

ORDINANCE NO. 83-C

AN ORDINANCE TO ADOPT ORDINANCE NO. 83-C RELATING TO LEVYING AND ESTABLISHING A LICENSE TAX ON AND THE REGULATION OF PEDDLERS WITHIN THE CORPORATE LIMITS OF THE TOWN OF DAUPHIN ISLAND, ALABAMA AND REPEALING ORDINANCE NO 83-A, B AND 83 IN ITS ENTIRETY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA, as follows:

REPEAL MORATORIUM ON PEDDLERS

Section 1: There is hereby levied, in addition to all other license taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege tax upon every person engaging within the corporate limits of the Town of Dauphin Island in the business of peddling which is defined as follows:

The word "Peddler" as used in this ordinance shall include any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, shrimp, oysters, seafood products, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers or, who, without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this ordinance, shall be deemed a peddler.

1.1 Peddlers: Itinerant or Transient. Each itinerant salesman or peddler on intrastate business, canvasses or takes orders for, or sells on the street, or from house to house, or from a rooming house, hotel, or office, or from temporary racks in stores owned by others, when such pursuit is not in conflict with any other clause in this ordinance, a license fee of one hundred and fifty (\$150.00) dollars per day, or five hundred (\$500.00) dollars per week shall be paid to the Town of Dauphin Island. Allowed only during special events such as car shows, boat shows, or deemed special event by the Town Council.

1.2 Peddlers, Special Events: Each itinerant peddler, who canvasses or takes orders for, or sells standing or from an automotive vehicle/trailer, or from a

stand, when such pursuit is not in conflict with any other clause in this ordinance, shall pay The Town of Dauphin Island a license fee of one hundred and fifty (\$150.00) dollars per day, or five hundred (\$500.00) dollars per week. Any concurring events (Mardi Gras and Alabama Deep Sea Fishing Rodeo) will be allowed a license up to eleven days. An additional sixty (\$60.00) dollars per cart will be added.

1.3 Peddlers shall provide: drivers license number, description of vehicle (license plate number, make, model, year, color) sales tax number, Federal Tax ID Number, Social Security Number, and any other information deemed necessary by Town Officials.

1.4 Peddlers shall provide a current Alabama State Business License and a current Mobile County License with application.

1.5 Peddlers shall provide: a valid lease for the number of days business will be conducted on Dauphin Island from the owner(s) of the property or a copy of agent authorization from the owners of the property.

1.6 Peddlers shall provide: a current sales tax number and estimated sales for the event.

1.7 Peddlers may set up the day before the event and tear down the day after, but may not operate during this grace period. Application must include power and sewer requirements (if any) and a plan to properly dispose of trash.

1.8 Peddlers must display a copy of the license along with menu price list at order window.

Section 2: No itinerant or transient peddler shall canvass or take orders from any municipal right-of-way without first obtaining a franchise from the Town of Dauphin Island.

Section 3: No itinerant or transient peddler shall canvass or take orders from any public property located within the corporate limits of the Town of Dauphin Island without the written consent of property owner.

Section 4: Exemptions: the following shall be exempted from the effect of this ordinance:

4.1 Farmers or truck gardeners selling or offering for sale any product grown, RAISED OR PRODUCED BY THEM, the sale of which is not otherwise prohibited or regulated, and further provided that such sale or offering for sale does not take place on any public right-of-way.

4.2 Any person under 18 years of age engaged in sale on foot, under the direct supervision of any school or of any recognized charitable or religious organization.

4.3 Carnivals, festivals, fairs, and other special events sponsored by civic, religious, educational, charitable or benevolent organizations when approved by the Town of Dauphin Island are not required to obtain a peddlers permit. Any organization desiring to sponsor such events must submit an application to the Town Clerk for a temporary permit not less than thirty (30) days from the opening of the event. The Town Council, after due consideration, may in its sole discretion approve, disapprove, or approved with conditions temporary permits for such events. Provided, however, that the Town Council may delegate authority to the Town Clerk to approve and issue temporary permits for events held periodically for minor events sponsored by schools, churches and recognized charitable, benevolent or civic organizations. All peddlers associated with events are required to obtain a Town permit.

