

AN ORDINANCE REGULATING PEDDLERS,
SOLICITORS, CANVASSERS TRANSIENT OR
ITINERANT MERCHANT OR ITINERANT
PHOTOGRAPHERS, PROVIDING PENALTIES,
PERMIT PROCEDURE, PERMIT FEES AND
DEFINITIONS.

SECTION ONE: *Definition.*

The word "peddler" as used in this article shall mean any individual, whether a resident of this City or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carried or exposes for sale a sample of the subject of such sale or not; provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within this city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "peddler" shall include the terms "canvasser," "solicitor," "transient or itinerant merchant or vendor" or "transient or itinerant photographer."

SECTION TWO: *Exceptions.*

The provisions of this article shall not apply to the following:

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling foods, wares and merchandise according to law.
- (3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the State, owned or controlled by such vendor.

(4) Solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity within the City.

(5) Those holding a bona fide City occupational license.

SECTION THREE: *Entrance to premises restricted.*

It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

SECTION FOUR: *Refusing to Leave.*

Any Peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the premises and not return to such premises, shall be guilty of an offense.

SECTION FIVE: *Misrepresentation.*

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

SECTION SIX: *Permit required.*

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so.

SECTION SEVEN. *Application.*

(a) Applicants for a peddler's permit under this division shall file with the city clerk-treasurer an application in writing, in duplicate, on a form to be furnished by the city clerk-treasurer, which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.

- (4) If employed, the name and address of the employer, together, with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time of the application is filed and the proposed method of delivery.
- (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty.
- (8) The last two municipalities wherein the applicant has worked before coming to this city.
- (9) Such other relevant information as may be required by the investigation of the applicant.

(b) The application must be sworn to and signed by the applicant in the presence of a notary public. The notary public must notarize the application.

SECTION EIGHT: *Driver's License.*

As the time of filing his application for a peddler's permit required by this division, the applicant shall present his driver's license, if he has one, to the city clerk-treasurer.

SECTION NINE: *Application fee.*

At the time of filing the application for a peddler's permit under this division, a fee of \$25.00 shall be paid to the city clerk-treasurer to cover the cost of investigation of the facts stated therein.

SECTION TEN: *False information.*

It shall be unlawful for any person to give any false or misleading information in connection with his application for a peddler's permit required by this division.

SECTION ELEVEN: *Investigation.*

Upon receipt of an application for a peddler's permit required by this division, the original shall be referred to the chief of police, who shall investigate the applicant's background for charges of criminal or unethical conduct or civil unfair trade practices. The chief of police shall have ten days of receiving the applicant to complete his investigation.

SECTION TWELVE: *Denial.*

If, as a result of investigation, the applicant is found to have been convicted of any felony or crime involving moral turpitude, or if found to have committed any unethical conduct or civil unfair trade practice, the peddler's permit shall be denied. The chief of police shall endorse on the application the specific reasons for the denial and return the application to the city clerk, who shall forthwith inform the applicant of the denial, the specific reasons for same and the applicant's right to appeal.

SECTION THIRTEEN: *Issuance.*

If as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a peddler's permit addressed to the applicant for the carrying on of the business applied for and return the permit along with the application to the city clerk-treasurer, who shall, upon payment of any required fee and satisfaction of all requirements for issuance of an occupational license, deliver the permit to the applicant.

SECTION FOURTEEN: *Contents.*

Each peddler's permit issued under this division shall contain the signature and sale of the issuing officer and shall show the name, address and the kinds of goods to be sold thereunder; the amount of fee paid; the date of issuance; and the length of time the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such business.

SECTION FIFTEEN: *Record.*

The city clerk shall keep a permanent record of all peddler's permits issued pursuant to this division.

SECTION SIXTEEN: *Display*

Every peddler having a permit issued under the provisions of this division and doing business within the city shall display his permit and any required peddler's licenses upon the request of any person.

SECTION SEVENTEEN: *Duration.*

Every peddler's permit issued under the provisions of this division shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months.

SECTION EIGHTEEN: *Revocation and penalty.*

Any peddler's permit issued under the provisions of this division may be revoked by the city clerk for the violation by the permittee of any applicable provision of this Code, state law or city ordinance, rule or regulation and shall be subject to the penalties of third degree misdemeanors as well as having all personalty of peddler seized by the city.

SECTION NINETEEN: *Appeals.*

The denial or revocation of a peddler's permit under this division may be appealed to the city commission by serving a notice of appeal upon the city clerk-treasurer within 30 days after such denial or revocation. Such appeal shall be heard and resolved by the city commission in such a manner as to afford due process within thirty days after the filing of this notice.

PASSED this September 28 1998

CITY OF BOINFAY

BY: Amu G. Stue
MAYOR

ATTEST:

Shirley Mitchell