

ORDINANCE NO. 1402

AN ORDINANCE OF THE MUNICIPALITY OF
MONROEVILLE REPEALING ORDINANCE NO. 36 AS
AMENDED AND REGULATING ANY TYPE OR KIND OF
SELLING, SOLICITING, CANVASSING OR SURVEY
MAKING

WHEREAS, complaints have been received by the Municipality of Monroeville Police Department and members of Council of the Municipality of Monroeville from occupants of residences and businesses, about persons who have gained, or sought to gain, admittance to their businesses or residences for the purpose of soliciting, or, on the pretext of soliciting, and have by their conduct made nuisances of themselves by disturbing and annoying the occupants, or by their acts and conduct have violated the rights of the occupants to the quiet enjoyment and security of their homes, both before and after normal working hours; and

WHEREAS, Municipal Council deems it necessary to invoke the Police power for the protection of the residents of this Municipality against such occurrences, and for that purpose to provide regulations which will tend to provide for the comfort, health, safety and welfare of the residents and taxpayers of the Municipality of Monroeville; and

WHEREAS, Municipal Council declares that the regulations established by this ordinance are necessary for the protection of the health, safety and welfare of the residents and taxpayers of the Municipality of Monroeville; and

WHEREAS, it is the purpose of this ordinance to regulate solicitors and transient merchants many of whom, without local retail or wholesale outlets, come into the Municipality to sell or attempt to sell, to take orders or attempt to take orders or to solicit contributions, pledges or subscriptions or attempt to solicit contributions, pledges, or subscriptions, such regulation in the interest and for the protection of residents of the Municipality from crime, fraud, and invasion of the privacy of Municipal residents in the quiet enjoyment and security of their homes, both before and after normal working hours and further requiring permit fees to offset the cost of regulation and administration of this ordinance.

BE IT ORDAINED AND ENACTED, by the Municipality of Monroeville, in Council assembled as follows:

Section I. Ordinance No. 36 as amended is hereby repealed.

Section II. Definitions:

When used in this Ordinance, the following terms shall have the following meanings:

Solicitor: Shall include any person:

(a) who goes from private house to house, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers;

(b) who goes from private house to house, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders:

(c) who goes from private house to private house soliciting donations or money for themselves or for any organization for any purposes, whether or not anything of value is given in return.

Transient Merchant. Shall include any person, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom, market stand motel room, or a private residence, for the sale of goods, wares, merchandise, fresh fruit or produce to offer or expose the same for sale or for future delivery and sale. (Temporarily and short time shall be construed as three (3) months or less.)

Charitable Organization. An organization which has been granted an exemption by the United States Internal Revenue Service under Section 501(c) or Section 509(a) of the Internal Revenue Code.

Section III. Exemptions.

The terms of this Ordinance shall not be held to include the acts of merchants or their employees or agents in delivering goods or services in the regular course of business; nor shall it apply to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

Section IV. License Required.

It shall be unlawful for any solicitor or transient merchant, as defined in Section II of this Ordinance to engage in any such business within the Municipality of Monroeville without first obtaining a license therefor in compliance with the provisions of this ordinance.

Section V. Application.

A. Applicants for a license under this Ordinance must file with the Police Department of the Municipality of Monroeville an application in writing on a form to be furnished by the Municipality of Monroeville, which will give the following information:

1. Name and physical description of applicant.
2. Complete permanent home and local address of the applicant, and in the case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the business and the goods to be sold or the organization on behalf of which funds are solicited.
4. If employed, the name and address of the employer.
5. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, and the proposed method of delivery.
6. Two recent photographs of the applicant; which shall be approximately two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishable manner.

7. A statement as to whether or not the applicant has been convicted of any felony.

8. Applications involving solicitation for a Charitable institution shall be accompanied by a copy of the Grant of Exemption issued by the Internal Revenue Service.

9. The period and times during which solicitation is to be conducted.

B. This application completed as to all matters inquired of shall be turned over to the Police Department of the Municipality of Monroeville, together with the initial fee to cover the expenses of investigation, payable to the Municipality of Monroeville.

C. In lieu of the requirements of Section V A 1 through 9, any school, political, patriotic, philanthropic, or civic organization, benevolent society, service club, or organization, not for profit, which is not a transient merchant and whose solicitors are permanent residents of the Municipality and which is subject to the provisions of this ordinance, shall file with the Police Department of the Municipality of Monroeville an application on a form to be furnished by the Municipality of Monroeville which will give the following information:

1. The name and purpose of the cause for which the permit is sought;

2. The name and address of the local sponsor;

3. The period and times during which solicitation is to be conducted; and

4. A list of the names and addresses of all of the members of the organization who shall participate in the solicitation.

