

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 4

AN ORDINANCE LEVYING AND ESTABLISHING A  
LICENSE TAX ON AND THE REGULATION OF  
PEDDLERS WITHIN THE CORPORATE LIMITS OF  
THE TOWN OF DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama, as follows:

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.

(a) Peddlers: Itinerant or Transient. Each itinerant salesman or peddler, who, on intrastate business, canvasses or takes order 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, the amount of thirty (\$30.00) Dollars per day or Seventy-five (\$75.00) per week.

(b) Peddlers: Special Events. Each itinerant peddler, who canvasses or takes orders for, or sells standing or from an automotive vehicle, when such pursuit is not in conflict with any other clause in this ordinance, the amount of One Hundred Fifty (\$150.00) Dollars per event.

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 private property located within the corporate limits of the Town of Dauphin Island without first obtaining prior written permission of the property owner. Evidence of said prior written approval shall be furnished to any officer or public official upon request. This section shall not limit a person's use of property which he owns.

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

(a) 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.

(b) 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.

(c) Temporary carnivals, festivals, fairs, and other special events sponsored by civic, religious, educational, charitable or benevolent organizations when such events are approved by the Town of Dauphin Island. Any organization desiring to sponsor such events must submit an application to the Town Clerk for a temporary permit not less than fifteen (15) days from the opening of the event. The Town Council after due consideration may in its sole discretion approve, disapprove, or approve 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, such as the Alabama Deep Fishing Rodeo or for minor events sponsored by schools, churches and recognized charitable, benevolent or civic organizations. Any peddler otherwise subject to this ordinance shall be exempt here from during a permitted carnival, fair or other special event only during the time of such event and only if registered with the organization to which a permit has been issued.

(d) Garage sales made from the personal residence or on the lot of the personal residence of the seller, not exceeding 48 hours in duration, held not more frequently than once each month and consisting entirely of tangible used property.

(e) Sales made by a licensed wholesaler to the licensed retailer.

Section 5. Any person, firm or corporation, who shall fail to pay the privilege or license tax levied under the provisions of this

ordinance before the same shall become delinquent, or who shall violate any other term or provision of this ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding Five Hundred Dollars (\$500.00) and/or a sentence for the term of not more than thirty (30) days in jail. Every failure shall constitute a separate offense and each day in which business is done without paying any delinquent license or privilege tax levied hereunder shall constitute an offense.

Section 6. This ordinance shall become effective on the first day of July, 1988, and shall remain in full force and effect and shall apply to each month of the year 1988, beginning with the month of August and to each month of each calendar year thereafter from year to year.

Section 7. Adopted and approved this 23rd day of June, 1988.

s/ DORIS ANDERSON



MAYOR

AUTHENTICATED:

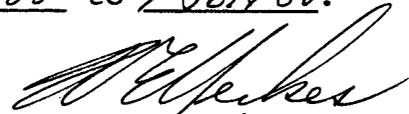
s/ CAROLYN WOOD

CLERK (Temporary)

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 4, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 30 JUNE 88 to 9 JULY 88.

  
W. E. Yerkes  
Town Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

AMENDMENT NO. 1 TO ORDINANCE NO. 4

AN ORDINANCE LEVYING AND ESTABLISHING A LICENSE TAX ON AND THE REGULATION OF PEDDLERS WITHIN THE CORPORATE LIMITS OF THE TOWN OF DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama as follows:

Section 1: (a) is changed FROM:

" (a) Peddlers: Itinerant or Transient. Each itinerant salesman or peddler, who, 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, the amount of thirty (\$30.00) Dollars per day or Seventy-five (\$75.00) per week."

TO:

(a) Peddlers: Itinerant or Transient. Each itinerant salesman or peddler, who, 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, the amount of fifteen (\$15.00) Dollars per day, or twenty-five (\$25.00) Dollars per week, or one hundred (\$100.00) Dollars per year.

Section 1: (b) is changed FROM:

" (b) Peddlers: Special Events. Each itinerant peddler, who canvasses or takes orders for, or sells standing or from an automotive vehicle, when such pursuit is not in conflict with any other clause in this ordinance, the amount of One Hundred Fifty (\$150.00) Dollars per event. "

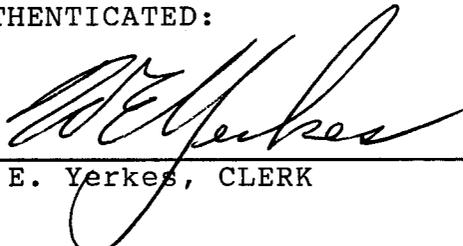
TO:

(b) Peddlers: Special Events. Each itinerant peddler, who canvasses or takes orders for, or sells standing or from an automotive vehicle, when such pursuit is not in conflict with any other clause in this ordinance, the amount of One Hundred (\$100.00) per event.

ADOPTED AND APPROVED this 29th day of June, 1988.

  
Doris Anderson, Mayor

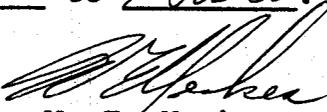
AUTHENTICATED:

  
W. E. Yerkes, CLERK

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 4A, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 30 JUN 88 to 9 JUL 88.

  
W. E. Yerkes  
Town Clerk