

ORDINANCE NO. 548

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE HOURS OF RESIDENTIAL DOOR-TO-DOOR PEDDLING AND SOLICITING WITHIN THE CITY OF LONG BEACH, MISSISSIPPI, AND PROVIDING THE PENALTY FOR VIOLATION OF SUCH PROHIBITION, AND FOR RELATED PURPOSES.

WHEREAS, the City of Long Beach, Mississippi, is a Code Charter Municipality, governed by a Mayor and Board of Aldermen (governing body); and

WHEREAS, the governing body has received numerous complaints from residents in the city of door-to-door solicitors imposing themselves upon such residents, presenting themselves at the homes of such residents and there attempting to sell or take orders for goods, wares, merchandise, personal property for future delivery, or attempting to offer and expose goods for sale or make sales and deliver articles to purchasers; and while at such residences, refusing to leave when asked to do so or otherwise resisting the attempts of residents to make such peddler or solicitor leave the home of such resident; and

WHEREAS, there is no prohibition at the present time restricting the time of house to house soliciting or house to house peddling; and

WHEREAS, the governing body does find that such activities by such solicitors and peddlers without restriction as to time of such activities creates a hazard to the public safety, particularly as to such activities carried on near and after sunset and before sunrise; and

WHEREAS, the governing authority, while without authority to entirely prohibit transient vendors from making sales in the municipality, does have the

authority to adopt reasonable ordinances for the regulation of transient vendors not inconsistent with the provisions of Sections 75-85-1 through 75-85-19 of the Mississippi Code of 1972, as amended;

WHEREAS, the governing body finds that in order to protect and preserve the public safety it is necessary to limit the time of residential door-to-door soliciting and peddling within the city. Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Definitions:

- a. Solicitor. A solicitor is any person, whether a resident of the City of Long Beach, Mississippi, or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever, for future delivery, or for services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment on such sales or not.
- B. Peddler. A peddler is any person, whether a resident of the City of Long Beach, Mississippi, or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, products or provisions, offering and exposing them for sale, or making sales and delivering articles to purchasers.

SECTION 2. Prohibited Time for Residential Door-to-Door Soliciting or Peddling

The practice of going in and upon private residences in the City of Long Beach, State of Mississippi, by solicitors, peddlers and transient vendors of merchandise or services, not having first requested or invited so to do by the owner or owners, occupant or occupants of the private residence, for the purpose of soliciting orders for the sale of goods, wares, merchandise, newspapers, books, pictures, periodicals, magazines, insurance, or services, or for the purpose of demonstrating or advertising the same or for the purpose of disclosing of or peddling or hawking the same from 3:00 p.m. to 10:00 a.m., or at any time when a sign has been posted on a building stating "No solicitors or peddlers," or words to that effect, is hereby prohibited.

SECTION 3. Penalty.

Any person who violates the provisions of Section 2, above, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$500.00, or imprisonment of not more than six (6), months, or both.

SECTION 4. Effective Date

It being necessary and in the best interests of the public health, safety and welfare, and to alleviate the danger posed by and to uninvited peddlers, solicitors and other transient vendors going onto the private residential property, especially after sunset, in an attempt to solicit sales or peddle merchandise or services, and the immediate preservation of public health, safety and welfare requiring it, this Ordinance shall take effect and be in force from and after its adoption; but notice shall nevertheless be given as provided by law, and this Ordinance shall be enrolled in the Ordinance Book of the City as by law provided.

The above and foregoing Ordinance No. 548 was introduced in writing by Alderman Burton who moved its adoption. Alderman McNary seconded the motion to adopt the Ordinance, and after

discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder	voted Aye
Alderman Mark E. Lishen	voted Absent, Not Voting
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 20th day of November, 2007.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK