

PEDDLERS, SOLICITORS, AND VENDORS

Sec. 62-103. 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:

City means the City of Broussard.

Door to door vendor means all persons and entities, as well as their agents, representatives and employees, who offer for sale or rental any goods, merchandise or services of any kind or character or exhibiting the same for sale or rental, or exhibiting the same for the purpose of taking orders for the sale or rental thereof and for the purpose of selling, offering for sale or exhibiting the same for the purpose of taking orders for the sale or rental thereof to engage in door-to-door solicitation.

Major Holidays means New Year Eve, New Years Day, Martin Luther King Jr.=s Birthday, Mardi Gras, Washington=s Birthday, Good Friday, Easter, Memorial Day, Juneteenth National Independence Day, Independence Day(July 4th), Labor Day, Columbus Day, Halloween, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.

Peddler means all persons and entities, as well as their agents, representatives and employees, who offer for sale or rental any goods, merchandise or services along a street or by going door to door.

Solicitor means all persons and entities, as well as their agents, representatives and employees, who offer for sale or rental any goods, merchandise or services along a street or by going door to door.

Sec. 62-103(a) Violations; penalty.

Any person or entity violating any provisions of this article shall, upon conviction, be punished by a fine not exceeding \$300.00 or imprisonment for a term not exceeding 30 days, or both. Each instance of any violation of this article shall be considered a separate offense. Each day any violation continues shall constitute a separate violation.

Sec. 62-103(b). Limitation of right to go onto private property.

The practice of going in or upon private property by peddlers, solicitors, and door-to-door vendors for the purpose of selling or renting goods, merchandise, or services, or for the purpose of taking orders for the sale or rental of goods, merchandise, or services of any kind and character, except as specified and permitted in this article, is prohibited and declared to be a nuisance.

Sec. 62-103(c). Invitation required for going onto private property.

Any peddler, solicitor, or vendor possessing the permit required by section 62-103(e) may go onto private property for the purpose of selling, renting or soliciting for sale or rental of any goods, merchandise or services only between the hours of 9:00 a.m. and 4:00 p.m. each day, Monday through Friday, without specific invitation of the owner or occupant of such property. At all other times on Monday through Friday, all times on Saturday and Sunday and all times on major holidays, no such peddler, solicitor or vendor may go upon private property unless an appointment for such visit has been made by telephone or letter prior to the actual time of the visit. Notwithstanding anything to the contrary in this article, peddlers, solicitors and vendors may not go upon any private property which displays a "No Trespassing" or ANo Soliciting@ sign which prohibits solicitations, or otherwise conveys that door-to-door solicitations are forbidden or unwelcome, unless an appointment was made by telephone or letter prior to the actual time of the visit.

Sec. 62-103(d). Exemptions.

This article is not and shall not be applicable to the selling, or offering for sale, of any goods, merchandise or services, or exhibiting the same for sale or for the purpose of taking orders for, the sale thereof with reference to:

- (1) Any elementary, high school, community college or university-sponsored fundraising activity, or any activity involving an organization or association of school-age children such as, but not limited to, the Boy or Girl Scout;
- (2) Any church fundraising activity or any activity involving an organization or association of a church such as, but not limited to, the Knights of Columbus.

Sec. 62-103(e). Permit-Required.

It shall be unlawful for any peddler, solicitor or door-to-door vendor to offer for sale or rental, exhibit for sale or rental, or exhibit for the purpose of taking orders for sale or rental, any goods, merchandise or services without first obtaining a permit from the city.

Sec. 62-103(f). Same-Fee.

The city shall issue a permit authorizing an individual or entity to sell or rent, exhibit for sale or rent, offer for sale or rental, or exhibit for the purpose of taking orders for sale or rental, from the location identified on the permit or on a door-to-door basis, the goods, merchandise or services, only after such peddler, solicitor or door-to-door vendor has fully complied with the provisions of this article and has paid the sum of \$200.00 for the issuance of such permit. Notwithstanding the foregoing, any individual or entity utilizing a cart or operating a booth at a festival, fair or parade shall instead pay a permit fee of \$25.00 per day for each cart or booth, and the additional fee required by section 62-103(k).

Sec. 62-103(g). Same-Conditions for issuance.

- (a) *Application required.* The peddler, solicitor or door-to-door vendor shall make an application to the city no less than ten days prior to the date of the contemplated sale, rental or exhibit to be held, which application shall be in a form prescribed by the city, and which shall include, but not be limited to, the following information:
- (1) The full name and address of the applicant;
 - (2) The location of his or its principal office and place of business;
 - (3) The location from which the applicant will sell, lease, exhibit for sale or lease, offer for sale or lease or exhibit for the purpose of taking orders for the sale or lease of his or its goods, merchandise or services, or a statement that the activity will be only on a door-to-door basis;
 - (4) The name and address of each assistant, associate or employee who will work for and under the applicant; and
 - (5) The names and addresses of the applicant's officers, partners, members or principals.
- (b) *Supporting information; bond required.* The application for a permit must be accompanied by:
- (1) A statement showing the kind and character of the goods, merchandise or services to be sold, leased, offered for sale or lease or exhibited;
 - (2) A certified copy of the charter, if the applicant is a corporation;
 - (3) A certified copy of its articles of partnership or articles of organization for a limited liability company, if the applicant is a partnership or limited liability company;
 - (4) The documents forming or organizing the entity if the entity is not a corporation, partnership or limited liability company;
 - (5) Valid state issued driver's license or valid state issued identification card.
 - (6) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal or parish/county ordinance, the nature of the offense and the punishment or penalty assessed;

- (7) A bond in the sum of not less than \$5,000.00 which shall be executed by the applicant as principal, with one or more good and sufficient sureties satisfactory to the city, which bond shall be payable to the city for the use and benefit of any person entitled thereto, and conditioned that the principal will pay all damages to persons or property caused by the applicant while conducting its operations. The bond shall remain in full force and effect for the duration of the permit and for two years thereafter.

Sec. 62-103(h). Same-Scope; transferability; increased fees for additional employees.

The permit of an applicant required by section 62-103(e) shall not be transferable from one applicant to another person or entity. It shall give authority for no more than one person to sell, lease, exhibit for sale or lease, offer for sale or lease or exhibit for the purpose of taking orders for the sale or lease of goods, merchandise or services, except that any applicant obtaining such permit shall be allowed two assistants, associates or employees and, in the event that the person receiving such permit employs or associates more than two assistants, associates or employees, the permit fee shall be increased by the sum of \$25.00 for each additional assistant, associate or employee.

Sec. 62-103(i). Same-Duration and display.

The permit required by section 62-103(e) shall expire on December 31st in the year of issuance, regardless of the date it was issued. The original permit shall be prominently displayed in a conspicuous place in the permitted location or with the applicant if there is no location but door-to-door solicitation only, and shall remain so displayed as long as any goods, merchandise or services are being sold, leased, or exhibited.

Sec. 62-103(j) Revocation.

Any permit issued under the provisions of this article may be revoked by the city for the violation by the permittee, assistants, employees or associated of any city ordinance, state law or parish.

Sec. 62-103(k). Occupational license required.

All peddlers and itinerant vendors, as the same are defined by the state revised statutes, shall obtain annually an occupational license, the fee for which shall be \$100.00.