

AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF EAST PITTSBURGH, CHAPTER 283;
ESTABLISHING REGULATIONS AND PERMITTING
FOR YARD SALES AND FOOD TRUCKS;
ESTABLISHING A PENALTY FOR VIOLATIONS;
EFFECTIVE DATE

ORDINANCE NO. _____

WHEREAS , the provisions of the Peddling and Soliciting Ordinance, Chapter 283, have been amended from time to time; and

WHEREAS, after consideration, review and public comment, the Council of the Borough of East Pittsburgh have determined that it is in the best interest of the public health, safety, and welfare to update and amend the Borough Code, Chapter 283 Peddling and Soliciting in order to protect the privacy of the citizens of the Borough, to reduce and prevent crime within the Borough and to reduce and prevent unlawful and unfair commercial practices;

AND NOW, THEREFORE, IT IS HEREBY ORDAINED BY the Council of the Borough of East Pittsburgh, as follows:

§283-1 Definitions and word usage shall be amended to include:

BOROUGH - The Borough of East Pittsburgh, Allegheny County, Pennsylvania

PRIVATE PREMISES - Any dwelling house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, garage, basement steps or vestibule belonging or appurtenant to such dwelling house or other structure.

PRIVATE SALES - The display for sale, barter or exchange of an assortment of any new or used furniture, sporting goods, fixtures, vehicles, equipment, food, clothing, metal, glass, paper, rubber, synthetics, household goods or rummage conducted upon private premises, otherwise known as "yard sales." The sale of singular items on a nonrecurring basis, such as an automobile, truck, trailer, boat, outboard motor, tractor, garden tractor, power mower, snowblower and other similar large items, is not included in the foregoing definition.

PROMOTER -- Any person, as defined hereinabove, who organizes the gathering of two or more persons, as defined hereinabove, engaged in transient retail business.

SOLICITING - The seeking or taking of contracts or orders for any goods, wares, services or merchandise for future delivery, or for subscriptions or contributions, upon any of

the streets or sidewalks; or from house to house; or by visitation to private residences; or by entering in or upon private property within the Borough, and shall further mean seeking or taking of contracts or orders for home or other building repairs, improvements and alterations; and also orders or contracts for new mechanical, electrical, plumbing, or heating device or equipment for houses, or other building improvements or repairs upon or from the places aforesaid within the Borough.

SOLICITOR - Any person who shall engage in soliciting as hereinabove defined.

TEMPORARY -- A period of time of 30 consecutive days or less.

TRANSIENT RETAIL BUSINESS

1. Includes the following:

a. Engaging in peddling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any street or alley, sidewalk or public ground or from house to house or any other location within the Borough.

b. Selling, peddling, 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 holidays.

i. Flea markets are specifically included as a transient retail business.

ii. Food Trucks and other mobile sales of ready to eat food are specifically included as a transient retail business.

2. "Transient retail business" shall not include sidewalk sales conducted by merchants on the sidewalks in front of their establishments provided that the regular business of such merchants is non-temporary in nature and fixed in location at their said addresses.

3. "Transient retail business" shall not include business conducted by persons having a non-temporary place of business within the Borough or business conducted by a resident of the Borough, whether or not such business would otherwise be characterized as transient retail business hereunder. This exclusion shall also apply to the agents, employees and/ or helpers of such persons.

TRANSIENT MERCHANT - A person engaging in a transient retail business for the sale of personal property, goods and/ or services, regardless of whether the business is conducted from a fixed location within the Borough or by an individual engaged in peddling, soliciting or the taking of orders from house to house, or at some other physical location, including agents and employees thereof.

YARD SALE – see PRIVATE SALES

§283-2 shall be amended to read:

No person shall engage in in a transient retail business or private sale in the Borough without first having taken out a license as herein provided.

§283-3 shall be amended to read:

Every person wanting to engage in transient retail business in the Borough shall first make application to the Borough Manager for a license. If such person shall also be required to obtain a license from any county officer, they shall, when making such application, exhibit a valid county license. Upon such application, such person shall give their name; address; their criminal record, if any; the name of the person for whom they work, if any; the type of goods, wares and merchandise they wish to peddle; the length of time for which they wish to be licensed; the type of vehicle they use, if any; and the number of helpers they utilize, provided where a person makes application for themselves and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

§283-4 shall be amended to read:

- A. Foot peddler: \$5 per day; \$90 per month. Hereinafter, the Borough Council may reestablish or amend any of the fees, charges, licenses or any other costs by simple resolution.
- B. Peddler operating from a motor vehicle: \$10 per day; \$150 per month. Hereinafter, the Borough Council may reestablish or amend any of the fees, charges, licenses or any other costs by simple resolution.
- C. Private Sales must apply for and receive a permit.
 - 1. No fee is required unless more than three (3) private sales are held by a resident in a calendar year.
 - 2. The fee for the 4th and subsequent private sale is \$25 per even; this fee may be amended from time to time by simple resolution by Borough Council.

§283-6 Shall be amended to read:

No licensed peddler shall engage in door-to-door peddling at any time on Sundays or upon any other day of the week before 9:00 am and after 7:00 pm except for those that have made an advance appointment with a prospective customer for a specific day and time.

Private sales may occur Friday through Monday between 7:00 AM and sunset for no more than 3 consecutive days.

