



NEW STANTON

All Roads Lead Home

SOLICITATION PERMIT

Applicant's Name: _____

Address: _____

Phone: _____ Fax: _____

Type of Business: _____

Approximate number of people involved with campaign: _____

(Please attach a separate sheet with each person's name, address & telephone number if necessary)

Name

Address

Phone

1. _____

2. _____

3. _____

4. _____

5. _____

Year – Make – Model of vehicle: _____

Driver's license number: _____ Criminal record if any: _____

Date & time you will conduct your campaign: _____

What is the nature of the campaign: _____

Do you plan to distribute flyers in parking lots: _____ Yes _____ No

Fee: _____ Date paid: _____ Received by: _____

SCHEDULE OF FEES

<u>SUBJECT</u>	<u>FEES</u>
CHARITABLE SOLICITATION/DISTRIBUTION OF LITERATURE PERMIT (13, §203)	\$10.00 per day \$30.00 per week \$50.00 per month
JUNKED VEHICLE PERMIT (10, §101)	\$10.00
LIEN CERTIFICATION LETTERS	\$10.00
OVER POSTED WEIGHT VEHICLE PERMIT (15, §301)	\$10.00
ROAD CONNECTION PERMIT (21, §107)	
Minimum use driveways	\$15.00
Low volume driveways	\$30.00
Medium volume driveways	\$40.00
High volume driveways	\$50.00
SEWERS	
Application processing fee	\$75.00
New or repair applications	\$180.00
Subdivisions:	
Observation of testing, test report and comments	\$85.00 first lot
Maximum 2 test pits per lot	\$45.00 each additional lot
Mileage per mile driven by SEO	\$.27 per mile
Planning module reviews for planning modules not subject to review as part of a subdivision or land development	\$100.00
STREET OPENING/EXCAVATION FEES (21, §102)	
Application fee	\$50.00

PART 1

TRANSIENT RETAIL BUSINESS

§101. DEFINITIONS.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON - any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS - the activity of:

- A. Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house within the Borough of New Stanton; or,
 - B. Selling, soliciting or taking orders for any goods, wares or merchandise, from a fixed location within the Borough of New Stanton, on a temporary basis, which shall include, but not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes, or for yearly holidays.
2. When used in this Part, and unless the context clearly indicates the contrary, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 97-173, 2/6/1997)

§102. LICENSE REQUIRED; CONDITIONS OF ISSUANCE; FEE.

No person shall engage in any transient retail business within the Borough of New Stanton without first having obtained from the Borough Secretary a license, for which a fee, which shall be for the use of the Borough of New Stanton, shall be charged, established pursuant to a resolution of the Borough Council.

(Ord. 97-173, 2/6/1997)

§103. EXCEPTIONS.

1. No license fee shall be charged:

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- A. To farmers selling their own produce.
 - B. For the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof 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.
 - D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
 - E. To any honorably discharged member of any of the armed services who complies with the Act of 1867, April 8, P.L. 50, 60 P.S. §61, as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, and who procures from the Prothonotary a certificate pursuant to the Act of 1867, as amended, supplemented, modified or reenacted.
 - F. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
 - G. To any person who has complied with the provisions of the "Solicitation of Funds for Charitable Purposes Act," of the Commonwealth of Pennsylvania, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
 - H. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.
2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Borough Secretary and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Borough Secretary may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

(Ord. 97-173, 2/6/1997)

§104. LICENSE APPLICATION.

Every person desiring a license under this Part shall first make application to the Borough Secretary for such license. The applicant shall state:

- A. His criminal record, if any.
- B. Name and address of the person by whom he is employed.
- C. Type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. Length of time for which license is to be issued.
- E. Type and license number of the vehicle to be used, if any.

(Ord. 97-173, 2/6/1997)

§105. ISSUANCE OF LICENSE; CUSTODY, DISPLAY AND EXHIBIT.

Upon receipt of such application and the prescribed fee, the Borough Secretary, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials and citizens or residents of the Borough of New Stanton.

(Ord. 97-173, 2/6/1997)

§106. PROHIBITED ACTS.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Borough of New Stanton.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Borough of New Stanton for longer than necessary in order to sell therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough of New Stanton for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or stock,

wares or foodstuffs which have become unsaleable through handling, age or otherwise.

- B. Engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 7 p.m., prevailing time, on any day of the week other than a Sunday or legal holiday.
- F. Approach, contact or enter onto any property or premises, public or private, where there is displayed a "No Trespassing," "No Solicitation" or similar sign, or when the owner or occupier makes such intentions known to the licensee.

(Ord. 97-173, 2/6/1997)

§107. SUPERVISION; RECORDS AND REPORTS.

The Borough Secretary shall supervise the activities of all persons holding licenses under this Part. He/she shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

(Ord. 97-173, 2/6/1997)

§108. DENIAL, SUSPENSION AND REVOCATION OF LICENSE; APPEAL.

