

**WYOMISSING BOROUGH, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1445-2024**

**AN ORDINANCE OF THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 13, ENTITLED "LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS", PART 2, ENTITLED "PEDDLING AND SOLICITING," OF THE WYOMISSING BOROUGH CODE OF ORDINANCES, IN ORDER TO RESTRICT PEDDLING AND SOLICITING ACTIVITIES**

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WHEREAS, the Borough of Wyomissing is a borough in the Commonwealth of Pennsylvania; and

WHEREAS, as a borough, the Borough of Wyomissing is governed by the Borough Code of the Commonwealth of Pennsylvania; and

WHEREAS, Section 1202(5) of the Borough Code, authorizes the Borough Council to enact ordinances not inconsistent with or restrained by the Constitution and laws of the Commonwealth to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough; and

WHEREAS, the Borough Council believes that restricting peddling and soliciting activities within the Borough is necessary for the safety and welfare of the Borough and its citizens;

NOW THEREFORE, BE IT ENACTED and ORDAINED by the Council of the Borough of Wyomissing, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1.** The Code of Ordinances of Wyomissing Borough, Chapter 13, entitled Licenses, Permits and General Business Regulations", Part 2, entitled "Peddling and Soliciting," is hereby amended to read in its entirety as follows:

**§201. Definitions and Interpretation.**

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

**BOROUGH** – The Borough of Wyomissing, Berks County, Pennsylvania.

**PEDDLER** – Any person with no fixed place of business, who goes from house to house, from place to place, or from street to street, by any means, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries for purchase.

**PERSON** – Any natural person, partnership, association, corporation, or other legal entity.

**SOLICITOR** – Any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including but not limited to books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or services, including but not limited to lawn care, alarm system service, or cleaning services. A solicitor is not a peddler.

**TRANSIENT RETAIL BUSINESS** – Any business conducted in Wyomissing Borough for the sale of goods, wares, or merchandise whatsoever for a period of less than ninety (90) calendar days. Transient retail business includes peddlers and solicitors, and any person engaged in transient retail business from a fixed location on private property.

## **§202. Transient Retail Business Prohibited; Exceptions to Prohibition.**

- A. It shall be unlawful for any person to engage in Transient Retail Business activities within the Borough of Wyomissing unless the peddler or solicitor is within one of the following permitted categories (“Permitted Peddler or Solicitor”):
  - (1) Religious proselytizing, political speech, and the distribution of handbills.
  - (2) Farmers selling their own produce.
  - (3) Sale of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.
  - (4) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
  - (5) Children under the age of eighteen (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.
  - (6) Persons who have registered with the Department of State for the Commonwealth under the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1, et seq., as hereafter amended, supplemented, modified, or re-enacted by the General Assembly of Pennsylvania, or who are expressly exempted from such registration under such Act.
  - (7) Order takers for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license and business privilege tax to Wyomissing Borough at their chief place of business.
  - (8) Itinerant vendors and temporary vendors operating in the Borough with a permit pursuant to the Borough of Wyomissing Code, Chapter 10, Section 102, as amended.

- B. Any person claiming eligibility as a Permitted Peddler or Solicitor shall, upon request, provide the Borough with documentation demonstrating that person qualifies for said eligibility.
- C. No Permitted Peddler or Solicitor shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any such person place or deposit any refuse upon any of such streets or alleys; nor may such person maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough for longer than necessary in order to sell or distribute therefrom to persons residing in the immediate vicinity.
- D. No Permitted Peddler or Solicitor shall occupy any fixed location upon any of the streets, alleys, sidewalks or public grounds, with or without any stand or counter.

### **§203. Prohibited Acts.**

No Permitted Peddler or Solicitor shall:

- A. Hawk or cry his wares upon any of the streets, alleys, sidewalks or other public grounds in the Borough.
- B. 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 therefrom to persons residing or working in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the Borough for the purpose of cleaning any of his goods, wares, or merchandise or of disposing of any carton, wrapping material or of any stock or wares or food stuffs which have become unsaleable through handling, age or otherwise.
- E. Enter or attempt to enter any dwelling without the invitation or permission of the occupant and shall immediately leave any premises upon request of the occupant.

### **§204. Hours of Operation.**

No Permitted Peddler or Solicitor shall engage in any business activity, except by prior appointment, at any time on a Sunday or legal holiday; from October 1 through April 30, at any time before 9:00 a.m. or after 6:00 p.m. on any day; and from May 1 through September 30, at any time before 9:00 a.m. or after 8:00 p.m. on any day.

### **§205. Violations and Penalties.**

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be

sentenced to pay a fine of not less than One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of any Section of this Part shall be found to have been violated shall constitute a separate offense.

#### **§206. Enforcement.**

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The Borough of Wyomissing Code Official and any Police Officer of the Borough of Wyomissing shall enforce and administer the provisions of this Part.

#### **SECTION 2. Repeal of Ordinances.**

Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

#### **SECTION 3. Severability.**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

#### **SECTION 4. Effective Date.**

The effective date of the within amendments shall be immediately upon their enactment and approval by the Mayor.

#### **SECTION 5. Code of Ordinances.**

The Code of Ordinances, as amended, of the Borough of Wyomissing, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

ENACTED AND ORDAINED this 10<sup>th</sup> day of September, 2024.

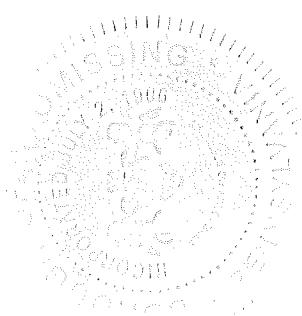
BOROUGH OF WYOMISSING  
Berks County, Pennsylvania

By: William S. Jenckes  
William S. Jenckes  
President of Borough Council

Attest: Melissa Miller  
Melissa Miller  
Borough Secretary

APPROVED this 10<sup>th</sup> day of September, 2024.

Frederick C. Levering,  
Frederick C. Levering  
Mayor of the Borough



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 1445-2024 adopted by the Borough Council of the Borough of Wyomissing, Berks County, Pennsylvania at a regular meeting held on September 10, 2024, pursuant to notice as required by law.

Melissa Miller  
Melissa Miller  
Secretary of the Borough

DATED: September 10, 2024