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## ARTICLE III. - DOOR-TO-DOOR SALESMEN

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### Sec. 10-88. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Licensed solicitor* means and includes any person who has obtained a valid permit as hereinafter provided, which permit is in the possession of the solicitor on his person while engaged in soliciting.

*Residence* means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

*Soliciting* means and includes any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(Comp. Ords. 2008, ch. 15, art. 3, § 1)

### Sec. 10-89. - Permit required.

- (a) It shall be unlawful for any person to engage in the business of soliciting, calling on residences door-to-door without first having obtained a permit in accordance with the provisions contained in this chapter.
- (b) The requirement of subsection (a) of this section is meant to apply to door-to-door solicitations for commercial transactions for profit only.
  - (1) It is not meant to regulate solicitation for charitable, political, or other nonprofit purposes provided that all sales proceeds are the property of and used by the nonprofit organization.
  - (2) It does not apply to officers or employees of the city, county, state, or federal governments, or any subdivision thereof, when on official business.
- (c) Each person shall at all times while soliciting in the city carry upon his person the permit so issued and the same shall be exhibited by such solicitor whenever he is requested to do so by any police officer or by any person solicited.
- (d) Each permit issued shall contain the name of the solicitor, the name and address of the person, firm or corporation or association by whom the solicitor is employed or represents, a photograph of the solicitor, and physical description. Such photograph shall be provided by the solicitor and shall be at least two inches by two inches in size.
- (e) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than six months.

(Comp. Ords. 2008, ch. 15, art. 3, § 2)

**Sec. 10-90. - Permit applications.**

- (a) Application for a permit shall be made upon a form provided by the city. The city shall have applications available on request. The applicant shall truthfully state in full the information requested on the application, to wit:
- (1) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
  - (2) Address of place of residence during the past three years if other than present address;
  - (3) Age of applicant;
  - (4) Physical description of the applicant;
  - (5) Name and address of the person, firm, or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation;
  - (6) Name and address of employer during the past three years if other than the present employer;
  - (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
  - (8) Period of time for which the certificate is applied;
  - (9) Proposed route, including streets to be included on each day, which applicant intends to follow;
  - (10) The date, or approximate date, of the latest previous application for permit under this chapter, if any;
  - (11) Whether the applicant has ever been convicted of a felony, a crime of moral turpitude, or any other violation of any state or federal law;
  - (12) Names of magazines, books, or journals to be sold;
  - (13) Names of the three most recent communities where the applicant has solicited house to house;
  - (14) Proposed method of operation;
  - (15) Description and license plate number of vehicles intended to be operated by applicant;
  - (16) Signature of applicant; and
  - (17) Social security number of applicant.
- (b) All statements made by the applicant upon the application or in connection therewith shall be under oath.
- (c) The applicant shall submit to fingerprinting and background investigation by the city public safety department in connection with the application for the permit.
- (d) The city manager shall cause to be kept in his office or designee office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued shall be identified with the duplicate number of the application upon which it was issued.
- (e) No permit shall be issued to any person who has been convicted of a felony or crime of moral turpitude within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.
- (f) The fee for a permit shall be valid for a six-month period.

*(Comp. Ords. 2008, ch. 15, art. 3, § 3)*

**Sec. 10-91. - Permit revocation.**

- (a) Any permit issued hereunder shall be revoked by the city manager if the holder of the permit is convicted of a violation of any of the provisions of this chapter or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter.
- (b) Immediately upon such revocation, written notice thereof shall be given to the holder of the permit in person or by certified United States mail addressed to his residence address set forth in the application.
- (c) Immediately upon the giving of such notice the permit shall become null and void and must be turned in to the city manager's office.

*(Comp. Ords. 2008, ch. 15, art. 3, § 4)*

**Sec. 10-92. - Routes.**

To the extent practical, each solicitor shall identify the streets and routes which he will follow on each day he is engaged in the business of soliciting. If changes in routes are made, then such changes must be immediately reported to the city manager's office.

*(Comp. Ords. 2008, ch. 15, art. 3, § 5)*

**Sec. 10-93. - Prohibitions.**

- (a) Any licensed solicitor who shall be guilty of any fraud, cheating, or misrepresentation, whether himself or through an employee, while acting as a solicitor in the city, shall be deemed guilty of a violation of this chapter.
- (b) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined if the occupant of said residence has made it clear, by written sign or otherwise, that solicitors are not invited.
- (c) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- (d) Times allowed.
  - (1) It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether licensed under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 10:00 a.m. or after 6:30 p.m., Eastern Standard Time, or before 10:00 a.m. or after 7:00 p.m. Eastern Daylight Saving Time, Monday through Saturday, or at any time on Sunday, or on a state or national holiday.
  - (2) Solicitations for political purposes shall not occur prior to 10:00 a.m. or after 7:00 p.m., Eastern Standard Time, or before 10:00 a.m. or after 7:00 p.m. Eastern Daylight Saving Time.

*(Comp. Ords. 2008, ch. 15, art. 3, § 6)*

**Sec. 10-94. - Penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed the maximum fine allowed by state law for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

*(Comp. Ords. 2008, ch. 15, art. 3, § 7)*

**Secs. 10-95—10-116. - Reserved.**