

ARTICLE II. - PEDDLERS AND CANVASSERS

DIVISION 1. - GENERALLY

Sec. 19-15. - Purpose, intent and findings.

It is the purpose and intent of this article to preserve public safety, human life and convenience; to secure the comfort, health, welfare and prosperity of all city inhabitants; to ensure that the use of streets in the city does not become dangerous and that the free flow of traffic thereon is not impeded; to preserve privacy and quiet to those in the home; to protect city inhabitants against crime and undue annoyance; and to protect those on the streets and at home against abusive behavior by peddlers and canvassers.

It is also the purpose and intent of this article to address the significant public health, welfare and safety concerns and crowd control problems caused by peddling and canvassing on or near public streets which are in use by vehicular traffic. The city commission finds that such public health, welfare and safety concerns and crowd control problems arise because peddling involves the process of a peddler offering for sale goods, merchandise or wares to an occupant or operator of a vehicle which is in traffic, that vehicle occupant or operator must consider the offer, and, if the vehicle occupant or operator decides to purchase the goods, merchandise or wares, that person must reach for a wallet, search for money, or write a check, all while the peddler and vehicle are located on a public street in use by vehicular traffic. Based on the foregoing, the city commission finds that the activity of peddling from occupants or operators of vehicles located on streets in use by vehicular traffic distracts drivers from their primary duty to watch traffic and potential hazards in the road, observe all traffic signals or warnings and move through the city's streets and intersections in a lawful and safe manner and creates a potential safety hazard and poses a substantial risk to the public, and impedes the free flow of traffic on the streets within the city resulting in the delay and obstruction of the public's free flow of travel on the city's streets. The city commission further finds that the safety of peddlers, canvassers, pedestrians and operators or occupants of vehicles is at significant risk when peddlers or canvassers engage in their activities on or near public streets which are in use by vehicular traffic because the nature of these activities often entails peddlers and canvassers standing on traffic medians, bicycle paths and public streets in use by vehicular traffic, property only meant for the use and control of vehicular traffic and not peddling or canvassing activities.

It is not the purpose and intent of this article to prohibit peddling and canvassing in public areas when such activities will not interfere with vehicular traffic and cause traffic safety and traffic flow concerns. For example, peddlers may conduct their activities on public sidewalks so long as they are not conducting transactions with operators or occupants of vehicles in traffic and are otherwise in compliance with this Code. In addition, canvassers may engage in their activities on public sidewalks so long as they are otherwise in compliance with this Code.

(Ord. No. 990695, § 1, 12-11-00; Ord. No. 061107, § 1, 7-23-07)

Sec. 19-16. - Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them as follows:

Bicycle path shall mean any road, path, or way that is open to the public for bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located within a right-of-way.

Canvasser shall mean any person traveling either by foot, vehicle or other conveyance, from place to place, in order to solicit opinions for a survey or solicit support for a political campaign or any other cause, belief or issue.

Peddler shall mean any person who during the course of selling travels by foot, vehicle or any other type of conveyance from place to place, offering goods, wares or merchandise for sale or making sales and delivering articles purchased.

Peddling from any operator or occupant of a vehicle that is in traffic on a public street shall mean selling goods, wares or merchandise to any operator or occupant of a vehicle, coupled with an actual exchange of money or some article of value for any goods, wares or merchandise between the peddler and any operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.

Person shall mean and include individuals, associations, firms, corporations, partnerships, bodies politic and corporate, and all other groups or combinations thereof.

Public street shall mean the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

Residential areas shall mean all single-family and multi-family neighborhoods that are zoned with the residential zoning district categories referenced in the land development code, sections 30-51 through 30-55, and all residential planned developments.

Traffic median shall mean the dividing area, either paved or landscaped, between opposing lanes of vehicular traffic.

Vehicles shall mean any mobile item which normally uses wheels, whether motorized or not.

(Code 1960, § 19-1; Ord. No. 3095, § 1, 1-14-85; Ord. No. 990695, § 1, 12-11-00; Ord. No. 061107, § 1, 7-23-07)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 19-17. - Restrictions and requirements.

- (a) Peddlers and canvassers will terminate their activities in residential areas by 7:00 p.m. each day and will not resume their activities in residential areas before 9:00 a.m. the next day.
- (b) Peddlers are prohibited from peddling from any operator or occupant of a vehicle that is in traffic on a public street, as those terms are defined in this article.
- (c) Operators or occupants of vehicles that are in traffic on a public street are prohibited from offering money or other articles of value or buying goods, wares or merchandise from peddlers when doing so results in the actual exchange of money or some other article of value for goods, wares or merchandise between the peddler and the operator or occupant of a vehicle while that vehicle is on the portion of a public street currently in use by vehicular traffic.
- (d) No person shall stand on a traffic median, bicycle path or public street to peddle or canvass from an operator or occupant of any vehicle when in use by vehicular traffic.
- (e) Peddlers and canvassers are prohibited from engaging in their activities on residential premises in residential areas where a notice stating "No Solicitors" or "No Solicitation" is posted in plain view.
- (f) No more than two peddlers or canvassers shall contact any one member of the public at any one time.
- (g) Peddlers and canvassers will not persist in their activities after the request has been declined, and they will immediately and peaceably depart from the premises when requested to do so by the occupant.
- (h) Peddlers and canvassers shall not harass persons by demanding, threatening or intimidating conduct.

(Ord. No. 990695, § 1, 12-11-00; Ord. No. 060113, § 1, 10-9-06; Ord. No. 061107, § 1, 7-23-07)

Sec. 19-18. - Sales of food items.

The sale of food items shall be permitted under article IV of this chapter.

(Ord. No. 990695, § 1, 12-11-00)

Sec. 19-19. - Business tax receipt requirement.

Peddlers must meet the business tax receipt requirements provided in article III of chapter 25.

(Ord. No. 990695, § 1, 12-11-00; Ord. No. 070022, § 6, 6-25-07)

Sec. 19-20. - Penalty.

Any person convicted of violating any of the provisions of this article shall be punished as provided in section 1-9 of this Code.

(Ord. No. 990695, § 1, 12-11-00; Ord. No. 061107, § 1, 7-23-07)

Secs. 19-21—19-30. - Reserved.

DIVISION 2. - RESERVED²¹

Footnotes:

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Editor's note— Ord. No. 990695, § 2, adopted Dec. 11, 2000, repealed Div. 2, §§ 19-31—19-36, which pertained to permits and derived from Code 1960, §§ 19-1—19-5; Ord. No. 3095, §§ 1—3, 6, 7, adopted Jan. 14, 1985; and Ord. No. 4057, §§ 1—4, adopted Jan. 23, 1995.

Editor's note— Ord. No. 061107, § 2, adopted July 23, 2007, deleted §§ 19-51—19-58 in their entirety. Former §§ 19-51—19-55 pertained to fundraising by nonprofit organization and derived from Code 1960, §§ 19A-1—19A-3, 19A-6, and 19A-9; Ord. No. 3103, §§ 1—3, adopted Jan. 21, 1985; Ord. No. 3923, § 1, adopted Jan. 10, 1994; Ord. No. 990695, §§ 3, 4, adopted Dec. 11, 2000; Ord. No. 060113, § 2, adopted Nov. 9, 2006; Ord. No. 070022, § 6, adopted June 25, 2007.

Secs. 19-31—19-78. - Reserved.