

**CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5338**

Bill No. 13 of 2022

Introduced in Council on August 10, 2022

AN ORDINANCE AMENDING ORDINANCE NO. 4390, PASSED SEPTEMBER 10, 1986, ORDINANCE NO. 4670, PASSED JULY 13, 1994, ORDINANCE NO. 4698, PASSED DECEMBER 21, 1994, ORDINANCE NO. 4937 PASSED APRIL 28, 2004, ORDINANCE NO 5148, PASSED MAY 14, 2014, AND ORDINANCE NO. 5198 PASSED APRIL 20, 2016, AS CODIFIED AT CHAPTER 834 PEDDLERS AND SOLICITORS OF THE CITY'S CODIFIED ORDINANCES, TO REVISE AND UPDATE THE CITY OF JOHNSTOWN TERMS AND CONDITIONS FOR VENDOR PERMITS AND RELATED MATTERS

WHEREAS, the City desires to update and clarify the terms and conditions applicable to the issuance of vendor permits and other subjects addressing peddlers and solicitors as reflected herein.

NOW THEREFORE, the City Council of the City of Johnstown, Pennsylvania, hereby amends Ordinance No. 4390, as codified at Chapter 834, as follows:

Section 1. AMENDMENTS

CHAPTER 834
Peddlers Vendors and Solicitors

- 834.01 Definitions.
- 834.02 License required.
- 834.03 License applications.
- 834.04 Investigations; reasons for disapproval of applications.
- 834.05 ~~834.04~~ License revocation.
- 834.06 ~~834.05~~ License posting; exhibition of badges
- 834.07 ~~834.06~~ Exceptions to chapter.
- 834.08 ~~834.07~~ Loud noises and amplifying devices.
- 834.09 ~~834.08~~ Use of streets and sidewalks; hours.
- 834.10 ~~834.09~~ Effective period of license.
- 834.11 ~~834.10~~ License fee.
- 834.12 ~~834.11~~ Prohibited soliciting.
- 834.13 ~~834.12~~ Non-Liability of City.
- 834.14 ~~834.13~~ Telephone solicitations.
- 834.99 Penalty.

CROSS REFERENCES

- Licensing of peddlers - see 3rd Class 2601
- Licensing of transient retail merchants - see 3rd Class 2620 et seq.
- Transient photographers - see B.R. & T. 836.07 et seq.
- ~~Transient performances - see B.R. & T. 844.05~~ ~~Transient retail businesses - see B.R. & T. Ch.~~
- ~~850 Sales on sidewalks - see S.U. & P.S. 1022.07~~

834.01 DEFINITIONS.

As used in this chapter:

- (a) ~~"Business" means the business carried on by any person who is an itinerant merchant, peddler vendor or solicitor. Means any person, whether as owner, agent or consignee, who engages in the selling goods or services at a location that they are fulltime occupants of within the City.~~
- (b) "Goods" means merchandise of any kind, including, but not limited to, wares and foodstuffs.
- (c) ~~"Itinerant merchant Vendor" means any person, whether as owner, agent or consignee, who engages in the temporary business of selling goods within the City and who, in the furtherance of such business, uses any building, structure, vehicle or place within the City City owned property.~~
- (d) ~~"Peddler" means:~~
- (1) ~~Any person who travels from place to place, by any means, carrying goods for sale, making sales or making deliveries; or~~
- (2) ~~Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the City. A peddler is not an itinerant merchant.~~
- (e) "Solicitor" means any person who travels, by any means, from place to place, taking or attempting to take orders for the sale of goods to be delivered in the future, or for services to be performed in the future, or seeking information or donations. A solicitor is not a vendor.
(Ord. 4390. Passed 9-10-86.)

834.02 LICENSE REQUIRED.

No vendor or solicitor shall ~~ply his or her trade~~ sell or attempt to sell any goods or services in the City without first obtaining a license therefor, as provided in this chapter.
(Ord. 4390. Passed 9-10-86.)

