Ord. 19-2011. Passed 6-7-11.)

333.14 SIDEWALK AND HANDCART VENDORS.

(a) Sidewalk and handcart vendors shall always be licensed by the City in accordance with the Codified Ordinances.

(b) Sidewalk and handcart vendors may not operate in the Central Business District Zone, as defined in Section 1302.15 of the York Zoning Ordinance, except in accordance with the provisions of Section 333.15 or unless authorized by the Mayor pursuant to Article 505 of the Codified Ordinances.

(Ord. 19-2011. Passed 6-7-11.)

333.15 CONTINENTAL SQUARE SIDEWALK FOOD VENDOR LICENSE.

(a) There shall be made available one license total for Continental Square, the area generally defined as the intersection of George Street and Market Street, except as outlined in Section 333.16 for the operation of a mobile food dispenser.

(b) The license shall be issued for a duration of one year.

(c) The fee for a Central Business sidewalk food vendor license shall be established by resolution of Council. One individual or corporate entity shall hold no more than two one licenses concurrently.

(d) The Department of Community and Economic Development, Bureau of Health, shall be responsible for issuing the licenses. The department shall develop procedures for control and monitoring of each license. A procedure shall be developed to provide City residents and businesses for first opportunity to purchase such licenses before they are made available to the general public. The department shall file a copy of the procedures with the City Clerk. Applicants shall be in good standing with the City of York and the Commonwealth of Pennsylvania. Vendor must submit proof of payment of City of York mercantile tax and Pennsylvania sales tax, this information must be made available upon request by City of York.

(e) Mobile food vendors are permitted to operate a mobile, hand-operated food dispenser which can be hand-propelled by the operator, is built specifically for the purpose of dispensing the product sold by the vendor, and is properly licensed and meets the minimum standards set forth by the National Sanitation Foundation. Motor-vehicle type mobile food dispensers may not operate in the Central Business District.

(f) Proximity to food establishments. Mobile food dispensers shall not be operated within one-hundred feet of the primary public entrance to an establishment licensed by the City as a food outlet of any type whatsoever, with the exception of when such affected establishment provides to the Department of Community & Economic Development, Bureau of Health a written and notarized letter expressing waiver from this article prior to the issuance of licenses under this article.

(1) During the license period, the mobile food vendor may stay at an assigned site regardless of the subsequent opening of an eating establishment within a one hundred foot (100 ft.) perimeter.

(g) Mobile dispensers shall be permitted to sell, consistent with other subsections of this ordinance, candies, such as ice cream, chocolates, mints and gum, food, such as, hot dogs, bratwurst, sausage, sandwiches, peanuts, potato chips, fruit, salads, and beverages such as soda, lemonade, juices, bottled water, coffee, hot chocolate and periodicals such as newspapers and magazines, but shall be strictly prohibited from selling apparel, jewelry, movies, compact discs, video cassettes or video discs, cigarettes, cigars, pipes, pornography, prophylactics, and related items

(h) Mobile food dispensers shall be attended by at least one operator at all times.

(i) Mobile food dispensers shall be removed from public property between 7:00 p.m. and 7:00 a.m. between the months of October through March and 9:00 p.m. and 7:00 a.m. between the months of April through September, except as outlined in Section 333.16.

(j) Mobile food dispensers shall not obstruct the passage of pedestrian travel, and a clear sight triangle as referenced in Section 1307.01 of the Zoning Ordinance must be maintained.

(k) Mobile dispensers shall be required to clean all litter within twenty-five feet in all directions of the location of the stand at the end of each business day. Dispensers shall properly remove all trash and litter from the site and at no time shall place said trash in any curbside receptacle.

(l) Under this article, licenses shall be issued based on the same standards that the City Health Inspector would use to license Temporary Food Facilities, under the Pennsylvania Food Code, and licenses shall only be issued upon the City Health Inspector's passing grade of the commissary or storage facility of the vendor dispenser.

(m) Retention of the Central Business District mobile food dispenser license shall be contingent upon compliance with all requirements herein. A license holder who fails to comply with all conditions shall have their license revoked. The license fee shall be nonrefundable if revoked. (Ord. 19-2011. Passed 6-7-11.)

333.16 NIGHT-TIME CONTINENTAL SQUARE VENDOR LICENSE.

(a) Licensed night-time Continental Square vendors may operate hand-operated, mobile food and/or periodical dispensers, on Thursday, Friday and Saturday evenings during the months of May, June, July, August and September in Continental Square and shall have first opportunity to operate such dispensers in areas in which they hold a license on nights of special events sponsored by the City.

