

ORDINANCE NO 311-15

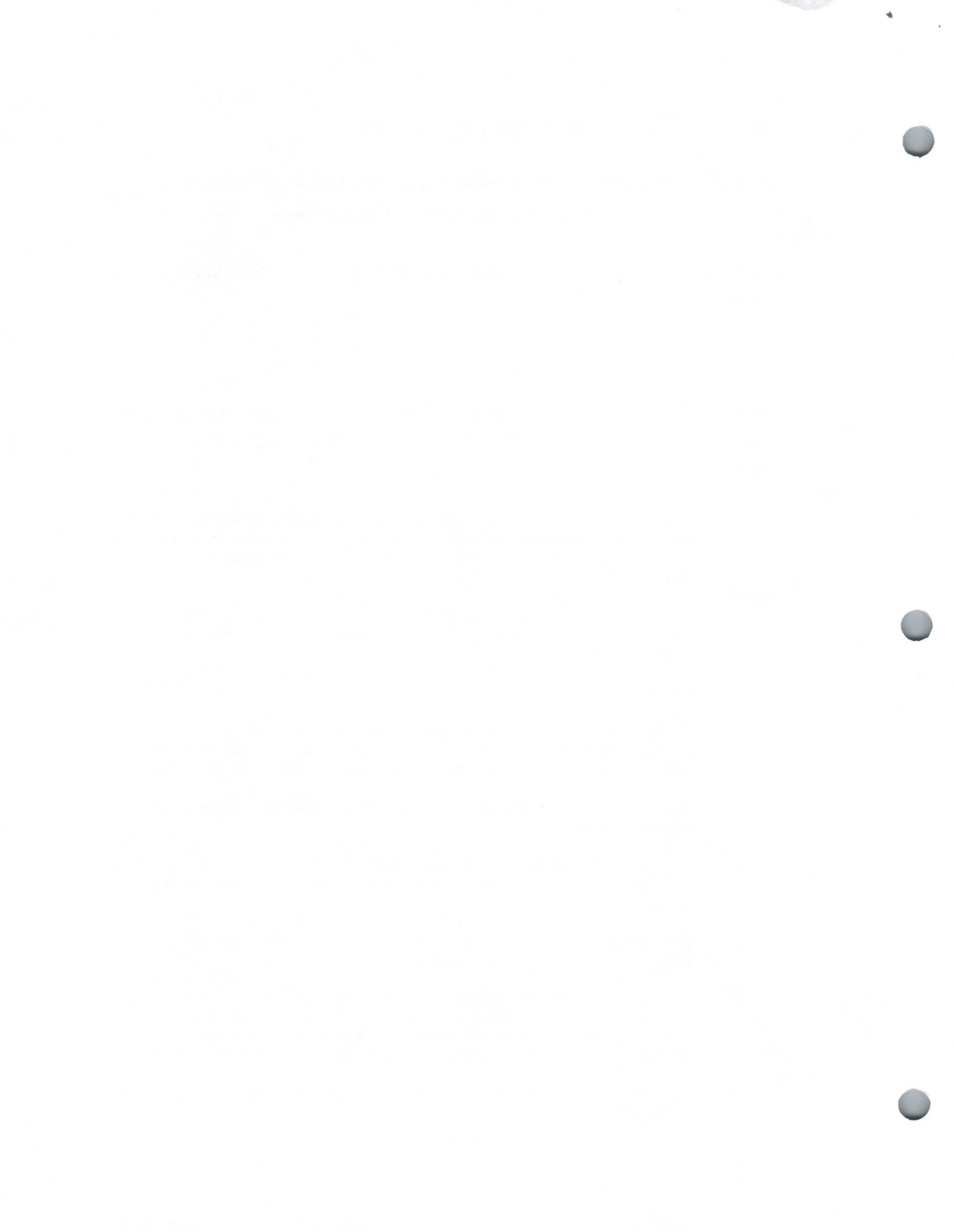
AN ORDINANCE REGULATING PEDDLERS AND NON-LICENSED BUSINESSES IN STEPHENS, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENS, ARKANSAS
THAT;

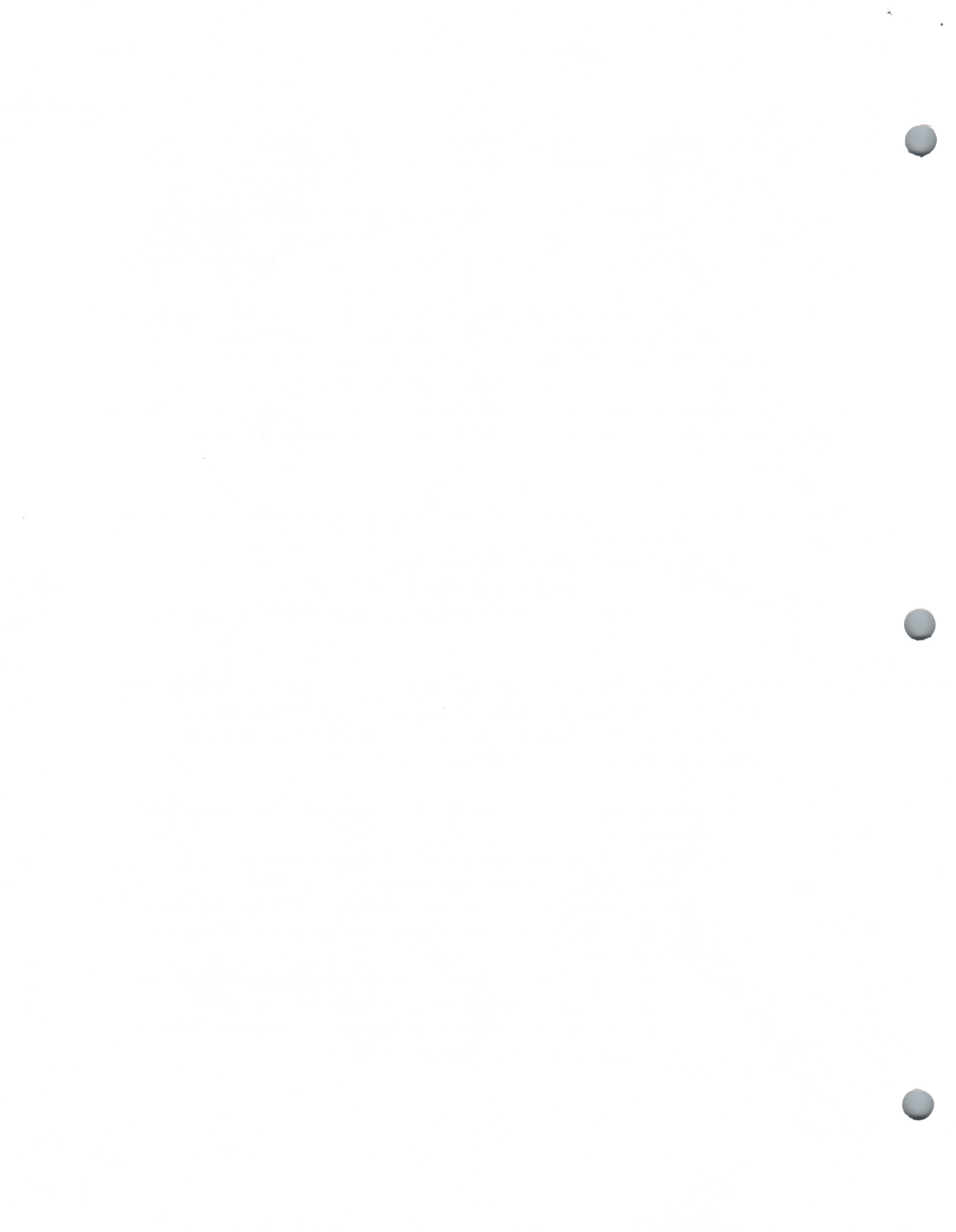
Section 1:

(a) *Definitions.* The following words, terms and phrases and their derivations, when used in this section, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

- (1) *Charitable activity* means any activity represented to be carried on for unselfish, civic or humanitarian motives or for the benefit of others and not for private gain and means, and includes patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal;
- (2) *Charitable organization* means a non-profit organization holding a tax exemption certificate from the Internal Revenue Service pursuant to § 501 et seq., and any amendments thereto.
- (3) *City* means City of Stephens, Arkansas.
- (4) *Peddler* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale.
- (5) *Peddling* includes all activities ordinarily performed by a peddler as indicated in the previous paragraph.
- (6) *Political purpose* shall mean any form of communication related to a political issue, a particular candidate to a position or non-partisan office, a political committee, or to a political party;
- (7) *Religious purpose* shall mean the use of money or property for the support of a church, religious society or other religious sect, group, or order.
- (8) *Solicitor* means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or intending to take orders for the sale of goods, wares, merchandise or other personal property of any nature for future delivery, or for services to be performed in the future.
- (9) *Solicitation or soliciting* includes all activities ordinarily performed by a solicitor as indicated in the previous paragraph.



- (10) *Non-licensed Business* means the person or other legal entity whose goods, merchandise, personal property or services are being peddled or solicited without a business license.
- (b) *"No soliciting/no peddling" decal or sign.* A decal or sign stating "No soliciting/no peddling." must be posted at the front of the any private residence in the city, and by posting said notification, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited by city ordinance.
- (c) *Occupational Licenses Required.* No peddling or solicitation shall be conducted within the city without an occupational licenses being issued. The cost for the business to obtain a solicitor/peddler's licenses will be determined at the time application is processed, and shall be paid to the City Clerk before any peddling or soliciting is conducted within the City. The Licenses shall be considered a transient licenses and shall expire 30 calendar days from the date of issue. To obtain a business licenses, the business owner or a representative of the business shall provide a complete and signed application stating the following:
- (1) The name, addresses, telephone number, type of organization, and contact person for the business applicant;
 - (2) The Nature of the products or services involved;
 - (3) The proposed method of operation in the city;
 - (4) A complete list of all persons who will be soliciting and peddling for the business in the City.
- (d) *Peddlers/solicitors,* In addition to the business licenses, the business shall also pay a cost of five (\$5.00) dollars per person who will be soliciting or peddling within the City and shall be paid to the City Clerk before the individual shall be allowed to conduct soliciting or peddling. Each individual solicitor or peddler shall also provide the following to the City Clerk:
- (1) The name of the business applicant for whom the solicitor or peddler shall be acting on behalf of;
 - (2) The name, address and telephone number of the solicitor or peddler;
 - (3) An approved Photo identification must be presented to the City Clerk;
 - (4) A Signed Statement under oath that the person applying to be a solicitor or peddler has not been convicted of any felonies or any misdemeanors involving theft, sexual offenses, or drug offenses;
 - (5) Upon request, a criminal background check from The Arkansas State Police which shows the solicitor or peddler has not been convicted of any felonies or any misdemeanors involving theft, sexual offenses, or drug offenses. Any persons convicted of offenses set out herein shall not be allowed to solicit or peddle within the city.



(e) *Prohibition.* It shall be unlawful for any solicitor or peddler to:

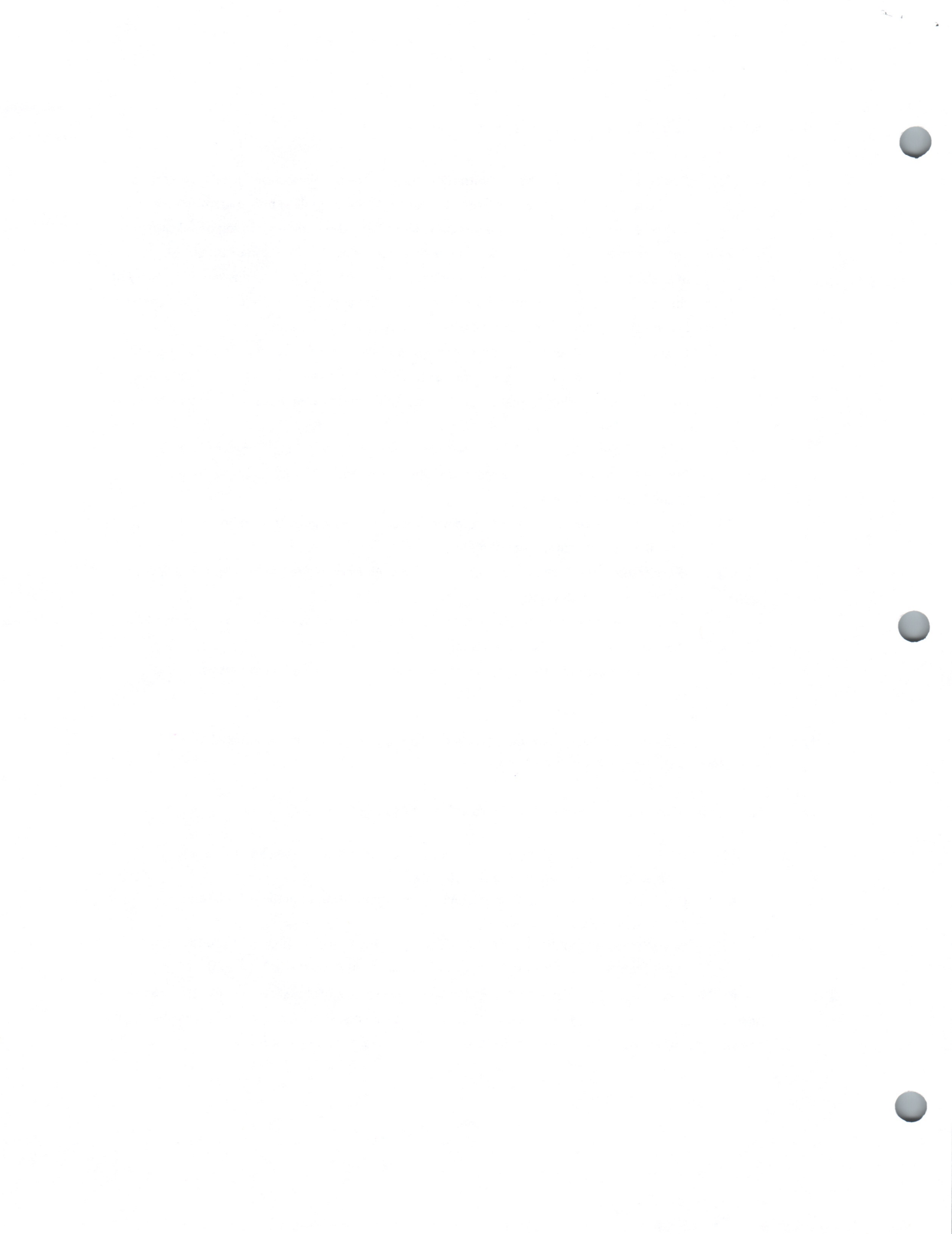
- (1) Peddle or solicit within the city without having a copy of this section on their person, as well as a copy of their licenses issued by the city clerk, as well as photo identification visible, which is provided by the principal, identifying the person peddling or soliciting;
- (2) Enter upon any private residence, knock on a door, ring the doorbell, or otherwise attempt to gain admittance at the residence when the premises has posted at the entry of the residence a decal or sign bearing the words, "no soliciting/no peddling," "no peddlers," "no solicitors," "no trespassing," or other words of similar import;
- (3) Conduct the activities of peddler or solicitor and knock on a door, ring the doorbell, or otherwise attempt to gain admittance at the residence between the hours of 7:00 p.m. and 10:00 a.m. during regular standard time, and between the hours of 8:00 p.m. and 10:00 a.m. during daylight savings time;
- (4) Remain at the private residence when requested to leave, or to otherwise conduct business in a manner which a reasonable person would find obscene, threatening, intimidating or abusive;
- (5) Make any false or misleading statements about the product or service being sold, including untrue statements of endorsement;
- (6) Claim to have the endorsement of the city solely based on the city having issued licenses to that person or business;
- (7) Fail to disclose his or her name and the name of the business for whom he represents at the outset of the initial conversation;
- (8) Fail to leave the premises or residence after having been asked by the owner or occupant thereof to do so.

