

BOROUGH OF BELLEVUE

RESOLUTION NO. 08 - 02

A RESOLUTION OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, ESTABLISHING FEES FOR TRANSIENT VENDORS AS IDENTIFIED IN ORDINANCE NO. 01-07.

***THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE
HEREBY RESOLVES:***

SECTION 1: Transient Vendors of each vendor company as identified in Ordinance No. 01-07, Sections B2 and B3, shall be required to pay a fee of \$50.00 for each month, or part thereof that they conduct business within the Borough of Bellevue; or a fee of \$500.00 if the application is for an entire year, or a part thereof.

SECTION 2. Transient Vendors, or each vendor company, as identified in Ordinance No. 01-07, Section B2 and B3, shall pay an additional fee of \$10.00 for each additional individual employed or otherwise utilized to conduct business within the Borough of Bellevue.

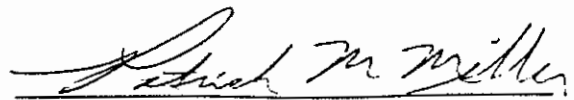
SECTION 3: Any resolution, or part thereof, conflicting with the provisions of this Resolution, is hereby repealed insofar as the same affects this resolution.

ADOPTED this 5th day of February, 2002.

ATTEST:



Director of Administrative Services and Secretary



President of Council

BOROUGH OF BELLEVUE

ORDINANCE NO. 01 - 07

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, REGULATING THE PRACTICE OF GOING IN AND UPON RESIDENTIAL PROPERTY WITHIN THE BOROUGH OF BELLEVUE BY SOLICITORS, PEDDLERS, VENDORS OR MERCHANTS, WHETHER FOR CHARITABLE, RELIGIOUS, OR NON-PROFIT ORGANIZATIONS, OR FOR COMMERCIAL OR BUSINESS PURPOSES- PROHIBITING CERTAIN DISTRIBUTION OF ADVERTISING MATERIAL; PROVIDING FOR THE ISSUANCE OF PERMITS; ESTABLISHING HOURS; REGISTRATION OF PERSONS ENGAGED IN INTERSTATE COMMERCE; AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

WHEREAS, in the judgment of the Town Council of the Borough of Bellevue, solicitation, whether for charitable, religious or non-profit organizations, or solicitation, peddling, vending, or merchandising of commercial or business purposes at residential property within the Borough of Bellevue on a house-to-house or door-to-door basis should be regulated and restricted by requiring such solicitors, peddlers, vendors, or merchants to provide identification in order to protect the residents of the Borough of Bellevue from being confronted with unidentified and possibly criminally minded persons at the door of their residences; and

WHEREAS, in the judgment of the Town Council of the Borough of Bellevue, allowing solicitation, peddling, vending or merchandising to the Borough residents on their residential properties without any limitation on the hours of such activity will expose residents of the Borough of Bellevue to increased risk of criminal activity and subject the Borough citizens to undue annoyance and unwanted intrusion into the privacy of their residence; and

WHEREAS, in the judgment of the Town Council of the Borough of Bellevue, distribution of advertising materials to Borough residents by placing or hanging said material on mail boxes or posts or by depositing said material upon other portions of private property without the consent or request of the owners or occupiers of the property constitutes an invasion of privacy, and the accumulation of said materials a clear indication of the property being unoccupied and this increases the possibility of vandalism and/or burglary.

WHEREAS, the new statutory right of persons to use deadly force in order to protect their homes and property has increased the risk of life of those who go on to residential properties to seek to gain access to residential dwellings particularly in hours of darkness.

**THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY
ORDAINS:**

SECTION 1: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless a different meaning clearly appears from the context:

CONDUCTING BUSINESS - means the conducting of the retail sales of goods, wares, or merchandise on the streets or in the homes of the Borough of Bellevue, including solicitation and taking of orders, whether verbal or written. This phrase includes work commonly done by peddlers, hawkers, auctioneers, hucksters, or other door-to-door salesman. It does not include the sales of milk or milk products or bakery products.

DISTRIBUTION OF ADVERTISING MATERIAL - includes any person, corporation, partnership, association, or any agent, employee or servant thereof, who dispenses, disseminates, or disperses various types of material, written, printed or other, which calls attention of the public to a product, business, or service.

TRANSIENT VENDOR - includes any person, corporation, partnership, association, or any agent, employee or servant thereof, who conducts a business in the Borough of Bellevue, either by going door-to-door or in any other manner where the vendor does not have either a residence or a business office within the geographic limits of the Borough of Bellevue.

SECTION 2: Transient vendors shall be governed and regulated within the Borough of Bellevue in the following manner.

A. Hereafter, no transient vendor may conduct business within the geographic limits of the Borough of Bellevue in any residential area.

B. Hereafter, no transient vendor may conduct business within the geographic limits of the Borough of Bellevue in any commercial or business area without first obtaining a permit in accordance with the requirements of this Ordinance.

