

Chapter 410
Peddling & Soliciting
Part 1
Transient Retail Merchants

[Adopted 1-14-1953 by Ord. No. 62-1952 (Ch. 13, Part 3, of the 2001 Code of Ordinances)]

§ 410-101. License required.

No transient merchant, itinerant merchant or itinerant vendor as defined in § [410-102](#) shall engage in such business within the City without first obtaining a license therefor in compliance with the provisions of this Part.

§ 410-102. Definitions.

For the purpose of this Part, the following terms shall have the meaning indicated:

TRANSIENT MERCHANT, ITINERANT MERCHANT or ITINERANT VENDOR — Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who in the furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, hotel room, lodging house, apartment, shop or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that this definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. Any person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

§ 410-103. License application.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Applicants for license under this Part shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the ~~Administrative Services~~ **Finance** Director, showing:

A. The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it shall be carried on in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons shall act, that is whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation

for whose account the business shall be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated.

B. The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Berks, Pennsylvania, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the ~~Administrative Services~~ **Finance** Director the good character and business responsibility of such person or persons.

C. The place or places in the City where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted.

D. The place or places, other than the permanent place of business of the applicant where the applicant within the six months preceding the date of such application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

E. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City; the invoice value and quality of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession, from stock in possession and by sample, at auction by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed.

F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the ~~Administrative Services~~ **Finance** Director, copies of all such advertising whether by handbills, circular, newspaper advertising or otherwise, shall be attached to the application as exhibits thereto.

G. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.

H. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.

I. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the ~~Administrative Services~~ **Finance** Director may deem proper to fulfill the purpose of this Part in the protection of the public good.

§ 410-104. Investigation and license issuance.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Upon receipt of such application, the ~~Administrative Services~~ **Finance** Director shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the ~~Administrative Services~~ **Finance** Director shall so certify in writing and a license shall be issued by the ~~Administrative Services~~ **Finance** Director. The ~~Administrative Services~~ **Finance** Director shall keep a full record **in the Finance Department of all licenses** issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where the business may be carried on under such license and the names of the persons authorized to carry on the same.

§ 410-105. Bond.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Before any license, as provided by this Part, shall be issued for engaging in a transient or itinerant business as defined in § [410-102](#) in the City, such applicant shall file with the ~~Administrative Services~~ **Finance** Director a bond running to the City in the sum of \$1,000 executed by the applicant, as principal and by a corporate surety duly registered and qualified to do business in the Commonwealth of Pennsylvania; such bond to be approved by the City Solicitor, conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the City and the statutes of the Commonwealth of Pennsylvania, regulating and concerning the sale of goods, wares and merchandise, and shall pay all judgments rendered against such applicant for any violation of such ordinances or statutes, or any of them. Action on the bond may be brought in the name of the City. Such bond shall be approved by the City Solicitor, both as to form, and as to the responsibility of the surety thereon.

§ 410-106. Service of process.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as defined in § [410-102](#), in the City, such applicant shall file with the ~~Administrative Services~~ **Finance** Director an instrument nominating and appointing the ~~Administrative Services~~ **Finance** Director, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice or process for and on behalf of such applicant with respect to any matters connected with or arising out of the business transacted under such license and the bond given as required by § [410-105](#), or for the performance of the conditions of such bond or for any breach thereof, which such instrument shall also contain recitals to the effect that the applicant for such license consents and agrees that service of any notice or process may be made upon such agent, and when so made shall be taken and held

to be as valid as if personally served upon the person or persons applying for the license under this Part, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the ~~Administrative Services~~ **Finance** Director, as herein provided, the ~~Administrative Services~~ **Finance** Director shall send to the licensee at his last known address, by registered mail, a copy of such process.

§ 410-107. License to be displayed.

The license issued under this Part shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for such license shall desire to do business in more than one place within the City, separate licenses shall be required for each place of business, and shall be posted conspicuously in each place of business.

§ 410-108. License fees; expiration.

[Amended 12-22-1976 by Ord. No. 46-1976]

A. Licensees under this Part shall pay a fee of \$50 per license for each month or fractional part thereof during which they engage in a transient business as defined by this Part.

B. Such fee shall be paid in advance prior to issuance of the license, and on the first day of each calendar month thereafter. All licenses issued under the provision of this Part shall expire on the last day of each calendar month unless renewed by payment of an additional fee of \$50.

§ 410-109. License transfer.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

No license shall be transferred without written consent from the ~~Administrative Services~~ **Finance** Director as evidenced by an endorsement on the face of the license by the ~~Administrative Services~~ **Finance** Director showing to whom the license is transferred and the date of the transfer.

§ 410-110. Exceptions.

[Added 5-29-2001 by Ord. No. 14-2001]

A. No license fee shall be charged:

- (1) To farmers selling their own produce.
- (2) 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.
- (3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(4) 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.

(5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

(6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(7) 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.

B. But all persons exempted hereby from the payment of the license fee shall be required to register with the ~~Administrative Services~~ **Finance** Director 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 ~~Administrative Services~~ **Finance** Director 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 a 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.

§ 410-111. Loud noises and speaking devices.

No licensee under this Part, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud-speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 410-112. Enforcement by police.

It shall be the duty of the police officers of the City to examine all places of business and persons in their respective territories subject to the provisions of this Part, to determine if this Part has been complied with and to enforce the provisions of this Part against any person found to be violating the same.

§ 410-113. Records and complaints.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

The ~~Administrative Services~~ **Finance** Director shall deposit the record of fingerprints of licenses, together with a list of license numbers with the Chief of Police; the Chief of Police shall report to the ~~Administrative Services~~ **Finance** Director any complaints against any person licensed under the provisions of this Part and any conviction for violation of this Part; the ~~Administrative Services~~ **Finance** Director shall keep a record of all such licenses and of such complaints and violations.

§ 410-114. License revocation.

A. The licenses issued pursuant to this Part may be revoked by the Mayor after notice and hearing, for any of the following causes: ¹

(1) Any fraud, misrepresentation or false statement contained in the application for license.

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.

(3) Any violation of this Part.

(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

(5) Conducting the business licensed under this Part in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

1. **Editor's Note:** Amended during codification (see [Ch. 1](#), General Provisions, Part 2).

§ 410-115. Appeals.

[Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Any person aggrieved by the decision of the ~~Administrative Services~~ **Finance** Director in regard to the denial of application for license as provided for in [§ 410-104](#) or of the Mayor in connection with the revocation of a license as provided for in [§ 410-114](#) shall have the right to appeal to Council. Such appeal shall be taken by filing with Council within 14 days after notice of the decision by the ~~Administrative Services~~ **Finance** Director or by the Mayor has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in [§ 410-314](#) for notice of hearing on revocation. The order of Council on such appeal shall be final.

§ 410-116. Violations and penalties.

[Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation violating any of the provisions of this Part shall be, upon conviction thereof, sentenced to a fine not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day upon which any person continues to violate any provision of this article shall constitute a separate offense.

Part 2 Canvassing and Soliciting

[Adopted 5-12-2008 by Ord. No. 21-2008 (Ch. 6, Part 8, of the 2001 Code of Ordinances)]

§ 410-201. Purpose.

The purpose of this Part is to protect, maintain and enhance the public health, safety, and general welfare by regulating solicitation and canvassing. The citizens and visitors to the City of Reading are subject to unregulated solicitation and canvassing by sometimes questionable people and organizations in a hazardous manner and in vulnerable locations such as their own residence. It is the purpose of this Part to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

§ 410-202. Definitions.

The following words as used in this Part shall have the following meanings:

APPLICANT — The person or organization seeking a permit.

CANVASSING — The act of going from residence to residence throughout the City of Reading to solicit votes or orders; to conduct a survey (public opinion) or poll; or, to conduct an uninvited detailed discussion, whether on foot or by use of vehicle.

CHIEF OF POLICE — The Chief of the City of Reading Police Department or his designee.

ORGANIZER — The person responsible for organizing the solicitation or canvassing activity and whose name shall be on the application.

PERMIT — Written authorization dispensed by the Chief of Police or his designee which allows the solicitation and canvassing activity and specifies the given solicitation and canvassing period.

POLITICAL CANDIDATE — A person seeking or wanting to be considered for a political office including "write-in candidates."

RECOGNIZED YOUTH ORGANIZATION — A national, state or local youth group having specific structure, responsibilities and united for a particular purpose.

