ORDINANCE NO 2026 - 04- 01

AN ORDINANCE OF THE BOROUGH OF PATTON, CAMBRIA COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING TRANSIENT RETAIL BUSINESSES, INCLUDING DOOR-TO-DOOR SOLICITATION, REQUIRING A PERMIT, ESTABLISHING FEES AND PENALTIES, AND REPEALING ANY PRIOR INCONSISTENT ORDINANCES.

WHEREAS the Borough of Patton seeks to promote the public health, safety, and welfare of its residents; and

WHEREAS, the Borough of Patton desires to regulate transient retail businesses, including door-to-door solicitation and sales, which it deems necessary to protect the health, safety, and welfare of residents; to prevent fraud, crime, and unethical business practices; and to ensure that the peace and privacy of Borough residents is respected.

WHEREAS, the Borough of Patton does not intend to regulate political, religious, and charitable door-to-door activity.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Patton, County of Cambria, and Commonwealth of Pennsylvania, as follows:

Section 1: Purpose - The purpose and intent of this ordinance is to regulate transient retail business, including door-to-door solicitation and sales to prevent fraud, crime, and unethical business practices. This ordinance is intended to regulate legitimate governmental interests such as fraud prevention, consumer protection, traffic safety, and neighborhood peace to ensure the personal security and the health, safety, and welfare of Borough residents. This ordinance is intended to be content neutral.

Section 2: Definitions; word usage - As used in this chapter, the following terms shall have the meanings indicated:

a. "Transient Retail Business" - Any person, firm, partnership, corporation, or association engaging in peddling, soliciting, selling, or taking orders for goods, wares, merchandise, services, or subscriptions, whether for immediate or future delivery, by traveling from residence to residence, place to place, or along the streets within the Borough.

b. "Solicitor" - Any person taking or attempting to take orders for the sale of goods, subscriptions, insurance, or services, for which payment or deposit is required in advance of delivery or completion.

c. 'Peddler" - Any person selling or offering for sale goods, wares, merchandise, or services and delivering the same at the time of sale.

d. "Permittee" - Any person who has obtained a valid permit pursuant to this Ordinance.

e. "Charitable/Nonprofit Organization" - A bona fide religious, charitable, civic, educational, or fraternal organization that is tax-exempt under state or federal law.

f. "Owner" shall mean the person holding legal title to the property.

g. "Person" shall mean any natural person, partnership, association, firm, corporation, limited liability company, or other legal entity.

h. "Property" shall include both personal property and real property.

i. The singular shall include the plural.

Section 3: Permit Required

a. No person shall engage in a transient retail business, peddling, or soliciting within the Borough without first obtaining a permit from the Borough Manager or designee.

b. When engaging in transient retail business in the Borough, a solicitor, peddler, and/or permittee shall carry and display the Borough-issued permit and present it upon request of any owner, police officer, or Borough official.

c. Each individual solicitor or peddler must obtain a separate permit, regardless of whether employed by a company or organization.

d. No permit shall be transferable or assignable from one person to another person, without the Borough's prior written consent.

e. A permit shall be valid for a period not exceeding ninety (90) days, unless renewed.

Section 4: Application for Permit - Applicants shall submit a written application on a form provided by the Borough, which shall include:

a. Name, permanent address, and phone number of the applicant.

b. Name, address, and phone number of the firm or organization represented, if applicable.

c. A recent photograph and government-issued identification.

d. Description of goods, wares, merchandise, or services offered.

e. Criminal history background check authorization.

f. Payment of a $250.00 permit fee. The permit fee may be changed by resolution by Borough Council, when deemed necessary.

Section 5: Exemptions - This Ordinance shall not apply to:

a. Children under the age of 18 engaged in fundraising for schools, scouting, athletics, or youth organizations.

b. Persons engaged in canvassing or advocacy on behalf of political, religious, or social causes who are not selling goods or services.

c. Charitable or nonprofit organizations registered with the Commonwealth, provided prior written notice is given to the Borough.

d. Mobile food vendors and food trucks that hold a valid Mobile Food Facility License issued by the Commonwealth of Pennsylvania, that are operating in compliance with all applicable Commonwealth regulations and Patton Borough regulations governing food trucks.

e. Vendors participating in Borough-sponsored events, provided they have applied, and been approved, through the official event application process.

Section 6: Hours of Operation - Door-to-door solicitation or peddling shall be permitted only between the hours of 10 a.m. and 6 p.m., Monday through Saturday, and is prohibited on Sundays, and Patton Borough/State/Federal holidays. No solicitation shall occur after dusk.

Section 7: Prohibited Acts - It shall be unlawful for any person, solicitor, peddler, and/or permittee to engage in any action contrary to this Ordinance.

a. No solicitor, peddler, and/or permittee shall engage in "Transient Retail Business" in the Borough, without first obtaining a valid Borough issued permit and paying the applicable fee to the Borough.

b. When engaging in "Transient Retail Business" in the Borough, a solicitor, peddler, and/or permittee shall carry and display the Borough-issued permit and present it upon request of any owner, police officer, or Borough official.

c. No solicitor, peddler, and/or permittee shall enter or remain upon property after being requested to leave.

d. No solicitor, peddler, and/or permittee shall enter or remain upon property where signage states "No Soliciting", "No Trespassing", or similar language.

Section 8: Civil Penalties - Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction before any magisterial district judge, be sentenced to pay a fine of $600.00 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 9: Enforcement - The Patton Borough Police Department shall enforce the provisions of the Ordinance. The Borough Manager may designate an individual to administer the permitting process.

Section 10: Repealer - If any section, clause, or provision of any other Borough Ordinance is inconsistent with this ordinance that section, clause or provision shall be declared invalid; such decision shall not affect the validity of the remaining portions of those ordinances.

Section 11: Severability - If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Patton Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 12: Effective Date - This Ordinance shall take effect five (5) days after adoption by the Borough Council.

ENACTED AND ORDAINED this 14th day of April , 2026 by the Borough Council of the Borough of Patton, Cambria County, Pennsylvania.

PATTON BOROUGH COUNCIL