1. Permit Fee: Issuance, Cost, Exemptions, etc.

a. Exemptions of the payment of fees are granted

(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, Girls Scouts, athletic organizations located in Bellevue, the Northgate School District or similar local based organizations.
- (5) to the seeking or taking orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- (6) to any person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 Pa. C.S.A. §162,1 et seq., as hereafter amended, supplemented, modified, or re-enacted 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 fee or business privilege tax at their chief place of business.

2. All other transient vendors shall be required to pay a license fee in an amount as established from time to time by resolution of the Borough of Bellevue.
 3. Transient vendors shall be required to pay a license fee for each individual being utilized by the transient vendor, in such amount as established from time to time by resolution of the Borough Council.
 4. No permits shall be issued unless and until the necessary fee is paid and the information as set forth in Section 5(A) hereof is given by the applicant and for each individual engaged by the applicant.
 5. Every transient vendor shall carry a permit at all times while conducting business within the Borough of Bellevue.
 6. Permits are not transferable and a separate permit is required for each person utilized or employed by the vendor.
- C.** Any person engaged in interstate commerce shall register in a docket provided therefore, stating his name, address, employer and the product he is selling. The registration shall also show the date and time he will commence work in the Borough of Bellevue and the length of time he intends to work therein. The Borough of Bellevue may require that the transient vendor engaged in Interstate Commerce take an oath or affirm to the truth of the allegations made in such

registration. The Borough of Bellevue shall issue to the vendor a registration certificate showing he has registered.

D. Manner and Hours of Conducting Business

1. No transient vendor shall deposit any refuse or waste on the streets, avenues or alleys or any private or public property in the Borough of Bellevue, nor may he park or stop for a longer time than is reasonably necessary for the conduct of his business.
2. The hours during which a transient vendor may conduct business in the Borough of Bellevue shall be limited to Monday through Saturday, 9:00 a.m. to 5:00 p.m., prevailing time.

SECTION 3: Religious, charitable, and non-profit solicitors shall be governed and regulated within the Borough of Bellevue in the following manner.

- A.** It shall be unlawful for any person to go upon residential property within the Borough of Bellevue to solicit funds from the Borough residents for any religious, charitable or non-profit cause by knocking upon residential doors, or by ringing doorbells or by any other method so as to cause or attempt to cause residents to open their doors unless the organization sponsoring the solicitation is located within the confines of the Borough of Bellevue or the individual person doing the solicitation is a resident of the Borough of Bellevue and has first registered at the office of the Director of Administrative Services and has received identification cards from the Director of Administrative Services of the Borough of Bellevue for each individual soliciting.

- B. It shall be unlawful for any person to go upon residential property within the Borough of Bellevue to distribute literature to the Borough residents for any religious, charitable, or non-profit cause by knocking upon residential doors, or by ringing doorbells or by any other method so as to cause or attempt to cause residents to open their doors unless the organization sponsoring the distribution of material and the individual person doing the distribution has first registered at the office of the Director of Administrative Services and has received identification cards from the Director of Administrative Services of the Borough of Bellevue for each individual distributing material.
- C. The identification card required by Section 3A and Section 3B shall be issued free of charge by the Director of Administrative Services.
- D. No identification card shall be issued to any solicitor or distributor of material until such time as the information required by Section 5(A) hereof is provided to the Director of Administrative Services.
- E. Solicitors and distributors of material regulated by this Section 3 shall carry their identification card issued by the Director of Administrative Services at all times while soliciting or distributing material within the Borough of Bellevue and shall show their identification cards to residents in order to identify themselves prior to any actual solicitation of funds or distribution of material.
- F. All solicitation or distribution of material carried on by persons for charitable, religious and non-profit causes shall, in the case of

residential door-to-door or house-to-house calling, be restricted to the following hours:

1. From May 1 through September 30, such solicitation and distribution of materials shall be limited to the period from 9:00 a.m. to 7:00 p.m., prevailing time, including Saturdays and Sundays.
2. From October 1 to April 30, such solicitation and distribution of materials shall be limited to the period from 9:00 a.m. to 5:00 p.m., prevailing time, including Saturdays and Sundays.

G. Solicitation of funds or distribution of materials for charitable, religious or non-profit causes at any business establishments and upon any business properties shall be limited to the normal business hours of the business, but those solicitors and distributors of material shall also register at the office of the Director of Administrative Services and carry identification cards.

SECTION 4: Hereafter no person, firm, corporation or association hereinabove defined as distributors of advertising material may distribute advertising material at a residence or a business within the Borough of Bellevue by placing such material at the residence or business property or on the residential or business mail box of the person owning or occupying the residence or business, unless the person, firm, corporation or association distributing such advertising material does so based upon the affirmative request or consent of the person owning or occupying the

residence or business, provided, however, that this provision shall not apply to the following:

- A. Distribution of advertising material through the United States Mail Service; and
- B. Distribution of campaign literature during an election campaign.
- C. Distribution of telephone directories by the publisher of the directory or its agent.
- D. Distribution of advertising material at the home or residence of the person, firm, corporation, or association distributing the advertising material.

