

1 Introduced September 10, 2013, by Councilman
2 Hicks, seconded by Councilman Cusimano, (by
3 request of Administration)

4 **Item No. 13-09-3004**

5
6 **ORDINANCE NO. 3704**

7
8 An ordinance reevaluating, reassessing, amending and supplementing the
9 Code of Ordinances of the City of Slidell, Chapter 20, Peddlers and Solicitors, in its
10 entirety.

11 WHEREAS, the City desires to reevaluate and reassess the City of Slidell
12 Code of Ordinances, Chapter 20, Peddlers and Solicitors, in its entirety; and

13
14 WHEREAS, the City desires to amend and supplement the City of Slidell
15 Code of Ordinances, Chapter 20, Peddlers and Solicitors, in its entirety.

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17 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that it does
18 hereby amend and supplement the Code of Ordinances of the City of Slidell, Chapter 20,
19 Peddlers and Solicitors, as follows:
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21
22 **Sec. 20-1. Legislative intent.**

23
24 *Remains unchanged and restated herein:*

25 It is the intent of the governing authority of the City to ensure the privacy
26 rights of its citizens and the safety of the streets and byways of the City; to ensure the
27 health of its citizens through the maintenance of proper sanitary conditions; and to protect
28 its citizens and business from unfair business practices.
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32 **Sec. 20-2. Definitions.**

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34 *Deleting paragraph 20-2 in its entirety and replacing it with the following:*

35 NON-COMMERCIAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-
36 door for the primary purpose of disseminating religious, political, social or other ideological
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4 beliefs. For purpose of this ordinance, the term "door-to-door advocate" shall fall under the
5 term solicitor and include door-to-door canvassing and pamphleteering intended for non-
6 commercial purposes.
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9 PEDDLER. A person who goes from house-to-house, door-to-door, business-to-
10 business, street-to-street or any other type of place-to-place movement, for the purpose of
11 offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering
12 immediately upon sale, the goods, wares, products, merchandise or other personal
13 property that the person is carrying or otherwise transporting. For purpose of this
14 ordinance, the term "peddler" shall have the same common meaning as the term "hawker."
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19 PERSON. Any natural individual, group, firm, association, organization,
20 corporation, partnership or similar association, or other legal entity.
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22 PROFESSIONAL FUNDRAISER. Any person, including a corporation or other
23 entity who, for compensation, performs any solicitations or other services for a religious,
24 politician, social or other charitable organization.
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27 SOLICITOR. A person who goes from house-to-house, door-to-door, business-to-
28 business, street-to-street or any other type of place-to-place movement for the purpose of
29 obtaining or attempting to obtain orders for goods, wares, products, merchandise, other
30 personal property or services of which he or she may be carrying or transporting samples,
31 or that may be described in a catalog or by other means, and for which delivery or
32 performance shall occur at a later time. The absence of samples or catalogs shall not
33 remove a person from the scope of this provision if the actual purpose of the person's
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4 activity is to obtain or attempt to obtain orders as discussed above. For purposes of this
5 ordinance, the term "solicitor" shall have the same meaning as the term "canvasser."
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7 **Sec. 20-3. Engaging in business of peddler prohibited generally.**
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9 *Deleting paragraph 20-3 in its entirety and replacing it with the following:*

10 **Sec. 20-3. Exceptions to Definitions.**
11

12 For the purpose of this chapter, the terms PEDDLER and SOLICITOR shall
13 not apply to:
14

- 15 (A) Non-commercial door-to-door advocates. Nothing within this ordinance shall
16 be interpreted to prohibit or restrict non-commercial door-to-door advocates.
17 Persons engaging in door-to-door advocacy shall not be required to register
18 as a solicitor under Section 20-8.
19
20 (B) Any person selling or attempting to sell at wholesale any goods, wares,
21 products, merchandise or other personal property to a retail seller of the
22 items being sold by the wholesaler.
23
24 (C) Any person who makes initial contacts with other people for the purpose of
25 establishing or trying to establish a regular customer delivery route for the
26 delivery of perishable food and dairy products, such as baked goods or milk.
27
28 (D) Any person making deliveries of perishable food and dairy products to the
29 customers on his or her established delivery route.
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31 (E) Any person making deliveries of newspapers, newsletters or other similar
32 publications on an established customer delivery route, when attempting to
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4 establish a regular delivery route or when publications are delivered to the
5 community at large.

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7 (F) Any person conducting the type of sale commonly known as garage sales,
8 rummage sales or estate sales.

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10 (G) Any person participating in an organized multi-person bazaar or flea market.

11
12 (H) Any person conducting an auction as a properly licensed auctioneer.

