

City Code Chapter 20

Peddlers

Article 1. General Conditions, §§ 20-1--20-19

Article 2. License, §§ 20-20--20-41

Article 3. Solicitations, §§ 20-42--20-47

Article 1. General Conditions

Sec. 20-1. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

(1) **Handbill Distributor.** A person who engages in the distribution of advertising matter other than by means of the United States mail.

(2) **Newspaper.** Published matter that consists of at least sixty percent news items and no more than forty percent advertising.

(3) **Peddler.** A person with no fixed place of business who goes from house to house, place to place, or street to street carrying or transporting goods, wares, or merchandise and offering or exposing them for sale, or making sales and deliveries to purchasers.

(4) **Solicitor.** A person who goes from house to house, place to place, or street to street soliciting, taking, or attempting to take orders for goods, wares, or merchandise including books, periodicals, magazines, or personal property of any nature for future delivery. "Solicitor" does not include a person taking or attempting to take orders to be filled by goods, wares, or merchandise delivered to the purchaser from other states.

(5) **Transient Merchant.** A person who engages temporarily in the business of selling and delivering goods, wares, or merchandise within the City, and who for this purpose, hires, leases, uses, or occupies any building, structure, vacant lot, motor vehicle, trailer, or railroad car. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-2. Exemptions.

The provisions of this Chapter shall not apply to any sale under Court order, nor shall a license be required for newspaper distribution. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-3. Noise Prohibited.

(1) No peddler shall call attention to the business or to the merchandise by crying out, blowing a horn, ringing a bell, or producing any loud or unusual noise.

(2) Food/beverage vehicles may sound a manually operated bell. (Ord. No. 114, 2-21-61; Code 1966; Ord. No. 528, 4-9-85; Code of 1988; Code of 2001)

Article 2. License

Sec. 20-20. License Required.

No peddler, solicitor, transient merchant, or handbill distributor shall sell or offer for sale any goods, wares, or merchandise within the City unless a license has first been obtained. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-21. Application.

An application shall be completed on a form as prescribed by the City. The application shall include:

- (1) The name and address of the applicant and all persons associated with the business.
- (2) The type of business for which the license is desired.
- (3) The place where the business is to be conducted in the case of a transient merchant.
- (4) The length of time for which the license is desired.
- (5) A general description of the thing or things to be sold.
- (6) The applicant's places of residence for the five years preceding the date of the application. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-22. Investigation.

Every application for a license shall bear the written approval of the City after an investigation of the moral character of the applicant. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-23. Issuance.

The completed application shall be presented to the City Council for its consideration. If approved, the license shall be issued after payment of the required fee. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-24. Fees.

The license fees shall be established by ordinance. License fees may be waived by the City Council in the case of charitable solicitations. (Ord. No. 114, 2-21-61; Code 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001, Ord. No 751, 11-13-2007)

Sec. 20-25. Duration.

A license shall be valid only for the period specified and no license may extend beyond December 31st in the year in which it was granted. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-26. Not Transferable.

A license shall not be transferable. No refund shall be made of the unused portion of a license except with the approval of the City Council. Each peddler, solicitor, transient merchant, or handbill distributor shall secure a separate license. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-27. Possession and Display of the License.

A license shall be carried by the licensee or conspicuously posted in the place of business and shall be exhibited to any officer or citizen upon request. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Sec. 20-28. Revocation.

A license may be revoked by the City Council for a violation of the provisions of this Chapter if the licensee has been given a reasonable notice and an opportunity to be heard. (Ord. No. 114, 2-21-61; Code 1966; Code of 1988; Code of 2001)

Secs. 20-29--20-41. Reserved.

Article 3. Solicitations

Sec. 20-42. Solicitations Prohibited.

No person shall solicit funds in any manner on the streets of the City except for an organization which is established for civic, patriotic, charitable, or religious purposes. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Sec. 20-43. Permit.

Any civic, patriotic, charitable, or religious organization may conduct a solicitation upon the streets of the City only after obtaining a permit from the City. A permit for solicitation shall be granted only to civic, patriotic, charitable, or religious organizations located within the City or to recognized local fund committees composed of New Brighton citizens representing national organizations of this type. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Sec. 20-44. Application.

Application for a solicitation permit shall be made on a form as prescribed by the City. The application shall be made to the City at least thirty days in advance of the requested date for the solicitation. The application shall be completed by at least two appointed officers of the organization or of the local fund committee conducting the campaign. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Sec. 20-45. Limitation on Time.

A solicitation permit shall not be valid for no longer than thirty consecutive days in any calendar year. Only one permit shall be issued to one organization at any time and shall be limited to one period of solicitation. The permit shall designate the hours during which street solicitation may be conducted. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Sec. 20-46. Volunteers and Credentials.

Solicitations shall be conducted only by volunteer workers. The volunteer workers shall carry proper credentials prominently displayed or a container in which offerings shall be deposited. The container shall prominently disclose the name of the organization conducting the solicitation and the purpose for which it is being conducted. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Sec. 20-47. Noise Prohibited.

No means of attracting the attention of the public which shall in any way disturb the peace and quiet of the area or interfere with the transaction of business or any other ordinary pursuit shall be employed or permitted to be used in connection with any street solicitation. (Ord. No. 74, 8-6-57; Code 1966; Code of 1988; Code of 2001)

Editor's Notes
City Code-Chapter 20
Peddlers

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered "(1)" followed by "(2)", etc.

The next division of a Section is numbered with an "A" followed by "B", etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan
Finance Director/City Clerk
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