RESIDENCE — Includes every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

SOLICITATION — The act of going from residence to residence asking for donations of money; tickets for money and coupon books for money; or, selling items for money with or without the distribution by such Solicitor or canvasser of literature, samples, free gifts or other materials within the City of Reading and whether on foot or by use of vehicle.

SOLICITATION AND CANVASSING PERIOD — A period not to exceed seven calendar days.

§ 410-203. Permit requirements.

A. General. The City of Reading prohibits any person or organization from conducting solicitations and canvassing of residences without a permit. It shall be a violation of this Part to engage in solicitation and canvassing without a permit or otherwise not in accordance with the terms of this Part and the permit requirement.

B. Permit required. Every person, prior to engaging in activity as a solicitor or canvasser, whether acting on his or her own behalf, as principal, or as the employee or agent of another, shall apply for and obtain a permit as hereinafter provided:

(1) Application. All requests for a permit must be provided to the Chief of Police or his designee at least 10 business days but no more than 60 calendar days prior to the date of the requested activity. The Chief of Police or his designee shall issue a decision within three business days of the application being filed. The Chief of Police, for good cause shown, shall have the authority to consider any application under this section which is filed less than 10 business days before the date such event is proposed to be conducted, provided the Chief of Police or his designee shall have adequate time to conduct the investigation. An application and permit shall be required for each solicitation and canvassing period.

(2) Required information. All applications for permits must include at a minimum the following information and shall be signed by the organizer(s):

(a) Name(s). The name(s) of the person(s) making application for solicitation or canvassing within the City of Reading.

(b) Address. The permanent address and local address, if any, of each organizer.

(c) Physical features of applicant(s) including height, weight, age, sex, race, and social security number of each for background check purposes.

(d) Photocopy of driver's license or other official photo identification of each organizer.

(e) Description of the proposed solicitation or canvassing activity and purpose for activity (i.e., use of funds).

(f) Specific location(s) for solicitation or canvassing activity, including specific houses targeted, and number of Solicitors or canvassers at each such location.

(g) Dates and times of solicitation or canvassing activity.

(h) Names of all participants proposed to be solicitors or canvassers, and their ages. If any solicitors or canvassers are under 18, the names and addresses of adult supervisors; one adult supervisor per four solicitors or canvassers under age 18 is required.

(i) The application shall contain a statement that the submission of the application shall be considered to be consent by each organizer for a background check to be run by the Chief of Police at his discretion on any person named on the application and a statement that all information contained thereon is true and correct.

(j) Any additional information the Chief of Police may find reasonably necessary for a fair determination as to whether the proposed event will endanger public health, safety or welfare.

C. Investigation. The Chief of Police or his designee shall review the application for completeness and compliance with the terms of this Part. The Chief of Police shall check to see if there are any records of complaints against the applicant in the records of the Police Department or the NCIC crime database system. The Chief of Police may, at his discretion, conduct a background check of the organizers. The Chief of Police may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the organizers.

D. Decision. The Chief of Police may grant, deny, or grant a restricted permit. The Chief of Police shall issue a permit as provided in this Part from a consideration of the application and from such information as may otherwise be obtained, unless he finds that any or all of the following apply:

(1) The applicant or any organizers or participants have any criminal complaints pending against them, or have a criminal record involving crimes of theft, fraud, or other moral turpitude.

(2) The Chief of Police has reason to believe that the request for the solicitation or canvassing activity is of a fraudulent nature.

(3) The conduct of the solicitation or canvassing activity is contrary to the public's health, safety or general welfare.

(4) The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Part. The Chief of Police shall indicate on the application review form all reasons for rejection of the application.

E. Location and times.

(1) Prohibited times. No solicitation or canvassing shall be allowed before 9:00 a.m. or after 7:00 p.m., Sunday through Saturday.

(2) Locations. Solicitation and canvassing shall be permitted in all areas where residential use is permitted.

(3) Duration. A solicitation or canvassing activity may last no longer than seven days. A separate permit shall be required for each additional solicitation and canvassing period.

F. Permit. The Chief of Police shall indicate on the permit the permitted activities, locations, and duration of the permit. The Chief of Police may approve a smaller or shorter duration than requested; may reduce the number of solicitors or canvassers; may approve a different location; or, may generally make any other adjustments he believes necessary to the application to serve the public health, safety and welfare. The signed permit is to be kept on-site and in the possession of all organizers at all times that solicitation or canvassing is underway. If multiple locations are involved, a permit copy shall be kept at each location by each organizer. Permits shall be displayed at the request of any citizen or law enforcement personnel.

G. Non-content-based review. The content of the message of any applicant, their beliefs, the identification of the participants, or any other matter which does not directly impact on the public health, safety, and welfare, shall not be relevant to the determination of whether to grant or deny a permit.

H. Special requirements.

(1) There shall be no physical contact by the solicitor or canvasser with anyone being solicited or canvassed without the person's consent. This shall be deemed to include not only physical force or restraint but also the act of placing objects on the person or clothing of the solicitee.

(2) Solicitors and canvassers shall not occupy a fixed location on any public sidewalk or street. There shall be no interference with or blocking of movement or any pedestrian or vehicle by any solicitor or canvasser.

(3) A solicitor or canvasser shall not be permitted to make or cause to be made any loud noise to attract attention or for any other purpose. Such noises may include, but shall not be limited to, shouting, use of loud speakers, horns, drums, musical instruments or other sound devices.

(4) A solicitor or canvasser who is conducting such activity on private property, which is not open to the public, shall immediately leave such premises on request of any lawful occupant thereof.

§ 410-204. Responsibility for payment of taxes.

It shall be the responsibility of every solicitor or canvasser given a permit under this Part to pay to the City of Reading Tax Administration the proper taxes, including business privilege and income taxes, for himself or any employee on income earned as a result of the soliciting or canvassing.

§ 410-205. Appeals.

A. Appeals. Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Reading City Council. A written appeal shall be filed with the City Clerk within 10 days after the denial or restriction is received.

B. Procedure. The Chief of Police shall appear and present his case and evidence as to why the application was denied. The applicant shall have the opportunity to present his or her case and evidence in support of the application. The hearing shall be conducted as a evidentiary proceeding.

C. Standard of review. City Council, keeping in mind the purpose of this Part, the substantive provisions, and giving deference to the judgment of the Chief of Police, shall make a determination as to whether the denial or restriction was lawful and in the interests of the public health, safety and welfare, or whether the permit should be issued or modified. If the latter, City Council shall enter an order providing guidance as to the location, time, persons, and other criteria of this Part. City Council shall render a decision within 10 days after the hearing.

§ 410-206. Violations and penalties; enforcement.

A. Revocation of permit. The Chief of Police or his designee is hereby authorized to revoke a permit issued under this Part under the following circumstances:

(1) If the organizer is convicted of a felony during the solicitation and canvassing period.

(2) If the Chief of Police or his designee determines that the goods or items being sold or distributed are unsafe, harmful or misrepresented to the public.

(3) If it is determined that the organizer has given false information on the application.

(4) If the organizer fails to abide by any of the provisions of this Part.

(5) If the Chief of Police becomes aware of illegal or unauthorized activity and the revocation of said permit is required in the best interests of public health, safety and welfare.

B. Persons soliciting without a permit or in violation of the permit shall be cited with a citation for prosecution in the Magisterial District Judges Court, in accordance with the requirements of law for such citations. All City of Reading police officers are authorized to issue such citations.

C. Any person, organization, business or entity in violation of the provisions of this Part is subject to a fine of up to \$300 per day per violation per individual participant. The minimum fine shall be \$50 per day per violation per individual participant.

D. Any person, organization, business or entity found guilty of violating this Part may not be issued a permit for a two-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Part shall be banned from further solicitation or canvassing in the City of Reading.

E. The City Solicitor shall be authorized to seek injunctive relief and other relief in a court of competent jurisdiction if necessary to effectuate the intent of this Part. The City of Reading shall be entitled to seek civil fines in the amounts specified above and shall be entitled to its attorney's fees for any successful action.

§ 410-207. Exemptions.

This Part shall not apply to recognized youth organizations including school sponsored clubs; canvassing conducted by political candidates for public office, their workers or representatives from political parties; solicitation of donations by mail, either the solicitation of money or canvassing, as otherwise defined herein, from personal acquaintances of the person engaging in the activity, persons who solicit for or on behalf of religious organizations, or in pursuit of religious beliefs and activities. A permit is not required for any solicitation or canvassing activity sponsored or conducted by City of Reading or its departments and agencies, nor by any municipality or government agency in the City, such as firefighter or police department fund- raisers or other similar collections.