



# THE BOROUGH OF BRENTWOOD

MUNICIPAL BUILDING – 3624 BROWNSVILLE ROAD  
PITTSBURGH, PA 15227-3199  
Office 412-884-1500 FAX 412-884-1911  
www.brentwoodboro.com

## Procedures for Peddler and Solicitor Applicants

1. Complete the application form (two sheets)
  - One application form per person
  - Do not leave any lines blank. If a question does not apply, enter N/A.
  - To apply, you must have a current government issued identification card or driver's license.
  - By signing the application the applicant is agreeing to have a background check completed. Additionally, applicants will be fingerprinted if they will be going door to door.
  - If there is any falsification of answers on the application or if the application is not completed in its entirety, the application will be denied.
2. Supply two (2) recent photographs of yourself, at least 2'' x 3'' which clearly show your head and shoulders. Submit the photographs with the application.
3. Pay Solicitation Fees:
  - Non-Profit Organization: No Fee
  - Commercial/For Profit: \$35/day/person
  - Make Checks Payable to the Borough of Brentwood.
  - For applications involving solicitation for a charitable institution there is no fee, but an application must still be completed. A copy of the Grant of Exemption and other documentation issued by the United States Internal Revenue Service and/or by the Pennsylvania Department of State must be attached to the application.
5. Read Chapter 194 of the Borough Code (attached) for specific rules and regulations.
4. Submit the Application, Photographs, and Fee to the Borough of Brentwood Administrative Office Monday through Friday 8:00 am to 4:00 pm.
5. Receive and Review a copy of the Restricted Residents Listing.

### **Process:**

The Borough of Brentwood will attempt to complete the application within 5 business days. Once the application process has been completed, the applicant (or their supervisor) will be contacted to confirm the approval or denial of the application. Upon approval the applicant can pickup their permit at the Borough of Brentwood Administrative Office Monday through Friday 8:00 am to 4:00 pm.



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## Application for Peddler & Solicitor Permit

I am a Peddler.

I am a Solicitor.

Full Legal Name: \_\_\_\_\_  
Last First Middle (Full Middle Name)

Driver's License or Identification Card Number: \_\_\_\_\_ State: \_\_\_\_\_

Male  Female Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

### Permanent Home Address:

Address: \_\_\_\_\_  
Street City State Zip

Phone Number: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
Home Number Business

### Local Address:

Address: \_\_\_\_\_  
Street City State Zip

Phone Number: (\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
Home Number Cell Phone Number

A brief description of the nature of the business **and** the products being sold:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Employer, Principal, or Supplier

Supply the following information about the employer, principal, or supplier of application if other than self:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Phone Number: (\_\_\_\_) \_\_\_\_\_ Supervisor's Phone Number(\_\_\_\_) \_\_\_\_\_

Attach flyer, pamphlet, information or other regarding products to be sold.  Attached

Date(s) of selling or soliciting: \_\_\_\_\_

Note: (May not exceed 6 consecutive days)

**Description of vehicle used in business:**

Year/Make/Model: \_\_\_\_\_ Color of Vehicle: \_\_\_\_\_

License plate number: \_\_\_\_\_ State license plate is issued from: \_\_\_\_\_

Where are the products at the time the application is turned in? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where is the source of supply of products to be sold? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purposed Method of Delivery: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you ever been convicted of a crime, or violation of any municipal ordinance, other than a petty misdemeanor or traffic offense? \_\_\_ Yes \_\_\_ No

If Yes, answer the following questions:

- Location of arrest (City, County, State) \_\_\_\_\_
- Charge Information (Offense charged with) \_\_\_\_\_
- Conviction Information (Offense convicted of) \_\_\_\_\_
- Sentencing (Fine, probation, parole, etc.) \_\_\_\_\_
- Current status in regards to parole, probation etc. \_\_\_\_\_

List two municipalities where you carried on this business immediately preceding the date of this application and include the address (es) from which business was conducted in those municipalities.

1) _____	2) _____
_____	_____
_____	_____
_____	_____

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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**For Borough Use Only**

Permit Number

Date Received: \_\_\_\_\_

Date Approved/Denied \_\_\_\_\_

Processed By: \_\_\_\_\_

Borough Manager

Check if Received

\_\_\_ Fee

Reviewed By: \_\_\_\_\_

Chief of Police

\_\_\_ Credentials (If applicable)

\_\_\_ Two Photos

Approved By: \_\_\_\_\_

Mayor

\_\_\_ Copy of ID

\_\_\_ Fingerprints (If applicable)

**Conditions for Approval (If Any):**

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**Reasons for Denial (If Denied):**

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**Distribution List for the Permit and Application:**

- Applicant
- Police Department
- Borough Manager
- Mayor
- Brentwood Council
- Administrative File

## CHAPTER 194

### TRANSIENT RETAIL BUSINESSES

[HISTORY: Adopted by the Borough Council of the Borough of Brentwood 3-2-1982 as Ch. XIII, Part 6, of the 1982 Code of Ordinances. Amendments noted where applicable.]