The Borough Secretary is hereby authorized to deny, suspend or revoke any license issued under this Part for violation of any provisions of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension, revocation or denial of a license may be made to the Borough Council at any time within 10 days after such suspension, revocation or denial and a hearing shall be held at the next regularly scheduled Council meeting, after the petition of appeal. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(Ord. 97-173, 2/6/1997)

§109. LIMITATIONS.

The issuance of a permit pursuant to this Part shall not be construed to authorize or permit any person to engage in transient retail business on private premises. Any person engaging in the activities regulated under this Part shall not engage in transit retail business on any premises, public or private, where there is displayed a "No Trespassing," "No Solicitation" or similar sign, or when the owner or occupier makes such intentions known to such person.

(Ord. 97-173, 2/6/1997)

§110. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for not more than 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 97-173, 2/6/1997)

PART 2

CHARITABLE SOLICITATION; DISTRIBUTION OF LITERATURE

§201. DEFINITIONS.

CHARITABLE ORGANIZATION - any person granted tax exempt status under §501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §501(c)(3)) or any person who is or holds himself out to be established for any charitable purpose or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which has a tendency to suggest there is a charitable purpose to any solicitation. An affiliate of a charitable organization which has its principal place of business outside this Commonwealth shall be a charitable organization for the purposes of this Part. The term shall not be deemed to include:

- A. Any bona fide duly constituted organization of law enforcement personnel, firefighters or other persons who protect the public safety whose stated purpose in the solicitation does not include any benefit to any person outside the actual active membership of the organization.
- B. Any bona fide duly constituted religious institutions and such separate groups or corporations which form an integral part of religious institutions, provided that:
 - (1) Such religious institutions, groups or corporations are tax exempt, pursuant to the Internal Revenue Code of 1986, as amended and supplemented.
 - (2) No part of their net income inures to the direct benefit of any individual.
 - (3) Their conduct is primarily supported by government grants or contracts or funds solicited within their own memberships or congregations, or fees charged for services rendered.
- C. Any veteran's organization chartered under Federal law and the service foundation of such a veteran's organization recognized in the bylaws of the veteran's organization.

CHARITABLE SOLICITATION - any direct or indirect request for a contribution on the representation that such contribution will be used in whole or in part for a charitable purpose including, but not limited to, any of the following:

- A. Any oral request that is made in person, by telephone, radio or television or other advertising or communication media.
- B. Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media.

- C. Any sale of, offer or attempt to sell any advertisement, advertising space, sponsorship, book, card, chance, coupon, device, food, magazine, merchandise, newspaper, subscription, ticket or other service or tangible good, thing or item of value.
- D. Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, contest, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.

CONTRIBUTION - the promise, grant or pledge of money, credit, property, financial assistance or other thing of any kind or value in response to a solicitation, including the payment or promise to pay in consideration of a performance, event or sale of a good or service. Payment by members of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, if such fees, dues, fines or assessments confer a bona fide right, privilege, professional standing, honor or other direct benefit, shall not be deemed contributions, provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation. Government grants or contracts shall not be deemed a contribution.

LITERATURE DISTRIBUTION - the use of books, pamphlets, handbills, cards, circulars, pictures, films, tapes, disks, recordings, magazines or any other storage medium or material for the dissemination of literature.

PERSON - any individual, organization, corporation, association, partnership, trust, foundation or any other entity, however styled.

SOLICITATION - any direct or indirect request for a contribution including, but not limited to, any of the following:

- A. Any oral request that is made in person, by telephone, radio or television or other advertising or communication media.
- B. Any written or otherwise recorded or published request that is mailed, sent, delivered, circulated, distributed, posted in a public place or advertised or communicated by press, telegraph, television or any other media.
- C. Any sale of, offer or attempt to sell any advertisement, advertising space, sponsorship, book, card, chance, coupon, device, food, magazine, merchandise, newspaper, subscription, ticket or other service or tangible good, thing or item of value.
- D. Any announcement requesting the public to attend an appeal, assemblage, athletic or competitive event, carnival, circus, concert, contest, dance, entertainment, exhibition, exposition, game, lecture, meal, party, show, social gathering or other performance or event of any kind.

(Ord. 97-173, 2/6/1997)

§202. PERMITS.

It shall be unlawful for any person to engage in solicitation or literature distribution as defined in §201 of this Part, within the limits of the Borough of New Stanton, without first applying for and obtaining a permit from the Borough, or without at all times while engaged in solicitation or literature distribution, displaying an identification card as herein provided. It shall also be unlawful for any person to solicit contributions or have contributions solicited for any charitable organization that does not have an approved registration statement filed with the Department of State of the Commonwealth of Pennsylvania, pursuant to the provisions of the "Solicitation of Funds for Charitable Purposes Act."

(Ord. 97-173, 2/6/1997)

§203. APPLICATIONS.