Food trucks and mobile food vendors may only operate between 7:00 AM and 10:00 PM unless granted an exception as a participant in an event or fair. Food trucks may not park until after 6:00 AM and must vacate by 11:00 PM

§283-9 shall be amended to include:

Food Trucks excepted:

- A. Food Trucks may operate from a fixed location for the time prescribed in §283-6.
- B. Vending shall only be permitted from food trucks located at least 50 feet from any residential building.
- C. No vending is permitted within 25 feet of a fire hydrant.
- D. No vending is permitted on private property without express permission of the property owner.
- E. A person in charge must be present at the food truck vending site at all times.
- F. Food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, food trucks are prohibited from operating with their trucks open to the roadway.
- G. No tanks, generators or other equipment shall be placed within the public right-of-way.
- H. Temporary signs used as part of the food truck vending operation shall not exceed eight square feet and shall not block any sidewalks or impede any vehicular, biking or pedestrian traffic or paths.
- I. A food truck vending operation is subject to any and all applicable Pennsylvania and Allegheny County rules and regulations as well as all Borough Code requirements or other relevant Borough ordinances, resolutions, or requirements.

§283-10 shall be amended to read:

The Borough Manager shall keep a record of all licenses issued under this chapter, and the Borough Manager or their designee shall supervise the activities of all holders of such licenses.

§283-11 shall be amended to read:

The penalty for violating any of the provisions of this ordinance shall be in accordance with §1-16 of the Codified Ordinances.

This ordinance shall become effective immediately.

ENACTED AND ORDAINED as an Ordinance of the Borough of East Pittsburgh this ____ day of _____, 202__.

ATTEST:

BOROUGH OF EAST PITTSBURGH

BY: _____

BY: _____

Borough Manager

President of Council

Approved this ____ day of _____, 202__.

BY: _____

Mayor

CERTIFICATION

I, Seth Abrams, hereby certify that I am the Manager of the Borough of East Pittsburgh, and that the within Ordinance was enacted at a regular meeting of the Borough Council duly convened, at which a quorum was present and voted in favor thereof.

Certified this ____ day of _____, 20__.

BY: _____

Manager



Borough of East Pittsburgh
813 Linden Avenue
East Pittsburgh, PA 15112
412-823-7124

Peddling/Solicitation/Yard Sale Permit Application

Peddling/Solicitation

Yard Sale

Date of application: _____

Applicant's/Business Name: _____

Applicant's Address: _____

Telephone: _____ Secondary contact number: _____

YARD SALES ONLY:

Date(s) of yard sale: _____

Address of yard sale _____ or same as address above

PEDDLING/SOLICITATION ONLY

Nature of Business: _____

Names of Solicitor: _____

Vehicle to be used, if any: License Plate: _____ Make: _____ Model: _____

All applicants must provide:

- **A current** (90 days or less) Criminal background check before application is approved and permit is issued. (Criminal background checks can be generated at <https://epatch.state.pa.us/Home>)
- **All applicants must provide a valid photo ID.**
- **Permit fee is due** at time of application. Permit fees are in accordance with the Borough Fee Schedule.
- **All solicitations for a charitable organization shall be accompanied by a copy of the Grant of Exemption** issued by the Internal Revenue Service.

Solicitation in the Borough of East Pittsburgh is strictly enforced and limited to the hours of 9am-7pm, Monday- Saturday.

Approved Denied

Permit #: _____ Fee Paid: \$ _____

Approving Official Signature: _____ Date: _____



Borough of East Pittsburgh
813 Linden Avenue
East Pittsburgh, PA 15112
412-823-7124

Transient Retail and Food Truck Permit Application

Retail

Food Truck/Vendor

Date of application: _____

Applicant's/Business Name: _____

Applicant's Address: _____

Telephone: _____ Secondary contact number: _____

INFORMATION:

Products to be sold: _____

Are your products legally licensed or registered (if required)? : _____

Location(s) of Sale: _____

Do you have permission of the property owner where you will be vending? : _____

Property Owner: _____

Day(s) of Sale: _____

How many vendors will be working under this permit on this activity?: _____

Will you be using a tent? : _____

Will you be using a disc jockey or any other source of sound or noise?: _____

Will you be providing any food? : _____

Will you be providing any games of chance (Gambling)? : _____

Are there any activities that will require insurance:? _____

Approximates how many people do you expect at your point of sale daily? : _____

Will a vehicle be present as part of your vending activities? : _____

If so, what kind, make and license number of vehicle? : _____

I will be bound by any rules and regulations governing transient retail sales in the Borough of East Pittsburgh. I agree to assume responsibility for any damages to property and all liability for personal damages and injury associated with my vending activities. I relieve and hold harmless the Borough of East Pittsburgh for any liabilities arising from my activities as a vendor. All information that I have provided in this application is true and accurate to the best of my knowledge.

Signature of Applicant

Date

The Borough of East Pittsburgh requires the following of permitted vendors:

1. Permission in writing from the property owner must be presented before permit is issued.
(If the Borough is the owner, this permit will be the permission but insurance may be required to cover any liability of the Borough.)
2. All vendors must carry a copy of this approved permit when vending.
3. Sale of alcohol or any product which is illegal under law is not authorized by this permit.
4. Permits may be revoked by the Borough for reasons of public safety, as part of emergency management or because the activity has been deemed unacceptable activity within the community.

COPIES OF THIS PERMIT ARE PROVIDED TO:

Borough Ordinance Officer
Council Members

BOROUGH APPROVAL (For Officer Use Only):

Approved Denied

Permit #: _____ Fee Paid: \$ _____

If Denied, Reason for Denial: _____

Borough Official's Signature: _____ Date: _____