834.03 LICENSE APPLICATIONS.

(a) Each applicant for a license required by this chapter shall file a ~~written~~, sworn application with the Department of Community and Economic Development. Such application shall be signed by the applicant if an individual, by a partner if a partnership, or by a duly authorized signatory if a corporation. Applications shall be made on forms available in the office of the Department of Community and Economic Development. The falsification of any information on the application shall result in a fine of \$500.00 and revocation of the license. The application shall state:

Street Vendor Registration:

- (1) Vendor Set-Up Location and proof of location approval
- (2) Proposed Date(s)
- (3) General Business Vendor/Solicitors Information
- (4) General Information on Person Managing the Street Vendor Space
- (5) Applicable License Fees
- (6) Copy of PA Food Employee Certification Card for supervising staff person
- (7) ~~Proof of Pennsylvania Department of Agriculture Mobile Food Facilities Certification~~
- (8)(7) Detailed listing of proposed foods and/or menu

~~Peddler's License for Special Events Registration:~~

- ~~(1) Event Name~~
- ~~(2) Proposed Event Date(s)~~
- ~~(3) General Business Information~~
- ~~(4) General Information on Person Managing the Vendor Space during the Event~~
- ~~(5) Name(s) of Other Person(s) Working the Event~~
- ~~(6) Applicable License Fees~~
- ~~(7) Copy of PA Food Employee Certification Card for supervising staff person~~
- ~~(8) Proof of Pennsylvania Department of Agriculture Mobile Food Facilities Certification~~
- ~~(9) Detailed listing of proposed foods and/or menu~~

Solicitor Registration:

- (1) Proposed Locations for Solicitation
 - (2) Proposed Date(s)
 - (3) General Business Vendor/Solicitors Information
 - (4) General Information on Person(s) Supervising the Solicitors
 - (5) Name(s) of All Persons who will be Soliciting
 - (6) Background Check from Home State for All Persons who will be Soliciting
 - (7) Applicable License Fees
 - (8) Detailed listing of proposed items to be solicited
 - (9) Description of any vehicle used and its license number
- (Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)

834.04 INVESTIGATIONS: REASONS FOR DISAPPROVAL OF APPLICATIONS.

(a) Upon receipt of an application for a license required by this chapter, the Director of Community and Economic Development shall cause an investigation to be made of the applicant's business reputation and moral character. The Director of Community and Economic Development is limited to ~~ten~~ seven days to conduct this investigation.

(b) The Director of Community and Economic Development shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence of any of the following will constitute a valid reason for disapproval of an application:

- ~~(1) The applicant has been convicted of a crime involving moral turpitude.~~
- ~~(2) The applicant has made willful misstatements in the application.~~
- ~~(3) The applicant has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like.~~
- ~~(4) The applicant has committed prior fraudulent acts.~~
- ~~(5) The applicant has a record of continual breaches of solicited contracts.~~
- ~~(6) The applicant has an unsatisfactory moral character.~~
- (7) The applicant has outstanding fines, unpaid taxes, unpaid fees, or outstanding bills due to the City.

(Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)

~~834.05~~ 834.04 LICENSE REVOCATION.

(a) Any license granted under this chapter may be revoked by the Director of Community and Economic Development ~~after notice and hearing, pursuant to subsection (b) hereof. Notice of the hearing for revocation 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 to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.~~

(b) A license granted under this chapter may be revoked for any of the following reasons:

(1) Any fraud or misrepresentation contained in the license application;

(2) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(3) Any violation of any of the provisions of this chapter;

~~(4) Conviction of the licensee for any felony or any misdemeanor involving moral turpitude; or~~

~~(5) (4) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public, or in response to nuisance complaints.~~

(6) If information was provided to the city from an outside governmental agency that the applicant is in violation of any state or federal regulation.

(Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)

834.06 ~~834.05~~ LICENSE POSTING; EXHIBITION OF BADGES.

(a) Any license issued to ~~an itinerant street~~ a vendor ~~or peddler~~ under this chapter shall be posted conspicuously in or at the place named therein. If more than one place within the City is used to conduct the business licensed, a separate license shall be issued for each place.

(b) A solicitor shall exhibit a company photo identification badge that clearly shows the company name, individual's name and their photo. This photo ID badge shall be worn conspicuously by the solicitor during such time as he or she is engaged in the business licensed.

(c) If applicable, vendors shall obtain a license from the Pennsylvania Department of Agriculture that states all equipment meets the standards for mobile food facilities. The license shall be attached in a conspicuous location to the vendor's vehicle and visible to the public ~~and City of Johnstown Code Enforcement Officers.~~

(Ord. 4670. Passed 7-13-94; Ord. 5198. Passed 4-20-16.)

