

**NOTICE OF INTRODUCTION OF ORDINANCE**

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on July 14, 2016, and laid over for publication of notice:

L.P. ORDINANCE 16-32

AN ORDINANCE TO RESCIND ARTICLE VII, "ITINERET VENDOR'S PERMIT" SECTIONS 9-154 THROUGH SECTION 169, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH AND RE-ENACT ARTICLE VII, TO BE RENAMED "HOUSE TO HOUSE PEDDLERS" WHEREBY SETTING THE RULES AND PROHIBITIONS OF DOOR TO DOOR SOLICITATION.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, August 11, 2016, at six (6:00) o'clock p.m., at the Governmental Building, in the Livingston Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, 70754 at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Sandy C. Teal, Council Clerk

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John Wascom, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on July 14, 2016, a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage August 11, 2016, on Motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ :

L.P. ORDINANCE 16-\_\_\_\_\_

AN ORDINANCE TO RESCIND ARTICLE VII, "ITINERET VENDOR'S PERMIT" SECTIONS 9-154 THROUGH SECTION 169, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH AND RE-ENACT ARTICLE VII, TO BE RENAMED "HOUSE TO HOUSE PEDDLERS" WHEREBY SETTING THE RULES AND PROHIBITIONS OF DOOR TO DOOR SOLICITATION.

WHEREAS, the Livingston Parish Council now desires to delete Article VII, "Itinerant Vendor's Permit", Sections 9-154 through 9-169 of the Code of Ordinances of Livingston Parish in its entirety, in that way establishing that all commercial developments should follow the same rules and mandates of the Code of Ordinances of Livingston Parish.

THEREFORE, BE IT ORDAINED by the Council of the Parish of Livingston, State of Louisiana, that Section of the Code of Ordinances, "", be.

ARTICLE VII - HOUSE-TO-HOUSE PEDDLERS

**Section 9-154. House-to-house peddling as nuisance.**

(a) *Definitions.*

(1) *House-to-house peddling:* The practice of going in and upon private residences in the city-parish, by solicitors, peddlers, hawkers, or itinerant merchants and transient vendors of merchandise, not having been required or invited to do so by the owner or owners, occupant or occupants of the private residences, for the purpose of soliciting orders for the sale of goods, wares or merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, and/or for the purpose of sale of services. Religious, political, or charitable solicitation is not considered to be peddling.

(2) *Peddler:* For purposes of this section this term is meant to apply to all solicitors, peddlers, hawkers, itinerant merchants and transient vendors referenced in 12:200(a)(1) above.

(b) *Prohibition.* House-to-house peddling is hereby declared to be a nuisance and punishable as such as a misdemeanor except under the following circumstances:

(1) *Hours:* House-to-house peddling shall be allowed between the hours of 9:00 a.m. and 6:00 p.m. with the following exceptions:

- a. A "No Solicitation" sign has been posted at the residence.
  - b. By resolution of the board of the homeowners' association, a sign has been posted at each entrance to a recognized single family residential subdivision designating the subdivision as a no peddling area. A certified copy of the resolution shall be provided to the revenue division of the department of finance. The sign shall clearly state that house-to-house peddling is prohibited in the subdivision and shall be legible and visible from the public street. No sign shall be posted pursuant to this subsection without the approval of the chief traffic engineer.
- (2) *Meat and poultry*: Peddling of meat and poultry products must be in compliance with the requirements promulgated by the health department regarding the slaughter and sale of meat and poultry.
- (3) *Permit required*:
- a. All those wishing to engage in house-to- house peddling must first obtain a permit from the Livingston Parish tax collector.
  - b. All persons engaged in house to house peddling, as herein defined, must have a valid permit for the time period in which they are peddling.
  - c. All persons engaged in house to house peddling, as herein defined, must have a valid permit on their person, and produce said permit and suitable identification to demonstrate that the solicitor is the person identified by the permit upon demand by an occupant or law enforcement officer or agent.
  - d. Minor children engaged in house to house peddling, as herein defined, receive permits through their parents or legal custodians.
  - e. Minor children engaged in house to house peddling, as herein defined, must be accompanied by an adult, at least eighteen (18) years of age, while engaging in house-to-house peddling.

**Section 9-158. Permit requirements**

- (1) Applicants for a permit under this section shall complete a written application, for a fee of fifty dollars (\$50.00), with the tax collector. The permit application must contain the following information:
- a. Name and address of applicant.
  - b. Name and address of company, employer, or other commercial enterprise represented.
  - c. A brief description of the nature of the peddling.

- d. If a vehicle is being used, a description of the make and model vehicle and a license plate number.
  - e. A criminal records background check (right to review) should be attained from the Louisiana State Police (at the applicant's cost) and taken to the office of the constable. Upon verification of sections i, ii, and iii below, the office of the city constable will issue a certificate of clearance at the applicant's cost:
    - i. That the applicant is not registered on the National Sex Offender Registry.
    - ii. That the applicant has not been convicted of a crime of violence as defined by R.S. 14:2 et seq. within the past seven (7) years.
    - iii. That the applicant has not been convicted of an offense against property as defined by R.S. 14:51 et seq. within the past seven (7) years.
- (2) Applications must include a copy of a valid state or federal identification card, passport, or official school identification (for minors).

**Section 9-159. Issuance of permit.**

- (1) Upon receipt of the completed application, including the certification of clearance from the office of the city constable, the finance department shall issue a permit to the applicant. After issuance of the permit by the finance department, the office of the constable shall produce a photo identification badge for each permit holder, at the permit holder's cost.
- (2) All those issued a permit under this section shall have said permit available upon request by any person or law enforcement officer or agent at all times during the door-to-door peddling, whether on the premises or while in transit from one location to another for purposes of peddling. In addition, the photo identification badge must be worn on the permit holder's person in a conspicuous place while the permit holder is engaging in house-to-house peddling.

**Section 9-160. Selling goods, wares and merchandise from private property without the consent of the owner or occupant thereof.**

The practice of going upon private property without the consent of the owner or occupant thereof and using said immovable property as a site to sell goods, merchandise or other wares, is hereby declared a nuisance and punishable as a misdemeanor.

It shall be prima facie evidence that said entry was unauthorized and uninvited if said vendor or merchant does not have written consent of the owner or occupant in his or her possession.

**Section 9-161. Penalty.**

Any person perpetrating a nuisance as described and prohibited in this part, upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or confinement in the jail for not more than sixty (60) days, or both, at the discretion of the judge, and revocation of the peddlers permit for a period of two (2) years for each and every violation.

**Sections 9-162 through Sections 9-169. Reserved.**

BE IT ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Council of the Parish of Livingston, State of Louisiana, that this ordinance shall take effect immediately upon the date of adoption.

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

And the ordinance was declared adopted on the 11th day of August, 2016.

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James Wascom, Council Chairman

ATTEST:

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Sandy C. Teal, Council Clerk

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INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_  
Parish President Layton Ricks \_\_\_\_\_ Date

VETOED BY PRESIDENT \_\_\_\_\_  
Parish President Layton Ricks \_\_\_\_\_ Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.