

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 a delivering articles to purchasers.

7.72 LICENSE REQUIRED

It shall be unlawful for nay solicitor, canvasser, or peddler to engage in said business in the City of Auburn without first having to obtained a license therefor, from the City Clerk. No such license shall be granted except upon certification of the Chief of Police.

7.73 LICENSE APPLICATION

The license application shall furnish the following information;

1. Name and description 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, 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 sale thereof are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;

7. The applicant should be fingerprinted and provide a photograph taken within sixty (60) days immediately prior to the date of the filing of the application;
8. A statement as to whether or not the applicant has been convicted of any felony, the nature of the offense, and the punishment assessed therefor;
9. Where applicant has done business in the previous six (6) months;
10. 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 twenty-five (\$25.00) dollars as a license fee, and the further sum of five (\$5.00) dollars for the first day of the use of said license and three (\$3.00) dollars for each day thereafter; and shall deposit with the City Clerk the sum of five hundred (\$500.00) dollars as a cash bond, or shall file a surety company bond in a like amount. Such cash bond or 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.

2. Disposition of Bond. Deposits of money or bonds made with the City Clerk as required by the provisions of this Chapter shall be subject to the claims of creditors in all cases where a judgment has been obtained against such solicitor or peddler and the date for the appeal of the judgment has expired. In such cases garnishment proceedings may be commenced against the City Clerk. It shall be the duty of the City Clerk to remit to any court any balance of the cash deposit remaining in his hands not exceeding the amount of the judgment for the purpose of satisfying the same. Any balance of the cash deposit remaining in the hands of the City Clerk for a period of six (6) months after the expiration of said license shall be remitted to said solicitor, canvasser, or peddler.

3. Expiration of License. Any license issued hereunder shall expire and be void as soon as the amount for the bond filed with the City Clerk as provided herein shall have been diminished or used in whole or in part because of suits as hereinbefore provided.

7.75 POLICE INVESTIGATION

Upon receipt of application, the Police Chief of the City of Auburn shall have twenty-four (24) hours to investigate the applicant. If the applicant has been found to violate statutes or Ordinances of any State, City, Village, or Township or the Federal Government, or is under investigation for Consumer Fraud, the application will be denied and the license fee shall serve to cover the cost of the application and investigation and shall not be returned.

7.76 IDENTIFICATION

Upon issuance of the license, and ID card will be provided to the applicant containing his name, the organization he represents, his picture and his signature.

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 packages or not, unless the same shall be actually 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. Vehicle Tags. Every vehicle used for peddling or vending shall have a tag attached to each side thereof, bearing the same number as the license issued to the owner, said tag to be furnished by the City Clerk and to be marked "Peddler's License". Every owner licensed to sell or vend from a vehicle or vehicles, shall be entitled to one (1) helper to each vehicle.
5. Inspection of Merchandise. The City Clerk may require that the goods, wares, and merchandise of an applicant for a license hereunder be inspected by the Chief of Police or any inspector of the Department designated by the Chief to act for him, 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 a fire hazard by the inspecting official.
6. 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.
7. Displaying License. The license shall be worn in full view on the person to whom issued, whenever he is actively engaged in soliciting or peddling.

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.