D. Once the application of the organization, society, club or association referenced in Paragraph C of this Section has been completed and it has been established that its nature is that referenced in Paragraph C of this section, then the Police Department shall issue a permit to the group without charge.

Section VI. Investigation and Issuance of License.

A. Upon receipt of each application, it shall be immediately reviewed by the Police Department for accuracy.

B. If as a result of such review, the application is found to be true, the Chief of Police or his designate shall endorse on the application his approval and upon payment of the prescribed initial license fee deliver to the applicant his or her license within five (5) days after payment of the fee, provided that no license shall be issued to any convicted felon.

C. Such license shall contain the signature of the issuing officer, and shall show the name, address and photograph of said licensee, and the date of issue and the expiration date. Each solicitor or transient merchant must secure an individual license. No license shall be used at any time by any person other than the one to whom it is issued. The Police Department of the Municipality of Monroeville shall keep a permanent record of all licenses issued and those rejected.

**Section VII. Charitable and/or Non-Profit Organization
Fee Exemption**

Solicitors for charitable organizations shall comply with the provisions of this Ordinance, but no application or license fee shall be charged.

Section VIII. Fees.

The application fee for solicitors and transient merchants is set at \$10.00 per application.

The license fee for solicitors and transient merchants shall be as follows: per day, the sum of \$5.00; per month, \$50.00; per year, \$150.00

**Section IX. Application to Business and Public Places,
Restrictions on Time and Place**

A. No licensee shall solicit at private residences on Sunday, nor before 9:00 A.M. or after 5:00 P.M. prevailing time, on weekdays.

B. No licensee shall solicit at any private residence exhibiting a sign reading "No Solicitors" or words of the same meaning.

C. Residents may erect "No Solicitors" or similar sign not to exceed one hundred twenty (120) square inches in size, which for the purpose of this ordinance shall be conspicuously displayed near their entrance walk or doorway.

D. Solicitors may solicit at business properties in the Municipality with the permission of the property owner's during all business hours; and may solicit in Municipal streets and other public places from 9:00 A.M. prevailing time to sunset; provided that such solicitors obtain a license as required by this Ordinance and they shall be subject to all the other provisions of this Ordinance.

SECTION X. Exhibition of License.

Licensee shall exhibit their license at the request of any resident or police officer.

SECTION XI. Revocation of Permit; Notice of Hearing.

A. Licenses issued under the provisions of this ordinance may be revoked by the Chief of Police or his designee with respect to such persons, after notice and opportunity for a hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for licenses.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or transient merchant.
- (3) Any violation of this ordinance.
- (4) Conviction of a felony or misdemeanor.
- (5) Conducting soliciation or business in an unlawfull manner or in such a manner as to constitute a breach of the peace.
- (6) Refusing to leave premises when asked to do so by the occupant.

B. Notice of the revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the opportunity for a hearing. Such notice shall be transmitted by certified mail, postage prepaid, to the permittee at his last known address.

SECTION XII. Appeals

Any person aggrieved by the action of the Chief of Police or his designee in the denial of application approval as provided in Section V of this ordinance, or in the action of the revocation provided in Section X of this ordinance, shall have the right to appeal within five (5) days thereafter to the Municipal Manager and then, if unresolved, by filing written notice of appeal for hearing by the Municipal Council at its next meeting. Upon such appeal, the Municipal Council may reverse, affirm or modify in any regard the determination of the Municipality of Monroeville.

SECTION XIII. Expiration of Permit

All permits expire on the date specified in the permit.

Section XIV. Violations and Penalties

Any person, firm or corporation that shall violate any of the provisions of this ordinance shall forfeit and pay to the Municipality for each and every separate offense a sum of not less than Fifty (\$50.00) Dollars nor more then Three Hundred (\$300.00) Dollars to be used for and recovered as other fines and penalties are now by law enforceable and in default of payment of the fine and costs of prosecution shall be issued a citation.

SECTION XV. Severability

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall stand notwithstanding the invalidity of any part. Each days continuance of a violation shall constitute a separate offense.

SECTION XVI. Conflicion Ordinance repealed.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

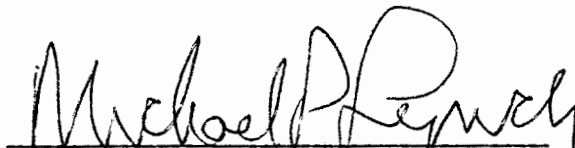
ORDAINED and ENACTED this 10th day of January, 1984.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Municipal Manager



Mayor

(SEAL)