- (b) No more than one license shall be granted for the entire Continental Square area.
- (c) The license shall be issued for a duration of one year.
- (d) The fee for a nighttime Continental Square vendor license shall be established by resolution of Council. One individual or corporate entity shall hold no more than two licenses concurrently.
- (e) The Department of Community and Economic Development, Bureau of Health, shall be responsible for issuing the licenses. The department shall develop procedures for control and monitoring of each license. A procedure shall be developed to provide City residents and businesses the first opportunity to purchase such licenses before they are made available to the general public. The department shall file a copy of the procedures with the City Clerk.
- (f) A vendor is permitted to operate in Continental Square only if it is operating a mobile dispenser built specifically for the purpose of dispensing the product sold by the vendor and is properly licensed and inspected.
- (g) Mobile dispensers shall be attended by at least one operator at all times.
- (h) Mobile dispensers, under this section, shall be permitted to operate only between the hours of 9:00 p.m. and 1:30 a.m. on Thursday evenings and shall be removed from Continental Square by 2:00 a.m. on such evenings, and only between the hours of 9:00 p.m. and 2:30 a.m. on Friday, and Saturday evenings and shall be removed from Continental Square by 2:45 a.m. on such evenings.
- (i) Mobile dispensers shall not obstruct the passage of pedestrian travel and a clear sight triangle as referenced in Section 1307.01 of the Zoning Ordinance must be maintained.
- (j) Mobile dispensers shall not operate radios, boom boxes, or other sound devices that emit sounds that can be heard outside of a ten-foot radius from any part of the dispenser's cart.
- (k) The diameter of the dispenser's space in terms of space in which the dispenser operates and any associated racks by which wares are displayed shall not exceed twenty-five feet.
- (l) Mobile dispensers shall be permitted to sell, consistent with other subsections of this ordinance, candies, such as ice cream, chocolates, mints and gum, food, such as hot dogs, bratwurst, sausage, sandwiches, peanuts, potato chips, fruit, salads, and beverages such as soda, lemonade, juices, bottled water, coffee, hot chocolate and periodicals such as newspapers and magazines, but shall be strictly prohibited from selling apparel, jewelry, movies, compact discs, video cassettes or video discs, cigarettes, cigars, pipes, pornography, prophylactics, and related items.

(m) Mobile dispensers shall be required to clean all litter within a one-block area on the same side of the street in all directions of the location of the stand at the end of each business day. Dispensers shall properly remove all trash and litter from the site and at no time shall place said trash in any curbside receptacle.

(n) Under this article, licenses shall be issued based on the same standards that the City Health Inspector would use to license Temporary Food Facilities, under the Pennsylvania Food Code, and licenses shall only be issued upon the City Health Inspector's passing grade of the commissary or storage facility of the vendor dispenser.

(o) Retention of the night-time Continental Square vendor license shall be contingent upon compliance with all requirements herein. A license holder who fails to comply with all conditions shall have their license revoked. The license fee shall be nonrefundable if revoked. (Ord. 19-2011. Passed 6-7-11.)

333.17 CITY PARK FOOD VENDOR LICENSE.

(a) There shall be made available one license per designated City Park for the operation of a mobile food dispenser.

(b) The list of designated parks that a license will be available is:

- (1) Allen Park
- (2) Bantz Park / Odeon Park
- (3) Farquhar Park / Kiwanis Lake
- (4) Penn Park

(c) Each license shall be issued for a duration of one year and shall be valid from April 1 through September 30 of the licensing year.

(d) The fee for a City Park food vendor license shall be established by resolution of Council. No person may hold more than two licenses concurrently.

(e) The Department of Public Works and the Department of Community Development, Bureau of Permits, Planning & Zoning, shall be responsible for issuing the licenses. The Department of Public Works shall develop procedures for control and monitoring of each license. A procedure shall be developed to provide City residents and businesses the first opportunity to purchase such license before they are made available to the general public. All license applications shall include:

- (1) Proof that vendor will be operating a mobile food dispenser that is National Sanitation Foundation approved or is built specifically for the purpose of dispensing the product sold by the vendor and that the dispenser has been approved by the Health Inspector.
- (2) A current Pennsylvania food employee certificate.
- (3) Proof that applicant has an inspected and approved Commissary where mobile equipment can be stored indoors, cleaned, and re-supplied during off hours, and where consumable foods can be properly stored.
- (4) A copy of a certificate of Public Liability and Property Damage insurance. Said policy shall have a combined single limit of no less than five hundred thousand dollars (\$500,000.)
- (5) A plan for the use of a restroom facility by the vendor.

(f) Each City Park food vendor license shall designate the City Park and the location within that Park where operation of the mobile food dispenser is permitted. All such determinations shall be made by the Director of Public Works or his designee.

(g) The food vendor license, health license and the business privilege/mercantile tax license shall at all times be posted in a conspicuous place upon the cart or vehicle from where business is being conducted.

(h) City Park food vendors must comply with appropriate provisions of the Food Code, as amended, (7 Pa. Code Chap. 46). In addition, vendors must abide by applicable City Codes as well as other applicable State laws.

(i) All food prepared and cooked on site must be fully cooked and ready to eat at the time of sale. No uncooked or undercooked foods shall be sold to the public.

(j) City Park food vendors shall not operate within 100 feet of an establishment licensed as a food outlet of any type.

(k) City Park food dispensers shall not obstruct the passage of pedestrian travel.

(l) City Park food dispensers shall be attended by at least one operator at all times.

(m) City Park food dispensers shall be removed from public property between the hours of 9:00 p.m. and 9:00 a.m.

(n) City Park food vendors must provide at least one (1) covered trash receptacle and are responsible for cleanup of all debris within a 50-foot radius of the site of operation during business hours.

(o) City Park food vendors shall not create any nuisance issues or problems for park neighbors, the general public, and those using the park.

(p) No City Park food vendor may operate during planned events located in the vendor's designated area absent written approval from the Director of Public Works or his designee.

(q) Retention of a City Park food vendor license shall be contingent upon compliance with all requirements of all the City of York ordinances. A license holder who fails to comply with all conditions shall have their license revoked. The license fee shall be nonrefundable if revoked. (Ord. 19-2011. Passed 6-7-11.)

333.99 PENALTY.

Whoever violates any provisions of this article shall, upon conviction thereof in a summary proceeding be fined not more than one thousand dollars (\$1,000) and costs of prosecution and, in default thereof, shall be imprisoned for not more than ninety-days (90 days). Each day that any such violation continues shall constitute a separate offense hereunder and shall be punishable as such. (Ord. 19-2011. Passed 6-7-11.)