

ORDINANCE NO. M 2014-11-10

AN ORDINANCE REGULATING DOOR-TO-DOOR SOLICITATION

RECITALS:

WHEREAS, the City of Moody, Alabama (the "City"), has the authority to regulate businesses and commercial activities within the City; and

WHEREAS, it is the desire of the City to promote the general welfare of the community and to protect its citizens' rights to privacy;

WHEREAS, the City Council ("Council") believes it to be in the best interest of the City and its citizens to establish certain regulations governing door-to-door solicitation to ensure the protection of both the rights of the City's homeowners and the men and women engaged in said enterprise.

NOW, THEREFORE, be it ordained by the City Council of the city of Moody, Alabama while in regular session on the 10 day of October, 2014 as follows:

Section 1. *Definitions.*

For purposes of this ordinance, the following terms shall have the following meanings:

(1) *City*. The city of Moody, Alabama.

(2) *Private Residence*. Property zoned for residential use and/or used as a residence, including, but not limited to, single-family and multifamily dwellings, apartments, townhouses, and mobile homes.

(3) *Door-to-Door Solicitation*. The practice of physically entering upon a Private Residence in the City by a solicitor, peddler, transient vendors of merchandise or the like for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or selling/disposing of the same for commercial purposes and/or soliciting for the sale of services.

Section 2. *Regulation on Door to Door Solicitation.*

Door to Door Solicitation shall be allowed within the City pursuant and subject to the following restrictions:

- a. Every person or entity desiring to engage in Door-to-Door Solicitation in the City must prior to engaging in said activity obtain a valid business license (the "License") from the City which shall identify each person who will be permitted to engage in the activity. All persons engaging in Door-to-Door Solicitation must carry with them a copy of the License and proof of identification to enable law enforcement officers to verify compliance with this Ordinance.
- b. Door-to-Door Solicitation shall be allowed exclusively between the hours of 9:00 a.m. and 5:00 p.m. Monday – Saturday.

Section 3. *Exemption.*

The restrictions in this section shall not apply to persons acting solely on behalf of a bona fide charitable nonprofit agency or organization.

Section 4. *No solicitation signs.*

No person licensed to engage in Door-to-Door Solicitation shall enter upon any property, Private Residence or otherwise, that has a sign posted on the property forbidding or prohibiting solicitation.

Further, any subdivision within the City may elect to prohibit Door-to-Door Solicitation within said subdivision entirely; such determination by a subdivision shall be made evident by signage outside the subdivision advising of the same.

Section 5. *Additional restrictions.*

No person licensed to engage in Door-to-Door Solicitation shall:

- (1) Knowingly make a false, misleading, or deceptive representation, including, but not limited to, presenting invalid or false identification about himself or herself or a good or service being marketed;
- (2) Represent, directly or by implication, that the City of Moody endorses his/her Door-to-Door Solicitation or the good or services being marketed; or
- (3) Refuse to immediately and peacefully leave any Private Residence upon being asked to leave by the owner or a lawful occupant.

Section 6. *Enforcement.*

City law enforcement officers are hereby directed to regulate Door-to-Door Solicitation as set forth herein. All citizen complaints should be directed to the police department.

Section 7. *Fine.*


Violation of this Ordinance shall be deemed a misdemeanor. Persons found in violation of this Ordinance shall be cited by law enforcement and upon conviction be fined a sum not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), in addition to the costs of proceedings and shall likewise have his/her License revoked.

Section 8. *Severability*


It is the intention of the City Council that each separate provision of this Ordinance be deemed independent of all other provisions herein and it is further the intention of the City Council that if any provision of this Ordinance is declared to be invalid, all other provisions herein shall remain valid and enforceable.

ADOPTED and ORDAINED this 10th day of November, 2014.

CITY OF MOODY, ALABAMA

BY: 
Joe Lee, Mayor

ATTEST:


Tracy Patterson, City Clerk