13
14 (I) Any officer of the court conducting a court-ordered sale.

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16 Exemption from these definitions shall not, for the scope of this chapter,
17 excuse any person from complying with any other applicable statutory provision or
18 requirement provided by another City ordinance.
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21 **Sec. 20-4. Exemptions from chapter.**

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23 *Deleting paragraph 20-4 in its entirety and replacing it with the following:*

24
25 **Sec. 20-4. Licensing; Exemptions.**

26 (A) *City License Required.* Except as otherwise provided for by this ordinance,
27 no person shall conduct business within this jurisdiction as a peddler or
28 solicitor, without first obtaining a City license. Solicitors need not be licensed
29 but are required to register with the City pursuant to Section 20-8.

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31 (B) *Application.* An application for a City license to conduct business as a
32 peddler or solicitor shall be made at least thirty (30) regular business days
33 before the applicant desires to begin conducting a business operation within
34 the City. Application for a license shall be made on a form approved by the
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4 City and available from the Office of Finance. All applications shall be signed
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6 by the applicant. All applications shall include the following information:

- 7 (1) The applicant's full legal name.
- 8 (2) Any and all other names under which the applicant has or does
9 conduct business or to which the applicant will officially answer
10 to.
- 11 (3) A physical description of the applicant (hair color, eye color,
12 height, weight, any distinguishing marks or features, and the
13 like).
- 14 (4) Full address of applicant's permanent residence.
- 15 (5) Telephone number of applicant's permanent residence.
- 16 (6) Full legal name of any and all business operations owned,
17 managed or operated by applicant or for which the applicant is
18 an employee or an agent.
- 19 (7) Full address of applicant's regular place of business, if any
20 exists.
- 21 (8) Any and all business-related telephone numbers of the
22 applicant, including cellular phones and facsimiles (fax)
23 machines.
- 24 (9) The type of business for which the applicant is applying for a
25 license.
- 26 (10) Whether the applicant is applying for an annual or daily license.
- 27 (11) The dates during which the applicant intends to conduct
28 business. If the applicant is applying for a daily license, the
29 number of days he or she will be conducting business within
30 the City.
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4 (12) Any and all addresses and telephone numbers where the
5 applicant can be reached while conducting business within the
6 City.
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8 (13) A statement as to whether or not the applicant has been
9 convicted within the last five (5) years of any felony or
10 misdemeanor for violating any state or federal statute or any
11 local ordinance, other than minor traffic offenses.
12

13 (14) A list of the three (3) most recent locations where the applicant
14 has conducted business as a peddler.

15 (15) Proof of sales tax registration.

16 (16) A general description of the items to be sold or services to be
17 provided.
18

19 (17) Any and all additional information as may be deemed
20 necessary by the City.

21 (18) The applicant's driver's license or other acceptable government
22 issued form of identification.
23

24 (19) The license plate number, registration information, vehicle
25 identification number (VIN) and physical description of any
26 vehicle to be used in conjunction with the licensed business
27 operation.
28

29 (C) *Fee.* A fifty dollar (\$50.00) application fee shall be assessed on all
30 applications for a license under this chapter. Unless otherwise set out in the
31 City's Code of Ordinance including, but not limited to Sec. 8-24 therein.
32

33 (D) *Procedure.* Upon receipt of the application and payment of the license fee,
34 the Finance Department shall, within five (5) regular business days,
35 determine if the application is complete. An application shall be considered
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4 complete if all required information is provided. If the Finance Department
5 determines that the application is incomplete, the City shall inform the
6 applicant of the required, necessary information that is missing. If the
7 application is complete, the Finance Department shall order any
8 investigation, including background checks, necessary to verify the
9 information provided with the application. Within twenty (20) regular
10 business days of receiving a complete application, the Finance Department
11 shall issue the license, unless grounds exist for denying the license
12 application under Section 4, in which case the Finance Department shall
13 deny the request for a City peddler license. If the Finance Department
14 denies the license application, the applicant shall be notified in writing of the
15 decision, the reason for denial, and the applicant's right to appeal the denial
16 by requesting, within twenty (20) days of receiving notice of rejection, a
17 public hearing before the City Council. The City Council shall hear the
18 appeal within twenty (20) days of the date of the request for a hearing. The
19 decision of the City Council following the public hearing can be appealed by
20 petitioning the Slidell City Court.
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32 (E) *Duration.* An annual license granted under this ordinance shall be valid for
33 one (1) calendar year from the date of issuance. All other licenses granted to
34 peddlers under this ordinance shall be valid only during the time period
35 indicated on the license.
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4 (F) *Professional Fundraisers Not Exempt.* A professional fundraiser working on
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6 behalf of an otherwise exempt group or person shall not be exempt from the
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8 licensing requirements of this ordinance.

