

CHAPTER 73

PEDDLERS AND SOLICITORS

7.71 DEFINITIONS

1. The word "solicitor" or "canvasser" as used in this Chapter 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, 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 sales 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 box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

2. The word "peddler" as used in this Chapter 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, from street to street, carrying, conveying, or transporting goods, wares, merchandise, baked goods, fruits, or vegetables, offering, exposing the same for sale or making delivering articles to purchasers.

7.72 LICENSE REQUIRED

It shall be unlawful for any solicitor, canvasser, or peddler to engage in said business in the City of Auburn without first having obtained a license therefore, from the City Clerk.

7.73 LICENSE APPLICATION

The license application shall furnish the following information;

1. Name of the applicant.
2. Permanent home address and full local address of the applicant, and telephone number;
3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name, address, and telephone number of the employer.
5. The start date for which the right to do business is desired.
6. The applicant shall provide a copy of their driver's license.
7. Applicant must provide a background check through ICHAT or other approved background check report within that last 30 days.

8. The applicant should swear to the information given on the application.

7.74 LICENSE FEE AND BOND

1. Fees; Bonds; Recovery for Damages under Bond. For each license issued hereunder, the applicant shall pay to the City Clerk the sum of Seventy-five (\$75.00) dollars as a license fee; **Proof of Liability Insurance with a minimum of \$500,000 in aggregate coverage naming the City of Auburn as an additional named insured. If the Solicitor chooses not to provide Liability Coverage, they may deposit with the City Clerk. Applicant shall file a surety company bond in the amount of \$500.** Such surety bond shall be conditioned for the faithful performance of his promises and contracts made during his course of business as a solicitor, canvasser, or peddler within the City of Auburn and for compliance with all Ordinances of the City. Said bonds shall further provide that any person injured by the breach of any obligation which a bond is given to secure may sue upon such bond in his own name in any court of competent jurisdiction to recover any damages such person may have sustained by such breach and shall be for a term of not less than six (6) months.

7.75 POLICE INVESTIGATION

Upon receipt of application, the Solicitor will need to submit a current ICHAT (Internet Criminal History Access Tool) or other approved Background Check Report within the last 30 days.

7.76 IDENTIFICATION

Upon issuance of the license, an ID card will be provided to the applicant containing his name, the organization he represents, **an ID number and the valid dates of the permit within 3 days of request.**

7.77 ACCEPTANCE OF LICENSE

Each licensee, upon receipt of said license, in the presence of the City Clerk, shall affix his signature thereon, accepting the license and all conditions of its use as stated in the Chapter, respecting the use of said license, and agreeing to the suspension and revocation of said license, should any of the conditions be violated.

7.78 REGULATIONS

The following conditions and regulations shall apply to the exercise of privileges granted by licenses issued under the provisions of this Chapter in addition to those set forth elsewhere in this Code:

1. Approval of Weights and Measures Device. No licensee shall use any weighing or measuring device, unless said device shall have been examined and approved by the Sealer of Weights and Measures.
2. Accuracy of Weights and Measures. No licensee shall sell or offer for sale any article or commodity purporting to be in quantities of standard weight or measure, whether an original or other package or not, unless the same shall be of the weight or measure purported.

3. Defective Merchandise. No licensee shall sell or offer for sale any unsound or unripe or unwholesome goods, or a defective, faulty, incomplete or deteriorated article of merchandise, unless the goods are so represented to the prospective customers.

4. Inspection of Merchandise. The City Clerk may require that the goods, wares, and merchandise of an applicant for a license hereunder be inspected by any inspector authorized by the City Administrator, before issuing a license under this Chapter. The City Clerk shall refuse a license to any applicant and may revoke any license issued hereunder where the goods, wares or merchandise are found to be unacceptable.

5. Compliance with Traffic Rules. Persons peddling or vending goods from a vehicle shall comply with traffic and parking provisions of the City Code relative to vehicles and no vehicles shall be allowed to remain standing at one place on any of the streets, alleys, or public places for a longer period than ten (10) minutes at any one block while being used for peddling or vending purposes.

6. Displaying License. The license shall be worn in full view on the person to whom issued, whenever he or she is actively engaged in soliciting or peddling.

7. A PEDDLER SHALL NOT

A. Enter upon the premises of a private residence to solicit or peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises.

B. Remain in a private residence or on the premises thereof after the owner or occupant thereof has requested any such person to leave.

C. Solicit or Peddle at a private residence prior to 10:00 a.m. and after 7:00 p.m. or at any time on a Sunday or on a state or national holiday.

7.79 EXEMPTIONS

The following solicitors, canvassers, and peddlers shall be exempt from the license requirements of this Chapter.

1. Those selling products, produce, grown, or manufactured by their own labor.
2. Those representing charitable or non-profit organizations.
3. Those involved in Interstate Commerce.