

ORDINANCE NO. 329 of 2026

CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE REPEALING ORDINANCE NO. 131, AS AMENDED BY
ORDINANCE NO. 215 AND REPLACING THE TRANSIENT BUSINESS LICENSE
ORDINANCE WITH A NEW ORDINANCE ON SOLICITATION IN THE BOROUGH,
REQUIRING A LICENSE, AND PRESCRIBING PENALTIES FOR VIOLATIONS

The Conyngham Borough Council does hereby adopt the following Ordinance Regulating Solicitation:

Section 1. Title.

This ordinance shall be known as the “Conyngham Borough Solicitation Ordinance”.

Section 2. Purpose.

Conyngham Borough Council find that:

(A) Solicitation in an aggressive manner is disturbing and disruptive to the residents and businesses within Conyngham Borough (the “Borough”) and contributes to the loss of access to and enjoyment of public and private property, while enhancing fear, intimidation, and disorder;

(B) Solicitation on streets in the Borough poses a dangerous condition for not only the person conducting the solicitation, but also the motorist;

(C) A new ordinance is necessary to regulate solicitation within the Borough for the protection of the public health, safety, and welfare to reduce crime and fraud, and protect residents from the fear and intimidation of unwelcome solicitation; and

(D) This Ordinance is not intended to limit anyone from exercising their constitutional right to engage in constitutionally protected activity such as protesting and picketing.

Section 3. Definitions.

For purposes of this Ordinance:

“**Aggressive manner**”-includes any of the following:

(A) Intentionally or recklessly making any physical contact with or touching another person while soliciting without the person’s consent.

(B) Following a person being solicited, if that conduct is intended to or is likely to:

(1) Cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Intimidate the person being solicited into responding affirmatively to the solicitation.

(C) Continuing to solicit within the immediate area of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to:

(1) Cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Intimidate the person being solicited into responding affirmatively to the solicitation.

(D) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation.

(E) Intentionally or recklessly using obscene or abusive language or gestures:

(1) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation.

(F) Approaching the person being solicited in a manner that is intended or likely to:

(1) Cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Intimidate the person being solicited into responding affirmatively to the solicitation.

"Borough"- means Conyngham Borough, Luzerne County, Pennsylvania.

"Borough Council"- means the elected officials of Conyngham Borough, Luzerne County, Pennsylvania.

"Issuing officer"- means the Borough code enforcement officer or police officer.

"License"- means a document issued under this Ordinance by the Issuing Officer allowing a person to Solicit in the Borough.

“Mobile Food Facility”- means a food truck, food vendor cart, stick stand, cart, or other transitory unit regulated the same way as brick-and-mortar restaurant in terms of health and safety standards where food is prepared or served for sale to consumers.

“Person” or “People”- includes any individual, partnership, firm, association, corporation, company, or other legal entity.

“Solicit”, “Soliciting”, or “Solicitation”- means any person who goes house to house, door to door, or place to place in the Borough, or at a fixed location, on a temporary basis, for the purposes of:

(A) Requesting a donation of money or other thing of value from another person, regardless of the purpose or intended use of the money or other thing of value, by the spoken, written, or printed word, or by other means of communication;

(B) Selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether the person is collecting advance payments on such sales or not; or

(C) Selling, soliciting, or taking orders for food, goods, wares, or merchandise in the Borough on a temporary basis such as during special occasions, celebrations, seasonal sales, or holidays.

Section 4. Solicitation License Required, Prohibited Activities, and Exemptions.

(A) It is unlawful for any person to Solicit or attempt to Solicit within the Borough:

(1) Without first having obtained a License under this Ordinance.

(2) Where a sign prohibiting such activities is visibly displayed in public view on the property, or the owner or occupant of the property requested the person not to solicit on the property.

(3) In an aggressive manner on public or private property.

(4) By shouting or calling wares through an amplifying device or otherwise in a loud, boisterous, or unseemly manner, or by otherwise disturbing the peace.

(5) From any motor vehicle, except a permitted mobile food facility.

(B) The following activities are exempt:

(1) Campaigning for political office.

(2) Engaging in religious activities.

(3) Delivering newspapers.

(4) Taking orders or delivering goods on behalf of a local school or organization such as the Girl Scouts.

(5) Selling goods at a yard or garage sale, if such goods are owned by the resident and the sale occurs on that resident's property or at a community sponsored sale.

Section 5. Application for License; Contents.

(A) A person applying for a License under this Ordinance shall file a completed application on a Borough form with the Issuing Officer.

(B) The application shall contain the following:

(1) The name and address of the person soliciting.

(2) The name and address of the person by whom the one soliciting is employed.

(3) The length of service of each person soliciting with such employer.

(4) The place of residence and nature of the employment of the person soliciting with such employer during the last preceding year.

(5) The nature or character of the goods, wares, merchandise, or services to be offered by the one soliciting.

(6) A personal description of the person soliciting.

(7) A statement as to any convictions of any crimes, non-traffic summaries, misdemeanors, felonies, violations of municipal ordinances, including the date, nature of the offense, and the penalty assessed.

Section 6. Documents to Accompany a License Application.

An application for a License under this Ordinance shall include:

(A) Credentials and other evidence of good moral character and the identity of each person Soliciting as may be reasonably required by the Issuing Officer.

(B) A recent photograph of the person Soliciting, which photograph shall be a full front view of the face and head only.

Section 7. Application Fee.

The application fee shall be established by resolution of Borough Council.

Section 8. Time Period.

(A) A license to Solicit shall be effective for a period of no more than one day except when the person Soliciting is selling or taking orders for food, goods, wares, or merchandise from a fixed location on a temporary basis then the license may be issued for a period of no more than 30 days.

(B) The Issuing Officer may specify times when the Soliciting may occur during the time in which it is issued. However, no person issued a License under this Ordinance shall engage in Solicitation between the hours of 5:00 PM and 9:00 AM.

Section 9. Display of License.

Each person granted a license to Solicit under this Ordinance shall prominently and openly display the license on his or her person during the Solicitation. No License shall be altered.

Section 10. Nontransferable.

A License issued under this Ordinance is not assignable or transferable to any other person.

Section 11. Denial, Revocation, or Suspension of License.

(A) A License issued under this Ordinance may be denied, suspended, or revoked by the Issuing Officer for any of the following reasons:

- (1) Fraud, misrepresentation or false statements contained in the application for license, or made during the Solicitation.
- (2) Any violation of this Ordinance.
- (3) Conviction of a crime, misdemeanor, or felony involving dishonesty or moral turpitude.
- (4) A breach of peace during the Solicitation.

(B) A denial, suspension, or revocation of a License shall be effective immediately provided the Issuing Officer gives written notice of the denial, suspension, or revocation of the License to the address listed on the License application.

Section 12. Appeals to Borough Council.

- (A) Any person who wishes to appeal a denial, suspension or revocation of a License issued under this Ordinance may do so by filing written notice within 30 days of the denial, suspension or revocation.
- (B) All appeals must be filed with the Issuing Officer.
- (C) Appeals must include the reasons for the appeal.
- (D) Borough Council should hold a hearing on the appeal at their next regularly scheduled public meeting following receipt of an appeal.
- (E) At an appeal hearing, the appellant shall be given the opportunity to present a defense, including offering testimony and presenting evidence.

Section 13. Penalty for Violation.

Any person who violates any provision of this Ordinance shall be subject to a fine in a summary proceeding of not less than \$300.00 and not more than \$600.00. Each day a violation continues shall constitute a new or separate violation. In default of the payment of a fine, a person who is found to violate this Ordinance shall be subject to imprisonment for a term not to exceed 15 days.

Section 14. Conflicting Regulations.

All ordinances of the Borough that do not conflict with this Ordinance shall remain in effect.

Section 15. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 16. Repealer.

All ordinances or parts of ordinances, which are inconsistent with this Ordinance, are hereby repealed, including Ordinance No. 131, amended by Ordinance No. 215.

Section 17. Effective Date.

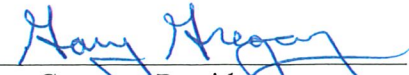
This Ordinance shall become effective immediately following the date of its adoption.

Adopted this 15th day of September, 2026.

ATTEST:


Lynn Falatko, Manager

CONYNGHAM BOROUGH COUNCIL:


Gary Gregory, President

APPROVED BY THE MAYOR:

