

## Chapter 141

### PEDDLING AND SOLICITING

**[HISTORY: Adopted by the Town Council of the Town of Callahan 9-19-1988 as Ord. No. 9-0-1988. Amendments noted where applicable.]**

#### **§ 141-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**PEDDLER** — Any person, whether a resident of this city or not, traveling from house to house or from street to street for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transacting a temporary business within the city at an established place of business. The word "peddler" shall include the terms "solicitor," "transient or itinerant merchant or vendor" or "transient or itinerant photographer."

#### **§ 141-2. Exceptions.**

The provisions of this chapter shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity in Nassau County, Florida. The provisions of this chapter shall not apply to occasional and isolated yard sales.

#### **§ 141-3. Refusal to leave.**

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises shall be deemed guilty of a misdemeanor.

#### **§ 141-4. Entrance to premises restricted.**

It shall be unlawful for any peddler to enter upon any private premises when the same are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

#### **§ 141-5. Misrepresentation.**

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

#### **§ 141-6. Hours of operation.**

It shall be unlawful for any peddler to engage in the business of peddling within the city between

the hours of one-half hour before sunset and 8:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

**§ 141-7. Location.** [Amended 11-15-2010 by Ord. No. 2010-13]

It shall be unlawful for any peddler to obstruct any street, sidewalk or other public place.

**§ 141-8. Permit required.**

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so.

**§ 141-9. Application for permit.**

The application for a permit required by the provisions of this chapter shall state or contain the following:

- A. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any state or federal law or municipality ordinance or code; the nature of the offense; the punishment or penalty assessed therefor, if previously convicted; and the place of conviction.
- B. Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.
- C. The period of time the applicant wishes to engage in business within this city.
- D. The local and permanent address of the applicant.
- E. The local and permanent address and the name of the person, if any, that the applicant represents.
- F. The kind of goods, wares, merchandise or services in which the applicant wishes to engage in such business within the city.
- G. The last five (5) cities or towns wherein the applicant has worked before coming to this city.
- H. Such other relevant information as may be required for the investigation of the applicant.

**§ 141-10. Driver's license.**

At the time of filing his application for a permit by this chapter, the applicant shall present his driver's license, if he has one, to the Chief of Police.

**§ 141-11. False information.**

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this chapter.

**§ 141-12. Bond required.**

The application for a permit required by the provisions of this chapter shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.) signed by the applicant and signed, as surety, by some surety company authorized to do business in this state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within thirty (30) days after delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal.

**§ 141-13. Agent for service of process.**

Before any permit shall issue under this chapter, there shall also be filed with the City Clerk an instrument in writing, signed by the applicant under oath, nominating and appointing the City Clerk his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of such applicant, and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the City Clerk.

**§ 141-14. Issuance; copy to Police Department.**

- A. No permit shall be issued under the provisions of this chapter until the applicant shall have complied with all the provisions and requirements of this chapter.
- B. Upon issuance of a permit under this chapter, a copy thereof shall be given to the Police Department.

**§ 141-15. Limitation.**

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the city shall be required to have a permit, whether acting for himself or as an agent or representative of another.

**§ 141-16. Contents of permit.**

Each permit issued under the provisions of this chapter shall be signed by the City Clerk; shall be dated as of the date of its issuance; and shall state the duration or term of such permit on the fact thereof. Any permit not dated and signed as herein provided, or which was issued in violation of this section, shall be void.

**§ 141-17. Display.**

Every peddler having a permit issued under the provisions of this chapter and doing business within the city shall display his permit upon the request of any person, and failure to do so shall be deemed a misdemeanor.

**§ 141-18. Duration.**

Every permit issued under the provisions of this chapter shall be valid for the period of time

stated therein, but in no event shall any such permit be issued for a period of time in excess of twelve (12) months.

**§ 141-19. Revocation.**

Any permit issued under the provisions of this chapter may be revoked for the violation by the permittee of any applicable provision of this chapter, state law or city ordinance. Upon such revocation, such permit shall immediately be surrendered to the City Clerk, and failure to do so shall be a misdemeanor.

**§ 141-20. Penalties for offenses.**

Any violation of this chapter shall be deemed a misdemeanor.