Section 5: Door to Door sales:

No person shall solicit under a permit issued pursuant to this ordinance, unless solicitor has in his/her immediate possession, a copy of such permit which copy must be shown upon the request of any person solicited or any police or any enforcement officer of the Town. No door to door solicitations of any kind shall be made prior to 8:00 A.M. or after 5:00 P.M. This is for the safety of those being solicited as well as the solicitors. The Chief of Police or the Town Clerk shall approve any exceptions to this section of this ordinance.

Section 6: Any person, firm or corporation that fails to pay the privilege or license tax levied under the provisions of this ordinance or violate any other term or provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred and fifty dollars (\$150.00) but not exceeding five hundred dollars (\$500.00) for each day

the violation shall continue and/or a sentence of not more than thirty (30) days in jail or both at the discretion of the judge trying the case.

Section 7: Enforcement

7.1 Law Enforcement Officers, building inspectors, zoning enforcement officers, Public Safety Officers (PSO), investigators, auditors or other employees designated by municipal law or appointment by the Mayor as a law enforcement officer and authorized to issue Municipal Offense Tickets, as herein provided, are hereby further authorized to swear out warrants and execute affidavits or complaints charging such person or persons with any violation of municipal law without first having issued a Municipal Offense Ticket for such violation.

7.2 Any law enforcement officer, police officer, building inspector, Public Safety Officers (PSO), zoning officer/official or Town Clerk employed by the Town of Dauphin Island is designated by this Ordinance as a law enforcement officer and is authorized to issue a Municipal Offense Ticket for violations of any Municipal Ordinance set forth in Section 2 of Ordinance 64.2.

7.3 The Town Zoning Enforcement Officer shall have the power to suspend or revoke any license issued under this Ordinance for violation of any condition or regulation under which the license was granted. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

7.4 Allow ONE (1) unit such as a motor home or trailer per vendor to "watch" over their merchandise during the event. No such unit or vendor set up shall be placed on the Town's right-of-way.

7.5 Town has property available for rent during these events.

7.6 No vendor will be allowed to display banners during the event.

(Banner: Sign, not otherwise classified as a temporary sign, made of cloth, canvas, plastic sheeting or any other flexible material, not rigidly attached to a building or the ground through a permanent support structure.)

Section 8: This ordinance shall be in full force and effect from and after its adoption and publication as required by law. This ordinance applies to all peddlers

within the Town limits and police jurisdiction of the Town of Dauphin Island, Alabama and shall be in force and effect therein.

Section 9: Repeal of Conflicting Code Sections and Ordinances:

Section 10: SEVERABILITY

If any article, section, sentence, clause or phrase in this ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause or phrase thereof irrespective of the fact that one (1) or more articles, sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 11: EFFECTIVE DATE OF ORDINANCE

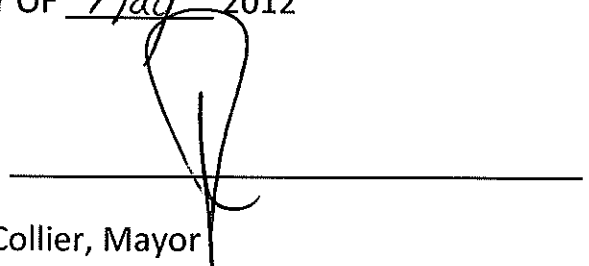
This Ordinance shall be in full force and effect from and after its adoption and publication as required by law. This Ordinance applies to property within the Town limits and police jurisdiction of the Town of Dauphin Island, Alabama and shall be in force and effect therein.

APPROVED AND ADOPTED THIS 21st DAY OF May 2012

Attested:



Nannette Davidson, Town Clerk



Jeff Collier, Mayor