SECTION 5: Any transient vendor, person, corporation, partnership, association, or any agent, employee or servant thereof, shall register with the Borough of Bellevue Director of Administrative Services, pay a fee as required, and provide the information as required on the application form.

- A. No permits shall be issued to Transient Vendors unless and until the necessary fee is paid (if a fee is required) and the following information is given by the applicant:
 - 1. Full identification, including proof by vehicle operator's plate number and/or a motor vehicle registration number and including sufficient physical identification.
 - 2. The name of vendor's business or his employer, the address of that business, the kind of merchandise sold, the tax identification

number of the business, and the type of transaction to be conducted.

3. The length of time for which the permit shall be issued and the number and names of vendor's helpers.
 4. Any criminal record of the vendor and any employee or agent shall be disclosed at the time of the application.
 5. Evidence of a receipt of the Tax Collector that the Occupational Privilege Tax assessed by the Borough of Bellevue has been paid by the individual.
- B.** Permits for solicitation of funds shall be issued to religious, charitable or non-profit organizations only if the organization is located within the confines of the Borough of Bellevue or the individual solicitors are residents of the Borough of Bellevue.
- C.** Permits for the distribution of material shall be issued to religious, charitable or non profit organizations only if the organization provides proof that it has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 Pa. C.S.A. §162,1 et seq., as hereafter amended, supplemented, modified, or re-enacted by the General Assembly of Pennsylvania.
- D.** No permits shall be issued to religious, charitable, or non-profit solicitors or distributors of information unless and until the necessary fee is paid (if a fee is required) and the following additional information is given by the applicant:

1. Full Identification, including proof thereof by voter's registration card, vehicle operator's license, or some other accepted method of identification, with residence and office address.
 2. The name of the organization for which the applicant is soliciting funds or distributing information, the address of the organization, the type of organization, the tax identification number of the organization, and the type of transaction to be conducted.
 3. The length of time the soliciting or distributing of information is to be carried on.
 4. Any criminal record which the applicant or his employees, volunteers, or agents may have.
- E. The Director of Administrative Services is hereby required to keep records of all permits assigned under this Ordinance and shall supply the Chief of Police the list of current permits issued, as they are issued.
- F. The Chief of Police shall have the power and is hereby authorized to suspend or revoke any permit or identification card issued under this ordinance when he, in his judgment, deems such suspension or revocation to be in the interest of public health, safety, or morals, or for giving false information upon any application for a permit or identification card, or the Chief of Police has found out that the applicant has been convicted of any felony or misdemeanor involving moral turpitude.

1. Any person whose permit or identification card has been revoked or suspended may appeal to the Public Safety Committee for a hearing, at which time the Committee may or may not sustain the action of the Chief of Police.
2. Any appeal to the Public Safety Committee shall be made within five days after the applicant has been notified in writing of the Chief's actions and shall be heard by the Committee at their next regularly scheduled meeting.

G. Each transient vendor and each employee of a transient vendor issued an individual permit and working within the Borough shall be required to file all appropriate tax forms and make payment of taxes on all sales, gross receipts, earnings, wages, etc. from sales in the Borough of Bellevue to the designated Tax Official or Tax Collector within the time frame(s) as noted herein, except for such sales, gross receipts, earnings, wages, etc. as excluded by law, notwithstanding the time frame for such filing and payment of said taxes noted in each specific tax ordinances.

Tax forms to be filed and taxes to be paid may include any or all of the following: Business Privilege Tax, Earned Income Tax, Earned Income Tax Add-On, Occupational Privilege Tax, and Mercantile Tax.

1. The Business Privilege Tax shall be paid on all Gross Revenues within seven calendar days of the expiration of the permit.

2. The Earned Income Tax and Earned Income Tax Add-On shall be paid on or before the 30th day of the month following the last day of each calendar quarterly period.
3. The Occupational Privilege Tax shall be paid before the date that the permit is issued.
4. The Mercantile Tax shall be paid on before the 30" day of the month following the last day of each calendar quarterly period.

SECTION 6: Any person, firm or corporation who violates any provision of this ordinance, including but not limited to soliciting without a permit or identification card or who solicits other than during the hours permitted, shall be subject to prosecution before a District Magistrate and, upon conviction, shall be fined not more than ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) plus the costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than thirty (30) days. Each day that a violation continues shall constitute a separate offense and shall be prosecuted accordingly.

SECTION 7: The provisions of this Ordinance are severable and if any of its provisions or any part of any provision shall be held unconstitutional or otherwise held to be invalid, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Borough Council that this ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 8: Any Ordinance, or part thereof, conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this