1. A sworn application in writing for a permit under this Part must be filed in duplicate with the Borough Secretary at least 3 days in advance of the first day sought for solicitation on a form to be furnished by the Borough of New Stanton, and shall state:
 - A. The full name and address (legal and local) of the person or organization sponsoring, conducting or promoting the solicitation or distribution.
 - B. Whether or not the applicant is a branch or division of a national organization, and if so, the name thereof, and the mailing and street address of same.
 - C. The purpose or object of the solicitation or literature distribution.
 - D. The dates of the solicitation or literature distribution.
 - E. The persons who will engage in the solicitation or literature distribution, the address of each, and the sex, height, weight, color of hair and color of eyes of each.
 - F. A statement as to whether any person who will participate in the solicitation or literature distribution has ever been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude.
 - G. A statement as to whether the applicant is a "charitable organization" as herein defined; and if such, whether the applicant is registered with the Commonwealth of Pennsylvania pursuant to the "Solicitation of Funds for Charitable Purposes Act," or is exempt from registration under that Act.
 - H. Each application shall be accompanied by a 2 inch wide by 3 inch high, full face photograph of each and every person who shall engage in solicitation or literature distribution, pursuant to any permit issued under this Part.

2. A fee, in an amount as established pursuant to resolution of Borough Council, shall be required for the filing of the application.

(Ord. 97-173, 2/6/1997)

§204. PERMIT ISSUANCE OR REFUSAL.

The application shall be registered in a book called the Registry Book. The application for permit shall be granted within 48 hours after the application has been filed unless, upon investigation by the Borough, one or more of the following facts are found to exist:

- A. That one or more of the statements in the application is not true.
- B. That the applicant or any agent or representative of the applicant who will participate under the permit has been convicted of engaging in a fraudulent transaction or enterprise, a felony or other criminal offense involving moral turpitude, in which case the permit shall be denied to the applicant or to the agent or representative so convicted.
- C. When the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any of the terms and provisions of this Part or any prior permit issued hereunder for the same type of solicitation or literature distribution.
- D. The application is incomplete or inaccurate.

(Ord. 97-173, 2/6/1997)

§205. CANCELLATION OF PERMITS.

Any permit granted hereunder may be canceled or revoked after issuance if any of the literature provided in the application should subsequently be discovered to be false, incomplete or inaccurate, or if the permittee or any person acting pursuant to the permit violates the conditions of the permit, or the conditions of this Part during the solicitation or literature distribution period.

(Ord. 97-173, 2/6/1997)

§206. PERMITS FOR CHARITABLE LITERATURE DISTRIBUTION.

It shall be unlawful for a charitable organization to distribute literature or any other article within the limits of the Borough of New Stanton, whether or not solicitation for money or anything of monetary value is involved, without first applying for and obtaining a permit in accordance with §§203 through 205 set forth above.

(Ord. 97-173, 2/6/1997)

§207. APPEALS.

Within 10 days after notice of denial, cancellation or revocation has been mailed, the applicant shall notify the Borough of New Stanton, in writing, of his intent to appeal said action. Within 30 days after receipt of said notice to appeal, the Borough Council shall hold a hearing on the appeal and render a decision.

(Ord. 97-173, 2/6/1997)

§208. ISSUANCE OF PERMITS.

Upon issuance of a permit, the Borough Secretary shall note this fact in the Registry Book and shall, at that point, issue to the applicant, and to any agent or representative of the applicant who will participate under the permit, an identification card, which card shall state the applicant's name, address, sex, height, color of hair and eyes and full name of the charitable organization which he or she represents, and display the photograph of such person.

(Ord. 97-173, 2/6/1997)

§209. TIME, LOCATION, MANNER AND NUMBER OF PERSONS INVOLVED.

When permits for solicitation or literature distribution or a combination of the two are granted, the following rules and standards shall apply:

- A. Location. The issuance of a permit pursuant to this Part shall not be construed to authorize or permit solicitation or distribution of literature on private premises. Any person engaging in the activities regulated under this Part shall not solicit or distribute literature on or to any premises, public or private, where there is displayed a "No Trespassing," "No Solicitation" or similar sign, or when the owner or occupier makes such intentions known to the solicitor or literature distributor.
- B. Time. Permit holders shall only solicit or distribute literature during the hours of 9 a.m. to 7 p.m., prevailing time.
- C. Manner of Operation. Each person included in a permit shall wear the identification card issued by the Borough of New Stanton on the upper clothing and in a manner clearly visible to the public. It shall not be transferred to another person and must be returned to the Borough Secretary at the expiration of the permit.

(Ord. 97-173, 2/6/1997)

§210. DURATION AND RENEWAL.

A permit shall expire 30 days from the date of issuance. A permit may be renewed for successive 30 day intervals if written request for the same is received by the Borough Secretary within the period of 10 days prior to the permit expiration date and the request for renewal contains a statement that the request is predicated on the same literature as contained in the original application.

(Ord. 97-173, 2/6/1997)

§211. PENALTIES.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 97-173, 2/6/1997)