#### GENERAL REFERENCES

#### § 194-1 Definitions and word usage.

[Amended 9-16-1983 by Ord. No. 916; 10-28-2008 by Ord. No. 1171]

A. As used in this chapter, the following terms shall have the meanings indicated:

#### CHARITABLE ORGANIZATION

An organization which has been granted an exemption by the United States Internal Revenue Service under § 501(c) or § 509(a) of the United States Internal Revenue Code and/or any person or organization who has complied with the provisions of the Pennsylvania Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1, et seq., as amended.

#### LEGAL HOLIDAY

Includes 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.

#### SOLICITOR AND CANVASSER

Includes any person who goes:

(1) From private house to house, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers.

(2) From private house to house, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals or other personal property of any nature whatsoever, for future delivery or for services to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

(3) From private house to house soliciting donations or money for themselves or for any organization for any purpose, whether or not anything of value is given in return.

#### TRANSIENT RETAIL BUSINESS

(1) Includes:

(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 Brentwood.

(b) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Borough on a temporary basis, which shall include but shall not be limited to such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly or legal holidays.

(c) The business conducted by any transient merchant, which term shall include any person who, temporarily and for a short time, hires, rents or obtains a definite place of business, whether a storeroom or a market stand or a private residence, for the sale of goods, wares, merchandise or to offer or expose the same for sale or for future delivery and sale. The terms "temporarily" and "short time" shall be construed as three months or less.

(2) The term "transient retail business" shall not include solicitation of funds for nonprofit charitable, religious or political organizations or any other activity with a predominant charitable, religious or political purpose as defined in this section.

B. The singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

### **§ 194-2 License required; issuance; fee.**

[Amended 9-16-1983 by Ord. No. 916; 10-28-2008 by Ord. No. 1171]

A. No person shall engage in any transient retail business within the Borough of Brentwood without first registering with the Borough Manager and having obtained from the Borough a license, for which a fee shall be charged. The amount of the fee shall be fixed from time to time by resolution of Council, provided that no license shall be charged:

(1) To farmers selling their own produce.

(2) For the sale of goods, wares and merchandise donated by the owners thereof, or the proceeds of which sale 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 the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

B. All persons exempted hereby from the payment of the license fee shall be required to register with the Borough Manager and obtain a license from the Borough without fee; provided, further, that 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, that the Borough may similarly exempt from payment of the license fee, but not from registering with the Borough Manager and obtaining a license from the Borough, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation; provided, further, that every license issued under the provisions of this chapter shall be issued on an individual basis to 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.

### **§ 194-3 Application for license.**

[Amended 9-16-1983 by Ord. No. 916; 10-28-2008 by Ord. No. 1171]

Every person desiring a license under this chapter shall first make application to the Borough through the Borough Manager for such license. If such person shall also be required to obtain a license from any state or county officer, he shall, when making such application, exhibit a valid license from such state or county officer. The applicant shall state thereof and present:

A. The name and physical description of the applicant.

B. The complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

C. A brief description of the nature of the business and the goods to be sold or the organization on behalf of which goods will be solicited.

D. If employed, the name and address of the employer.

E. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, and the proposed method of delivery.

F. Two recent photographs of the applicant, said photographs being at least two inches by three inches in dimension and clearly showing the applicant's head and shoulders.

G. Whether or not the applicant has been convicted of any felony, misdemeanor or crime involving moral turpitude and a brief description of each such conviction.

H. For applications involving solicitation for a charitable institution, a copy of the Grant of Exemption and other documentation issued by the United States Internal Revenue Service and/or by the Pennsylvania Department of State.

I. The length of time, with beginning date and ending date, during which said business or solicitation is to be conducted in the Borough, said length of time not to exceed six consecutive days.

**§ 194-4 Issuance of license; conditions; display.**

A. Upon receipt of such application and the prescribed fee, the Mayor, if he shall find such application in order, shall issue the license required under this chapter. As a condition prerequisite to issuance of said permit, and as continuing condition for use and maintenance of such permit, the Mayor may impose such conditions as he deems necessary to protect and preserve the health, safety, morals, general welfare, cleanliness, beauty and convenience of the borough, the borough residents and visitors to the borough. Said conditions may include but are not limited to an obligation assumed, in writing, by the permittee and other interested persons or entities to reimburse the borough for public safety cost incurred as a result of the use of the permit and to protect, defend, indemnify and hold the borough officials, employees and representatives harmless from all claims, causes of action and loss arising from issuance and/or use of said permit.

[Amended 6-19-1990 by Ord. No. 995]

B. 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, borough officials and citizens or residents of the borough.

**§ 194-5 Prohibited acts.**

[Amended 9-16-1983 by Ord. No. 916]

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 Brentwood.

C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the borough for longer than necessary in order to sell there from to persons residing in the immediate vicinity.

D. Park any vehicle upon any of the streets or alleys in the borough for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become unsaleable through handling, age or otherwise.

E. Use at any time a license issued to any other person.

F. Permit any other person to use a license that was not issued to said other person.

G. Solicit at any private residence exhibiting a sign reading "no solicitors," or words having the same connotation.

H. Engage in any business activity, solicitation, canvassing or other activity described herein at any private home on a Sunday; however, on any other day including Monday through Saturday, inclusive, no person shall engage in any such activity except between the hours of 9:00 a.m., prevailing time, and sunset.

[Amended 2-4-1997 by Ord. No. 1091]

#### **§ 194-6 Supervision of activities; records and reports.**

The Mayor and the Brentwood police shall supervise the activities of all persons holding licenses under this chapter. The Borough Secretary shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Borough Council.

#### **§ 194-7 Business hours.**

[Amended 9-16-1983 by Ord. No. 916]

Transient retail business and solicitation may be conducted at business properties in the borough during all regular business hours and may be conducted in the borough public streets and other public places from 9:00 a.m., prevailing time, to sunset, provided that such business persons and/or solicitors obtain a license as required by this chapter and that such activities are conducted subject to all other provisions of this chapter.

#### **§ 194-8 Suspension and revocation of licenses; appeals.**

[Amended 9-16-1983 by Ord. No. 916]

A. The Mayor is hereby authorized to deny, suspend or revoke any license issued under this chapter when he deems such denial, suspension or revocation to be necessary to assist in the prevention of crime and/or necessary to protect the security of the homes of borough residents from annoyance. In addition, the Mayor may deny, suspend or revoke any license issued under this chapter for violation of any provision of this chapter and/or for the giving of any false information upon any application for a license hereunder. Notice of the denial, revocation or suspension of a license shall be given, in writing, setting forth specifically the grounds of complaint and the opportunity for a hearing. Such notice shall be given by the Mayor or Borough Secretary

personally to the applicant or may be transmitted by certified mail, postage prepaid, to the applicant or permittee at his address given in said application.

B. Appeals from any denial, suspension or revocation may be made to the Borough Council, in writing, at any time within 10 days after such denial, suspension or revocation. Such notice of appeal shall state, in detail, the reasons why the applicant or permittee believes said denial, revocation or suspension is improper. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

C. Hearing on an appeal under this chapter shall be conducted by Borough Council according to the provisions of the Pennsylvania Local Agency Law, the Act of April 28, 1978, P.L. 202, No. 53, as amended, and the provisions of the Pennsylvania Open Meetings and Hearings Act, the Act of July 19, 1974, P.L. 486, No. 175, as amended.

Such hearing shall be commenced within 45 days after receiving notice of such appeal. The appellant shall be notified of Council's decision with 45 days, after the conclusion of said hearing, or any, continuance thereof. Said notice of decision of Council shall be given to the appellant, in writing, specifying reasons for said decision and shall be mailed to the appellant by certified mail, postage prepaid, at appellant's address set forth in the application for license. The decision of Council shall be the decision of a majority of a quorum of the members of Council voting on said appeal and said decision shall be final.

#### **§ 194-9 Violations and penalties.**

[Amended 9-16-1983 by Ord. No. 916; 2-4-1997 by Ord. No. 1091]

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each separate act of sale or solicitation committed in violation of the provisions of this chapter shall constitute a separate violation thereof.

#### **§ 194-10 Restricted residence listing.**

[Added 10-28-2008 by Ord. No. 1171]

A. A resident, upon written request to the Borough Manager, may ask to be placed on a restricted listing which will be given to all applicants being issued a transient retail business license. Persons to whom licenses are issued shall not call upon any residents named on the restricted listing.

B. All persons wishing to engage in any transient retail business within the Borough of Brentwood are required to first obtain a list of residents who have notified the Borough Manager of their desire to be placed on the restricted residence listing. Prior to engaging in transient retail business activity, all individuals who engage in this type of activity are required to obtain the list of these residents from the Borough Manager. The list may be obtained in person or by telephoning the Borough Manager with a request for the list to be delivered by facsimile or electronic mail.