(f) *Penalty.* Any violation of this section shall be deemed a nuisance and shall be punishable in accordance with Section 2 of this Ordinance.

(g) *Exemptions.* The following shall be exempt to all provisions of this section:

- (1) Officers or employees of the City, County, State, or Federal government, or any subdivision thereof when on official business;
- (2) Charitable activities on behalf of a charitable organization or activities related to a religious or political purpose.
- (3) Anyone engaged in the business of selling agricultural articles grown or produced by the seller himself or by those in his employ (as defined in Ark code § 26-76-201).

(h) *Revocation of permit.* Any permit issued pursuant to the provisions of this section may be suspended or revoked for good cause by the city Clerk. Good cause for such suspension or revocation shall include any violation of this section, or any other reasons incorporated herein by reference.



SECTION 2:

(a) *General Penalty for Violations:* Any violation of this Ordinance shall be punished by a fine of not more than twenty-five dollars (\$25.00); provided, however that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the Ordinance is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed twenty-five dollars (\$25.00) for each day that the same is continued.

State law reference-Prescribing maximum penalty that cities may impose and requiring that penalties be no more and no less than penalties imposed by state law for similar offenses, Ar. Stats 19-2409 – 19-2411.

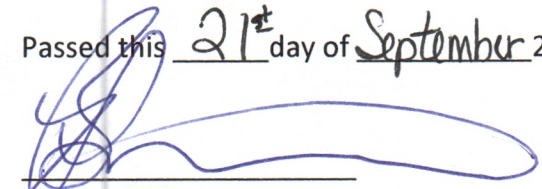
(b) *Commitment to jail for failure to pay fine:* Whenever a fine imposed upon a person for a violation of any provisions of this Ordinance and the same is not paid the party convicted shall by order of the court, or on process issued for the purpose, be committed to jail until such fine and the costs of prosecution are paid or the party is discharged due to courses of the law.

State law reference-Authority to commit to jail for failure to pay fine, Ar. Stats, 19-2413.

SECTION 3:

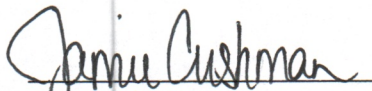
The passage of this Ordinance is necessary for the preservation of the public peace, health, welfare, and appearance of the City, the same shall be in full force and effect from and after its passage.

Passed this 21st day of September 2015.



Mayor Harry Brown

ATTEST:


Recorder/Treasurer

