

ORDINANCE # 2014-18
INTRODUCED BY Alexius
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AMENDED
CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2014- 18

7
8 **AN ORDINANCE OF THE CITY OF COVINGTON**
9 **AMENDING THE FOLLOWING PROVISIONS OF THE**
10 **COVINGTON CODE OF ORDINANCES: CHAPTER 74**
11 **PEDDLERS, CURBSIDE SOLICITORS FOR NONPROFIT**
12 **DONATIONS AND DOOR-TO-DOOR SOLICITORS**
13
14

15 **WHEREAS**, certain amendments have been suggested to the sections of the
16 Code addressing peddlers and door-to-door solicitations and sales; and

17 **WHEREAS**, the Covington City Council deems these amendments
18 appropriate to protect the health, safety and welfare of the citizens of Covington;
19 and

20 **WHEREAS**, the City Council has held its public hearing in accordance with
21 law,

22 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City
23 of Covington, at its regular session convened, that Chapter 74 Peddlers, Curbside
24 Solicitors for Nonprofit Donations and Door-to-Door Solicitors, Article I. In
25 General, shall be amended to read as follows:

26 Sec. 74-1. Definitions.

27 For the purpose of this chapter, the following terms, phrases, words and
28 derivations shall have the meaning given herein, unless it shall be apparent from
29 the context that a different meaning is intended:

30 *Door-to-door solicitation* and *door-to-door sales* means the attempt to
31 solicit, collect or receive money at that time or in the future on private residences
32 and property from door-to-door, normally on foot, by a person, an individual,
33 group, club, association, organization, firm, corporation, unincorporated
34 association, or partnership, whether or not in exchange for other goods, services,
35 wares or property or orders for goods, services, wares or property. ~~See article IV~~
36 ~~for limitations.~~

37 **BE IT FURTHER ORDAINED** by the City Council of the City of
38 Covington, at its regular session convened, that Chapter 74 Peddlers, Curbside
39 Solicitors for Nonprofit Donations and Door-to-Door Solicitors, Article II.
40 Peddlers (In General), shall be amended to read as follows:

41 Sec. 74-32. Entrance to premises restricted.

1 It shall be unlawful for any peddler, hawker or door-to-door solicitor to enter
2 upon any private premises when such premises are posted with a sign stating "No
3 Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

4
5 Sec. 74-33. Refusing to leave.

6 Any peddler, hawker or door-to-door solicitor who enters upon premises
7 owned, leased or rented by another and refuses to leave such premises after having
8 been notified by the owner or occupant of such premises, or his agent, to leave the
9 premises and not return to such premises, shall be deemed guilty of a
10 misdemeanor.

11
12 Sec. 74-37. Permit mobility.

13 The peddler's permit shall not be required to specify a particular location,
14 but may move throughout the city via public streets. All persons engaged in door-
15 to-door sales, as herein defined, must have a valid permit on their person, and
16 produce said permit and suitable identification to demonstrate that the solicitor or
17 solicitors are the person identified by the permit upon demand by an occupant or
18 law enforcement officer or agent.

19
20 Sec. 74-38. Misrepresentation.

21 It shall be unlawful for any peddler, hawker or door-to-door solicitor to
22 make false or fraudulent statements concerning the quality of his goods, wares,
23 merchandise or services for the purpose of inducing another to purchase such
24 goods, wares, merchandise or services.

25
26 Sec. 74-39. Hours of operation.

27 It shall be unlawful for any peddler to engage in the business of peddling
28 within the city except by specific appointment or with invitation from the
29 prospective customer or resident within the city between the hours of ~~6:00~~ 7:00
30 6:00 p.m. and 9:00 a.m. during central standard time and between the hours of 8:00
31 p.m. and 9:00 a.m. during central daylight savings time or at any time on Sunday
32 with the exception of a mobile late night food peddler who is restricted to
33 operating between the hours of 10:00 p.m. and 2:00 a.m. within the Covington
34 Historic District (see section 54-3).

35
36 Sec. 74-40. Use of telephone.

37 It shall be unlawful for any peddler, hawker or door-to-door solicitor to use a
38 telephone for the peddling of goods, wares, merchandise or services or the
39 solicitation of funds or any other activity connected to the business of peddling or
40 soliciting.

41 **BE IT FURTHER ORDAINED** by the City Council of the City of
42 Covington, at its regular session convened, that Chapter 74 Peddlers, Curbside
43 Solicitors for Nonprofit Donations and Door-to-Door Solicitors, Article III.
44 Curbside Solicitors of Nonprofit Donations, Division 2. Peddler Permit, shall be
45 amended to read as follows:

46 Sec. 74-56. General application requirements for peddlers, and hawkers and door-
47 to-door solicitors.

48 Excluding those promoting political and/or religious ideologies or engaging
49 in other exercise of First Amendment rights or non-profit or charitable

1 organizations, all peddlers, hawkers and door-to-door solicitors shall be required to
2 obtain a peddler's permit. Applicants for a peddler's permit shall file with the
3 deputy tax collector a sworn application in writing, in duplicate, on a form to be
4 furnished by the deputy tax collector, which shall give the following information:

- 5 (a) The name of the applicant;
- 6 (b) The permanent home address and full local address of the applicant;
- 7 (c) A brief description of the nature of the business and the goods to be
8 sold;
- 9 (d) If employed, the name and address of the employer, together with
10 credentials establishing the exact relationship;
- 11 (e) The location where the goods or property proposed to be sold, or
12 orders taken for the sale thereof, are manufactured or produced, where
13 such goods or products are located at the time the application is filed
14 and the proposed method of delivery;
- 15 (f) A copy of a current photo identification (ID);
- 16 (g) A signed authorization allowing the city to run a criminal background
17 check;
- 18 (h) Whether the applicant, upon any sale or order, shall demand, accept or
19 receive payment or deposit of money in advance of final delivery;
- 20 (i) The last five municipalities wherein the applicant has worked before
21 coming to this city; and
- 22 (j) Such other relevant information as may be required by the
23 investigation of the applicant.

24
25 Sec. 74-58. Application fee.

26 At the time of filing the application for a peddler's permit, a fee deposit of
27 \$10.00 shall be paid to the deputy tax collector to cover the cost of investigation of
28 the facts stated in the application for such a license. Once all approvals have been
29 obtained, payment of the remainder of the ~~\$200.00~~ \$100.00 peddler permit fee
30 will be required prior to the issuance of the permit. Said fee, or any portion thereof,
31 is not refundable under any circumstances.

32
33 ~~Sec. 74-61. Bond.~~

34 ~~— (a) — Nonresidents and businesses located outside city limits applying for a~~
35 ~~peddler's permit shall file with the deputy tax collector a surety bond in favor of the~~
36 ~~city in the amount of \$1,000.00, with surety acceptable to and approved by the~~
37 ~~mayor, conditioned that the applicant shall comply fully with all the applicable~~
38 ~~provisions of this Code, the ordinances of the city and state law regulating and~~
39 ~~concerning the business of peddling and guaranteeing to any citizen of the city that~~
40 ~~all money paid as a down payment will be accounted for and applied according to~~
41 ~~the representations of the peddler, and further guaranteeing to any citizen of the~~
42 ~~city doing business with such peddler that the property purchased will be delivered~~
43 ~~according to the representations of such peddler. Action on such bond may be~~
44 ~~brought in the name of the city to the use or benefit of the aggrieved person.~~

45 ~~— (b) — If the applicant is an agent, employee, canvasser or solicitor of a~~
46 ~~corporation authorized to do business in this State or registered under the Fictitious~~
47 ~~Name Act of the state, such corporation or fictitious name business may furnish~~
48 ~~one bond in the amount of \$1,000.00 for any and all of its agents, employees,~~
49 ~~canvassers or solicitors.~~

50 ~~(c) — The provisions of this section shall not apply to the following:~~

51 ~~(1) — Sales made to dealers or permanent merchants by commercial travelers~~
52 ~~selling in the usual course of business;~~

- 1 ~~(2) — Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl~~
2 ~~or farm products which were produced on land within the state, owned or~~
3 ~~controlled by such vendor;~~
4 ~~(3) — Solicitations, sales or distributions made by charitable, educational or~~
5 ~~religious organizations which have their principal place of activity within this city.~~
6 ~~(d) — Any bond proceeds are forfeited ten days after a certified letter addressed to~~
7 ~~the vendor at the address given on the permit is either received or returned.~~
8

9 **BE IT FURTHER ORDAINED** by the City Council of the City of
10 Covington, at its regular session convened, that Chapter 74 Peddlers, Curbside
11 Solicitors for Nonprofit Donations and Door-to-Door Solicitors, Article IV. Door-
12 to-Door Solicitations and Sales, shall be deleted as follows:

13 ~~Article IV. Door-to-Door Solicitations and Sales~~

14 ~~Sec. 74-81. Declaration of purpose:~~

15 ~~The purpose of this article is to protect public safety and welfare by~~
16 ~~prohibiting the solicitation of money on private residences and property and from~~
17 ~~door-to-door or house-to-house. This article shall not apply to nonprofit and~~
18 ~~charitable organizations, religious organizations or political campaigns as their~~
19 ~~rights are protected under First Amendment of the United States Constitution.~~

20 ~~Sec. 74-82. Door-to-door solicitations prohibited.~~

21 ~~Door-to-door solicitations and sales are prohibited within the incorporated~~
22 ~~limits of the City of Covington. The exceptions are: charitable or nonprofit~~
23 ~~organizations, political and/or religious ideologies or engaging in other exercise of~~
24 ~~First Amendment rights.~~

25 **BE IT FURTHER ORDAINED** that all other sections of Chapter 74
26 Peddlers, Curbside Solicitors for Nonprofit Donations and Door-to-Door Solicitors
27 shall remain the same and in full force.

28 **BE IT FURTHER ORDAINED** that if any provision of this ordinance
29 shall be held to be invalid, such invalidity shall not affect other provisions herein
30 which can be given effect without the invalid provision and to this end the
31 provisions of this ordinance are hereby declared to be severable.

32 **WHEREUPON**, this ordinance having been submitted in writing, having
33 been read by title and adopted at a public meeting of the City Council of the City
34 of Covington, State of Louisiana, was then submitted to an official vote as a whole,
35 the vote thereon being as follows:

36 **MOVED FOR ADOPTION** ^{as amended} by Alexius, seconded by Rolling.

37 **YEAS:** 7 **ABSENT:** 0
38 **NAYS:** 0 **ABSTAIN:** 0

39 **PASSED AND ADOPTED** this 5th day of AUGUST, 2014.
40



R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 6th day of August, 2014, at 4:30 o'clock P.M.


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved or Vetoed by the Mayor on this 7th day of August,
2014.


MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of August, 2014, at 10:15 o'clock
A.M.


BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL