

CHAPTER 16

PEDDLERS

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16-1 “Peddling” defined. “Peddling” is hereby defined as the business of selling, offering for sale or offering to take orders for sale of any goods, wares, or merchandise where the person so engaged shall not have a fixed place of business within the city. By a fixed place of business is meant a room building or fixed structure wherein such articles as are sold by the applicant of the value of at least five thousand dollars are constantly kept, stored and sold with some person in charge of the premises having authority to sell and take orders for merchandise. The burden of proof shall be on any person prosecuted under this chapter to establish the fact that such person has such place of business
(Ord. 428)

16-2 Exemption from chapter. This chapter shall not apply to commercial travelers whose business is limited to dealing at wholesale in goods, wares and merchandise dealt in by retailers in the city.

It is hereby further provided that the sale or peddling of all horticultural, viticultural, agricultural, dairy, meat or manufactured products grown or produced within the city shall be exempt from the provisions of this chapter when such products are sold or to be sold or peddled by the person growing or producing the same. The burden of proof shall be on any person prosecuted under the provisions of this chapter, to establish the fact that he is exempted pursuant to the provisions of this section.
(Ord. 428)

16-3 License – Required. No person, whether individually or as agent of another, shall engage in the business of peddling in the city without first having obtained a license therefore from the City Clerk
(Ord. 428)

(As to licenses generally, see Ch. 12 of this Code).

16-4 Same – Cost of processing application. Each applicant for a license under this chapter shall pay to the City Clerk, in addition to the fees provided in section 16-5, the sum of five dollars to defray the cost of processing the application. (Ord. 418)

16-5. Same – Fees; exemption. The City Clerk shall collect from the applicant the sum of fifty dollars (\$50.00) which shall cover a period of three months from the issuance of the license pursuant hereto; provided, that any applicant who has received an honorable discharge or a release from active duty under honorable conditions from service in the Army, Navy or Marine Corps of the United States shall be exempted from the payment of any fees provided for herein; and provided further, that a license may be issued to any person peddling within the city, as hereinafter defined, who is a bona fide representative of a religious, hospital, scientific, or charitable organization, exempt from taxation pursuant to the Constitution or Revenue and Taxation Code of the State, or the laws of the United States, each license to be issued without fee, but in all other respects in compliance with the requirements hereof. Licenses issued to persons acting on behalf of charitable organizations may designate thereon a minor person carrying on peddling activities under the direction and control of the licensee, in which case such minor person shall be permitted, without further licensing, to carry on such activities under the direction and control of the licensee. In all such cases, however, the minor person shall be provided with suitable identification verifying the authority vested in them pursuant hereto. (Ord. 428)

16-6 Same – Form. The city council shall by resolution adopt the form of application and license to be used under this chapter. (Ord. 428)

16-7 Same – Police chief’s report. The City Clerk shall upon receipt of an application, in duplicate, and properly completed, transmit the same to the chief of police, who shall photograph and fingerprint the applicant, conduct a suitable investigation, and return the application to the City Clerk within fifteen days after having received it with such recommendations as he may consider appropriate. (Ord. 428)

16-8 Limitation on number issued. The city council may from time to time limit the number of licenses to be issued under this chapter as in the opinion of the city council may seem in the public interest. (Ord. 428)

16-9 Same – Refusal to license. The City Clerk may for good cause refuse any application subject to the rights of anyone denied a license to appeal to the city council. (Ord. 428)

16-10 Same – Carrying and exhibiting. Every license to whom a license shall have been issued shall carry the license on his person at all times and shall exhibit the same whenever requested to do so. (Ord. 428)

16-11 Records of City Clerk. The City Clerk shall at all times maintain a proper record, entitled “Peddler’s licenses,” which shall show the following:

- a) Full name of licensee.
- b) Type of merchandise sold.
- c) Date license issued.
- d) Serial number of license issued.
- e) Period for which license is in effect. (Ord. 428)

16-12 Parking vehicles. No person shall park any vehicle wholly or partly within any city road or roadway for the purpose of selling such vehicle, or selling therefrom or therein, any article or thing, or to display or offer for sale any article or thing therefrom or therein. (Ord. 428)