9 (G) *License Exemptions.*

10 (1) No license shall be required for any person to sell or attempt to
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12 sell, or to take or attempt to take orders for, any product grown,
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14 produced, cultivated or raised on any farm, or any fisher or
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16 crabber who is attempting to sell or sell wares he caught or
harvested from the waters of Louisiana.

17 (2) No license shall be required for any person going from house-
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19 to-house, door-to-door, business-to-business, street-to-street or
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21 any other type of place-to-place movement for the primary
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23 purpose of exercising that person's state or federal
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25 constitutional rights such as the freedom of speech, freedom of
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27 the press, freedom of religion, and the like. This exemption will
not apply if the person's exercise of constitutional rights is
merely incidental to what would be considered a commercial
activity.

28 (3) Nonprofit corporations, as defined by R.S. 12:201 *et seq.*, shall
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30 be exempt from the provisions of this chapter upon obtaining a
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32 fee free City permit by producing a copy of their certificate of
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34 incorporation as described by R.S. 12:205 and signing the
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36 appropriate City form attesting to their nonprofit nature and
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38 having such form duly notarized by a licensed notary of St.
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Tammany Parish. Such City permits or a copy of such permits
must be carried on the persons at all times while engaged in
any activity regulated by this chapter and must be produced on

4 demand when so requested by any official or citizen of the City.
5 Fee free permits issued under the requirements of this section
6 shall be valid only from 8:00 a.m. to 7:00 p.m. during Daylight
7 Saving Time and 8:00 a.m. to 5:00 p.m. during Standard Time
8 in the area of the City zoned residential, and shall not be valid
9 for solicitors upon any property posted with a "No Peddlers or
10 Solicitors" or "Peddlers and Solicitors Prohibited" sign or
11 placard or other comparable statement.
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14 **Sec. 20-5. Fee free permits.**

15 *Deleting paragraph 20-5 in its entirety and replacing it with the following:*
16

17 **Sec. 20-5. License Eligibility.**

18 The following shall be grounds for denying a peddler license:
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- 20 (A) The failure of an applicant to truthfully provide any information requested by
21 the City as part of the application process.
22
23 (B) The failure of any applicant to sign the license application.
24
25 (C) The failure of an applicant to pay the required fee at the time of application.
26
27 (D) A conviction within the past five (5) years of the date of application for any
28 violation of any federal or state statute or regulation, or of any local
29 ordinance, which adversely reflects upon the person's ability to conduct the
30 business for which the license is being sought in a professional, honest and
31 legal manner. Such violations shall include, but are not limited to, burglary,
32 theft, larceny, swindling, fraud, unlawful business practices and any form of
33 actual or threatened physical harm against another person.
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4 (E) The revocation within the past five (5) years of any license issued to an
5 applicant for the purpose of conducting business as a peddler or solicitor.
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7 (F) When an applicant has an unfavorable business reputation. Evidence of an
8 unfavorable business reputation shall include, but is not limited to, the
9 existence of more than three (3) complaints against an applicant with the
10 Better Business Bureau, the Office of the Louisiana Attorney General or
11 other state attorney general's office or other similar business or consumer
12 rights office or agency, within the preceding twelve (12) months, or three (3)
13 complaints filed with the City against an applicant within the preceding five
14 (5) years.
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20 **Sec. 20-6. Other exempted persons.**
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22 *Deleting paragraph 20-6 in its entirety and replacing it with the following:*
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24 **Sec. 20-6. License suspension and revocation.**

25 (A) *Generally.* Any license issued under this section may be suspended or
26 revoked at the discretion of the City for violation of any of the following:
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28 (1) Subsequent knowledge by the City of fraud, misrepresentation
29 or incorrect statements provided by any applicant on the
30 application form.
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32 (2) Fraud, misrepresentation or false statements made during the
33 course of the licensed activity.
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35 (3) Subsequent conviction of any offense to which the granting of
36 the license could have been denied under Section 20-5.
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4 (4) Engaging in any prohibited activity as provided under Section
5 20-9 of this ordinance.

6 (5) Violation of any other provision of this ordinance.

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8 (B) *Multiple Persons Under One License.* The suspension or revocation of any
9 license issued for the purpose of authorizing multiple persons to conduct
10 business as peddlers on behalf of the licensee shall serve as a suspension
11 or revocation of each authorized person's authority to conduct business as a
12 peddler on behalf of the licensee whose license is suspended or revoked.

13
14 (C) *Emergency.* If, in the discretion of the City, imminent harm to the health or
15 safety of the public may occur because of the actions of a peddler licensed
16 under this ordinance, the City may immediately suspend the person's license
17 and provide notice of the right to hold a subsequent public hearing as
18 described in Section 20-6.

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20 (D) *Appeal.* Any person whose license is suspended or revoked under this
21 section shall have the right to appeal that decision in court.

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24 **Sec. 20-7. Duty of police to enforce chapter.**

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26 *Deleting paragraph 20-7 in its entirety and replacing it with the following:*

27
28 **Sec. 20-7. License transferability.**

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30 Licenses issued under this chapter are non-transferable.

31
32 **Sec. 20-8. Penalty for violation of chapter.**

33
34 *Deleting paragraph 20-8 in its entirety and replacing it with the following:*

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36
37 **Sec. 20-8. Registration.**

4 (A) All solicitors and any person exempt from the licensing requirements of this
5 ordinance under Section 3 shall be required to register with the city prior to
6 engaging in those activities. Registration shall be made on the same form
7 required for a license application, but no fee shall be required. Immediately
8 upon completion of the registration forms, the Finance Department shall
9 issue to the registrant a certificate of registration as proof of the registration.
10 Certificates of registration shall be non-transferable.

11 (B) Individuals that will be engaging in non-commercial door-to-door advocacy
12 shall not be required to register.

13 *By adding a new paragraph as follows:*

14 **Sec. 20-9. Prohibited activities.**

15 No peddler, solicitor, non-commercial door-to-door advocate or other person
16 engaged in other similar activities shall conduct business in any of the following manner:
17

- 18 (A) Calling attention to his or her business or the items to be sold by means of
19 blowing any horn or whistle, ringing any bell or crying out, or by any other
20 noise, so as to be unreasonably audible within an enclosed structure.
- 21 (B) Obstructing the free flow of traffic, either vehicular or pedestrian, on any
22 street, sidewalk, and alleyway or other public right-of-way.
- 23 (C) Conducting business in a way as to create a threat to the health, safety and
24 welfare of any specific individual or the general public.
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- 4 (D) Conducting business before 8:00 a.m. or after 7:00 p.m. during Daylight
5 Saving Time or before 8:00 a.m. or after 5:00 p.m. during Standard Daylight
6 Time.
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9 (E) Failing to provide proof of license, registration and/or identification when
10 requested.
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12 (F) Using the license or registration of another person.
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14 (G) Alleging false or misleading statements about the products or services being
15 sold, including untrue statements of endorsement. No peddler or solicitor
16 shall claim to have the endorsement of the City solely based on the City
17 having issued a license or certificate of registration to that person.
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19
20 (H) Remaining on the property of another when requested to leave.
21
22 (I) Otherwise operating their business in any manner that a reasonable person
23 would find obscene, threatening, intimidating or abusive.
24

25 *By adding a new paragraph as follows:*
26

27 **Sec. 20-10. Exclusion by placard.**

28
29 Unless specifically invited by the property owner or tenant, no peddler,
30 solicitor, non-commercial door-to-door advocate or other person engaged in other similar
31 activities shall enter onto the property of another for the purpose of conducting business as
32 a peddler, solicitor, non-commercial door-to-door advocate or similar activity when the
33 property is marked with a sign or placard stating "No Peddlers or Solicitors" or "Peddlers
34 and Solicitors Prohibited" or other comparable statement.
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4 No person other than the property owner or tenant shall remove, deface or
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6 otherwise tamper with any sign or placard under this section.

7 *By adding a new paragraph as follows:*

8
9 **Sec. 20-11. Duty of police to enforce chapter.**

10 The Slidell Police Department shall enforce the requirements of this chapter
11
12 against any person found to be violating this chapter.

13
14 *By adding a new paragraph as follows:*

15
16 **Sec. 20-12. Penalty.**

17 Any person violating any of the provisions of this chapter shall, upon
18
19 conviction, be punished as provided in section 1-12 of this Code.

20
21 *By adding a new paragraph as follows:*

22
23 **Sec. 20-13. Severability.**

24 If any provision of this ordinance is found to be invalid for any reason by a court of
25
26 competent jurisdiction, the validity of the remaining provisions shall not be affected.

27 **ADOPTED** this 8th day of October, 2013.

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30 Lionel Hicks
31 President of the Council
32 Councilman, District A

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35 Freddy Drennan
36 Mayor

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38 Thomas P. Reeves
39 Council Administrator

DELIVERED	2:05 pm
10/9/13	to the Mayor
RECEIVED	1:55 p.m.
10/10/13	from the Mayor