

## ARTICLE IV. PEDDLERS

### Sec. 22-111. Definition.

The word "peddler" as used in this article shall include any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers; or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster."

(Code 1979, § 7.61)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

### Sec. 22-112. License required.

No person shall engage in the business of peddler without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police.

(Code 1979, § 7.62)

### Sec. 22-113. Application.

Applicants for a license under this article must file with the city clerk a sworn application in writing (in duplicate) on a form to be furnished by the city clerk, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Address (legal and local).
- (3) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
- (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) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (7) A photograph of the applicant taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

- (9) 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 assessed therefor.

(Code 1979, § 7.63)

**Sec. 22-114. Investigation and issuance.**

(a) Upon receipt of an application for a license under this article, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as prescribed in section 22-55 of this Code.

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(c) If as a result of such 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 and return the application to the city clerk, who shall, upon payment of the license fee prescribed by resolution of the city council from time to time, deliver to the applicant his license. Such license shall show the name, address and photograph of such licensee, the class of license issued and the kind 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 license number and other identifying description of any vehicle used in such peddling. The clerk shall keep a permanent record of all licenses issued.

(Code 1979, § 7.64)

**Sec. 22-115. Basis of fees.**

For the purpose of this article, any period of seven calendar days or less shall be considered one week; any period of more than seven calendar days and not more than 30 calendar days shall be considered one month; and any period of more than 30 calendar days and not more than one calendar year shall be treated as a year.

(Code 1979, § 7.65)

**Sec. 22-116. Loud noises, loudspeaking devices.**

No peddler nor any person in his behalf shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city 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 any goods, wares or merchandise which such licensee proposes to sell.

(Code 1979, § 7.66)

**Sec. 22-117. Use of streets.**

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Code 1979, § 7.67)

**Sec. 22-118. Exempt persons.**

The following shall be exempt from the licensing requirements of this article but shall be subject to the other provisions hereof:

- (1) Farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated.
- (2) Any person under 18 years of age, when engaged in peddling on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

(Code 1979, § 7.68)

**Secs. 22-119—22-140. Reserved.****ARTICLE V. SOLICITORS****Sec. 22-141. Definition.**

The word "solicitor" as used in this article shall include any individual, whether a resident of the city or not, traveling either 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, taking or attempting to take orders for sale of goods, wares and merchandise, books or magazines, 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, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; and such definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples

and taking orders for future delivery. The word "solicitor" shall include the word "cavasser."

(Code 1979, § 7.81)

Cross reference—Definitions and rules of construction generally, § 1-2.

**Sec. 22-142. License required.**

No person shall engage in the business of a solicitor within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police.

(Code 1979, § 7.82)

**Sec. 22-143. Application.**

The license application filed under the provisions of this article shall furnish the following information:

- (1) Name and description of the applicant.
- (2) 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 the application is filed, and the proposed method of delivery.
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches

by two inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.

- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (9) 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 assessed therefor.

(Code 1979, § 7.83)

#### **Sec. 22-144. License fees.**

The fees for a solicitor's license shall be as specified by resolution of the city council from time to time. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the mayor for an adjustment of the fees so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The mayor shall then conduct an investiga-

tion, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will ensure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by resolution of the city council from time to time. Should the mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed by resolution of the city council.

(Code 1979, § 7.84)

#### **Sec. 22-145. Exempt persons.**

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization, shall be exempt from the requirements of this article.

(Code 1979, § 7.85)