

Chapter 25

SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

Sec. 25-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Consumer: One who uses, and by using destroys the value of the article purchased.

Itinerant merchant: Any person who shall sell, or offer to sell, at wholesale or retail, any goods, wares or merchandise from a stand, wagon, railroad car, motor vehicle, or upon any street, or upon any public or vacant ground within the city or who shall sell, or offer to sell, at wholesale or retail, any goods, wares or merchandise from, upon or within any temporary premises in the city, except as provided in section 25-5.

Retailer: Any person who sells to a consumer.

Temporary premises: Any hotel, room, rooming house, store room, building, or any part of any building whatsoever, tent, vacant lot, truck, freight station, railroad car, or any vehicle, or any public place, or quasi public place, temporarily occupied for business.

Wholesaler: Any person who sells to a retailer. (Code 1958, 25-1)

Sec. 25-2. License—required.

It shall be unlawful for any person to engage in the business, trade or calling of itinerant merchant, as defined in section 25-1, within the city without first having obtained a license to do so as provided in section 17-15. (Code 1958, 25-2)

Sec. 25-3. Same—application, contents; fee; nontransferable; expiration.

Each itinerant merchant, before conducting any business, as herein defined, within the city, shall make application to the City for a license, specifying in such application his name and residence, the number of days or the period of time he will be engaged in the city in the conduct of such business, the articles to be sold or offered for sale, and the manner of conducting said business, and shall pay the license fee.

No license, when issued, shall be transferable.

All licenses shall expire on December thirty-first of each year. (Code 1955, 25-3)

Sec. 25-4. Manner of conducting business.

Each itinerant merchant conducting such business within the city shall comply with all the city ordinances which may be applicable, and shall conduct such business in a manner not offensive to the peace, morals, health or welfare of the people of the city, and in such manner as not to create a nuisance. (Code 1958, 25-4)

Sec. 25-5. Exemptions from provisions of chapter.

The provisions of this chapter shall not apply to regularly established places of business, or to bona fide merchants having regularly established places of business within the city, or to any regularly licensed auctioneer, or to any person distributing by sale or otherwise farm, orchard, vineyard or garden produce produced by him on owned or leased premises, provided such premises are located within one hundred fifty (150) miles of the city. In any prosecution under this chapter, or suit, or proceeding, to collect the license fee provided, it shall not be necessary for the city to plead or prove that such farm, orchard, vineyard or garden produce was not produced by such person on owned or leased premises, or that such premises is not located within one hundred and fifty (150) miles from the city, such matter being hereby declared to be a matter of defense. (Code 1958, 25-5)

Sec. 25-6. Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Code 1958, 25-7)