834.07 ~~834.06~~ EXCEPTIONS TO CHAPTER.

(a) This chapter does not apply to an officer or employee of the Municipal, County, State or Federal Government, or any subdivision thereof, when on official business.

~~(b) This chapter shall not apply to farmers selling their own produce, to the sale of goods, wares and merchandise donated by the owners thereof, the proceeds of which are applied to any charitable or philanthropic purpose, or any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products, provided that they are sold in a fixed location in the City. Peddlers of such merchandise shall sign an affidavit attesting to the fact that all products offered for sale at such location are solely grown, produced, or manufactured by the peddler. Vendors participating in a city organized event or events conducted within the City's Conference Center located at 301 Napoleon St, Johnstown, PA 15901.~~

(c) This chapter does not apply to businesses that display or sale goods on the sidewalk directly adjoining locations that they are fulltime occupants.

(Ord. 4390. Passed 9-10-86;-Ord. 4937. Passed 4-28-04.)

834.08 ~~LOUD NOISES AND AMPLIFYING DEVICES.~~

~~No person who has been granted the license required by this chapter, nor any person in his or her behalf, shall shout, cry out, blow a horn, or use any sound or amplifying device, except a ring of a bell, upon any of the streets, alleys, parks or other public places of the City, or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to goods, wares or merchandise which such licensee proposes to sell. (Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)~~

~~834.09~~ 834.07 USE OF STREETS AND SIDEWALKS; HOURS.

(a) No person who has been granted the license required by this chapter shall have an exclusive right to any location on the public streets and sidewalks, or be permitted a stationary location thereon or be permitted to operate in a congested area where such operations might impede or inconvenience the public use of such streets or sidewalks, unless approved in writing by the Director of Community and Economic Development.

~~(b) No person who has been granted the license required by this chapter shall solicit on Sundays or holidays, nor before 9:00 a.m. or after 6:00 p.m., weekdays.~~

~~(e)~~ (b) No permitted location shall be used by a vendor selling an item like or similar to the primary items sold by a business or another vendor within fifty feet of the permitted location, except for instances such as a special event. The vendor will be required to maintain a fifteen foot minimum distance from the entrance of a business.

~~(d)~~ (c) No peddler vendor or solicitor, whether licensed or not, shall use any public space to sell goods in an area that obstructs, interferes with, or prevents the free flow of pedestrians or vehicular traffic.

(Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)

~~834.10~~ 834.08 EFFECTIVE PERIOD OF LICENSE.

Licenses issued under this chapter shall be valid for the following period of time from the date of issuance:

(a) Street vendor:

(1) Daily permits – valid for 24 hours ~~from 9:00 a.m. to 6:00 p.m. on the last day specified on the date of the permit registration.~~

(2) Monthly permits – valid for thirty calendar days.

(3) Annual permits – ~~expire on December 31 of the registration year and are not prorated~~
Valid for 365 days.

~~(b) Peddler's license for special event – All peddler's licenses for a special event expire on the last day of the registered event.~~

~~(e)~~ (b) Solicitor – All solicitor licenses expire on the last day specified on registration.

(Ord. 4390. Passed 9-10-86; Ord. 5198. Passed 4-20-16.)

~~834.11~~ 834.09 LICENSE FEE.

(a) The fee for the license required by this chapter is as follows:

(1) Street vendor:

A. Daily permits – twenty dollars (\$20.00) per day, per vendor space;

B. Monthly permits – one hundred dollars (\$100.00) per thirty calendar days;

C. Annual permits – five hundred dollars (~~\$500.00~~ \$250.00) per year 365 calendar days.

D. The City of Johnstown offers an Umbrella Vendor Permit for those special events. The cost for this permit is \$500 per event. Umbrella Vendor permit applications must be submitted to the City of Johnstown Department of Community and Economic Development by the organizer of the special event no later than 30 days prior to the first day of the event.

E. Organizers of special events that wish to utilize an umbrella permit shall be responsible for ensuring that all vendors covered under such permit have all require licenses and permits.

F. Organizers of special events that wish to utilize an umbrella permit shall indemnify and hold harmless the City of Johnstown from any liability, damages, claims, or injuries resulting from any acts by the organizer or the organizer's agents, employee, or invitee and any acts by the organizer's vendors or the vendor's agents, employees, or invitees.

~~(2) Peddler's license for special event:~~

~~A. Twenty dollars (\$20.00) per day, per vendor space.~~

(3) Solicitor:

A. Daily permits – twenty dollars (\$20.00) per day, per vendor space;

B. Monthly permits – one hundred dollars (\$100.00) per thirty calendar days;

C. Annual permits – five hundred dollars (~~\$500.00~~ \$250.00) per year 365 calendar days.

(b) Acceptance of any application submitted less than seven days prior to the start date or event date shall be done at the sole discretion of the City's Department of Community and Economic Development. Any vendor who wishes to receive a license that is submitted less than seven days prior to the start date or event date and has been granted permission to do so by City's Department of Community and Economic Development must pay a ~~one hundred~~ Forty dollar (~~\$100.00~~) (\$40.00) late fee in addition to the applicable license fee.

(c) Payment of a license fee under this chapter shall not exempt the licensee from payment of the mercantile license tax under Chapter 880 of the Business Regulation and Taxation Code.

(d) Any and all person(s) desiring to engage in door-to-door peddling, canvassing, soliciting or selling are required to submit a background check for the manager/supervisor and all person(s) soliciting door-to-door in the City of Johnstown.

(e) There shall be no fee charged for the free distribution of literature.

(Ord. 4698. Passed 12-21-94; Ord. 5148. Passed 5-14-14; Ord. 5198. Passed 4-20-16.)

~~834.12~~ 834.10 PROHIBITED SOLICITING.

(a) Definitions. As used in this section:

(1) "Residence" means a domicile and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(2) "Soliciting" means and includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description, for any kind of consideration;

B. Seeking to obtain prospective customers for the application for or purchase of insurance of any kind;

C. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other kind of publication; or

D. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

(b) Notice Regulating Soliciting. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting in this section shall comply with the following directions:

(1) Notice of the determination by the occupant to refuse to invite solicitors to any residence shall be given in the following manner:

A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

NO SOLICITORS

(2) Such a card, so exhibited, shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(c) Duties of Solicitors. Every solicitor, upon going onto any premises in the City upon which a residence is located, shall first examine the entrance area thereof to determine if a notice as set forth in subsection (b) hereof is attached. If so, he or she, whether licensed or not, shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant thereof.

(d) Solicitors shall hold harmless any property owner or resident of a property from any liability, damages, claims, or injuries resulting from any onto or into any property or residence while engaged in any act related to soliciting.

(Ord. 4390. Passed 9-10-86.)

~~834.13~~ 834.11 NONLIABILITY OF CITY.

All ~~itinerant merchants, peddlers~~ vendors and solicitors, including nonprofit corporations and agencies, shall hold harmless the City from any liability, damage or injury which is causally related to an act of ordinary negligence on the part of such ~~itinerant merchant, peddler~~ vendor or solicitor.

(Ord. 4390. Passed 9-10-86.)

~~834.14~~ 834.12 TELEPHONE SOLICITATIONS.

The provisions of this chapter shall apply to any person engaged in retail or wholesale sales within the City whose primary lead, reference or contact of prospective purchasers is by telephone.

(Ord. 4390. Passed 9-10-86.)

834.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Section 2. Any/all ordinances, parts of ordinances, and/or any other language inconsistent with the foregoing amendments are hereby repealed to the extent of any such inconsistency. in conflict with this Ordinance are hereby repealed in so far as and to the extent that they conflict with this Ordinance.

ORDAINED AND ENACTED by the City Council of the City of Johnstown, the City Council of the City of Johnstown, Cambria County, Pennsylvania that Ordinance No.5338 as codified at Chapter 834 of the City's Codified Ordinances is hereby amended as shown above.

PASSED FINALLY IN COUNCIL: September 14, 2022
by the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Mr. Arnone, Rev. King, Mr. Capriotti, Ms. Huchel

Nays:

Absent: Mrs. Mock



Frank J. Janakovic, Mayor
Michael Capriotti, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No.5338 as the same was passed finally in City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Ethan Imhoff, City Manager