

AN ORDINANCE AMENDING SECTIONS 17-151 THROUGH 17-173, CITY CODE WHICH REGULATE PEDDLERS, SOLICITORS AND CANVASSERS; PROVIDING FOR APPLICATION AND PERMIT REQUIREMENTS; PROVIDING FOR APPEALS, REVOCATION AND DENIAL OF APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Sections 17-151 and 17-152 of the St. Petersburg City Code are hereby amended to read as follows:

Sec. 17-151. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser* or *solicitor* means any person traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale, a sample of the merchandise or whether collecting advance payments on such sales or not.

*Peddler* means any person traveling by foot, wagon, automotive vehicle, motor truck or any other type of conveyance from house to house or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing them for sale, or making sales or delivering articles to purchasers or who, by traveling from house to house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car or other vehicle or conveyance; one who solicits orders and, as a separate transaction makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this article, shall be deemed a peddler, subject to the provisions of this article. The word "peddler" shall also include the words "hawker" and "huckster."

Sec. 17-152. Exceptions.

For the purposes of this Chapter, the terms "peddler," "solicitor" or "canvasser" shall not be construed to apply to the following persons:

(1) Farmers or truck gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.

(2) Vendors of milk, bakery products, groceries or other food products of any kind, duly licensed in the City to sell the products from a truck or wagon.

(3) Persons peddling, soliciting or canvassing where the proceeds derived from the peddling, soliciting or canvassing are to be used for charitable or religious purposes, or on behalf of a qualified candidate or candidates for public office or on behalf of a political party.

(4) Salesmen or agents for wholesale houses or firms who solicit orders from, or sell to retail dealers in the City for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.

(5) Children under the age of 17 years, except when they are acting as agents of adults subject to this Chapter.

(6) Route salesmen and supervisors for laundry, dry cleaning, rug cleaning, garment storage, linen supply, towel supply and diaper services, operated from clearly identifiable vehicles, and newspaper deliverymen on a regular route.

(7) Trades or professions regulated by general state laws.

Section 2. Sections 17-166 and 17-167 of the St. Petersburg City Code are hereby renumbered to be Sections 17-153 and 17-154 and amended to read as follows:

Sec. 17-153. Required.

It shall be unlawful for any solicitor, canvasser or peddler to engage in such business or act within the City without first obtaining and possessing a valid permit therefore in compliance with the provisions of this Chapter.

Sec. 17-154. Application and procedures.

(a) *Permit application procedure.* A permit to engage in any occupation for which a permit is required by Section 17-153 shall be subject to the following procedures:

(1) Each applicant for a permit required by this section shall make application to the POD on forms to be supplied by the POD which application shall contain the information required by the POD. The applicant shall furnish all the information required by the form, as well as a nonrefundable processing fee for the permit and any renewal thereof.

(2) The Police Department shall take the fingerprints of each applicant and shall retain them along with the application.

(b) Upon the filing of the initial application or an application for renewal, the Police Department shall cause the applicant to be investigated. The Police Department shall apply the criteria for public vehicle driver's permits (currently Section 28-6) and shall deny the application if any of the criteria are met, except the criteria related to violations of motor vehicle laws shall

not apply if the applicant is not peddling or soliciting directly from a vehicle. Upon the issuance of a permit, the Police Department shall also issue the applicant a photo identification card.

(c) Permits shall be valid and may be renewed in the manner provided for public vehicle driver's permits (currently Section 28-6).

(d) Permits may be revoked if the permit holder is found to have violated any of the criteria after the issuance of the permit.

(e) Appeal of a decision to deny or revoke a permit shall follow the procedure for the appeal of public vehicle driver's permits (currently Section 28-6).

Section 3. Sections 17-168 through 17-173 of the St. Petersburg City Code are hereby removed from the City Code.

Section 4. Words that are underlined are additions to, and words that are in margin balloons are deletions from, the existing St. Petersburg City Code.

Section 5. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

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City Attorney (designee)