

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF BAY MINETTE

ORDINANCE 1038

REPEALING AND REPLACING ORDINANCE 576, ORDINANCE 695, ORDINANCE 714 AND ORDINANCE 757
REGULATING PEDDLING, SOLICITING AND CANVASSING WITHIN THE CITY OF BAY MINETTE, ALABAMA

WHEREAS, City of Bay Minette Ordinance 576 was adopted on February 21, 1961; Ordinance 695 was adopted February 1, 1977; Ordinance 714 was adopted April 3, 1979; and Ordinance 757 was adopted on March 15, 1983, by the City Council of Bay Minette; and

WHEREAS, Ordinance 576, Ordinance 695, Ordinance 714 and Ordinance 757 regulate peddlers and solicitors within the City of Bay Minette, Alabama; and

WHEREAS, due to the increased criminal activity and concerns about the protection of the citizens and the general public within the City of Bay Minette, including protection from physical harm, fraud and other deceptive practices; and

WHEREAS, the City is further concerned about protecting the privacy of the citizens, including the quiet enjoyment of their homes; and

WHEREAS, the City also desires to support the local growers by providing an available space to market their produce at the Growers' Market.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I: Definitions.

- A. *City.* City of Bay Minette.
- B. *Private residence.* Property zoned for residential use or used as a residence, including but not limited to, single-family and multifamily dwellings, apartments, townhouses, duplexes and manufactured homes.
- C. *Door-to-door solicitation/Peddling.* The practice of going in and upon private residences in the City by solicitors, peddlers or transient vendors of merchandise, services or other commercial endeavors not having been requested or invited to do so by the owner(s) or occupant(s) of said private residence for the purpose of soliciting orders for the sale of goods, wares, merchandise, services and/or disposing of same for commercial purposes.
- D. *Growers' Market.* The Bay Minette Growers' Market has been established to provide growers with the opportunity to sell farm or agricultural products they have grown and/or produced directly to the general public. The Bay Minette Growers' Market is located at 956 S US Hwy 31, Bay Minette, Alabama. Vendor Permits must be obtained from the City of Bay Minette. All products offered for sale by the participating vendor must be grown and/or produced by that participating vendor. Vendors are required to obtain an Alabama Growers' Permit from the Alabama Cooperative Extension Office before obtaining the City Permit.

SECTION II: Prohibition of door-to-door solicitation.

Door-to-door solicitation within the City, except as specifically exempted and/or permitted as stated herein, is declared to be a nuisance and is punishable as such as a misdemeanor. Each violation of this Ordinance is considered a separate and distinct offense; and each day is a separate violation.

SECTION III: Exemption.

The prohibitions in this section shall not apply to persons acting solely on behalf of a bona fide charitable nonprofit, religious, patriotic, philanthropic, social service, environmental, fraternal, or charitable purpose. Additionally, the license requirements of Section IV shall not apply to activities coming within the scope of the exemption contained herein.

SECTION IV: License Requirement.

Every person or business entity desiring to engage in solicitation by means of calling upon places of private residence must obtain a valid business license from the City of Bay Minette prior to such solicitation in the City of Bay Minette. Each individual solicitor will also be required to obtain a temporary business license for the specific dates of solicitation by completing the City of Bay Minette's License Application for Solicitors, Peddlers and Transient Dealers at a cost of \$50 per week. All persons engaging in door-to-door solicitation within the City must carry with them a copy of their license from the City and proof of identification to enable law enforcement officers to verify compliance with this Ordinance if necessary.

- A. License Application Requirements. The City shall provide a standard application form for any applicant desiring to engage in door-to-door solicitation. The applicant shall state in writing that the information is truthfully provided to the best of their knowledge and belief. The applicant shall supply the following information with or upon the application form:
 1. Applicant's true, correct and legal name;
 2. Address and phone number of applicant's home and place of business;
 3. Name and address of the organization for or on whose behalf the orders are solicited or the supplier of the goods involved with documentation that the applicant is authorized to solicit for the organization.
 4. The purpose for which soliciting will be done;
 5. A brief description of the method of presentation that will be made or nature of the practice;
 6. Length of time for which the permit is desired;
 7. Statement as to whether or not the applicant has been convicted of a misdemeanor or a felony;
 8. Statement as to whether a permit, license or certificate of registration from any city in connection with soliciting has ever been revoked or denied, explaining the circumstances;
 9. Motor vehicle make, model, year, color and registration number if the vehicle shall be used in the proposed solicitation.
- B. Non-Endorsement. The applicant shall certify on the application form that in the event the application is approved, they will not state, imply or represent to any person that the issuance of the license is an endorsement by the City of the product, service, solicitor or organization represented by the solicitor.
- C. Proof of Identification. No license for door-to-door solicitation shall be issued except upon proof of identification, including a photograph of the applicant, by presenting a valid U.S. driver's license or identification card, U.S. passport, military or other government-issued identification card.
- D. Expiration. Licenses shall be valid for 7 days and shall expire at 11:59 p.m. on the 7th day from the date of issuance.
- E. Non-Transferable. Licenses shall be issued only in the name of the applicant and the organization on whose behalf they are authorized to solicit. Licenses are nontransferable. Each person soliciting must obtain a license. It shall be a violation for a solicitor whose license authorizes soliciting on behalf of an

organization named in the license to solicit on behalf of any other organization or for any purpose other than that specified in the application and approved license.

SECTION V: No Solicitation Signs.

No person licensed or engage in door-to-door solicitation shall approach or go upon any property, subdivision or residence that has a sign posted on the property forbidding or prohibiting canvassing, peddling, selling or soliciting including, but not limited to, signs stating "no solicitors", "no solicitations", "no peddling" or "no trespassers."

SECTION VI: Additional Restrictions.

No person licensed to engage in door-to-door solicitation shall:

- A. Knowingly make a false statement, misleading, or deceptive representation, including, but not limited to presenting invalid or false identification about himself or herself or a good or service.
- B. Represent, directly or by implication, that the City of Bay Minette endorses the solicitation, selling or peddling.
- C. Refuse to immediately and peacefully leave a private property upon being asked to leave by the owner or a lawful occupant.

SECTION VII: Revocation

The City of Bay Minette reserves the right to revoke any license if it appears that the licensee has violated any provisions of this Ordinance, falsified application information or otherwise becomes disqualified for the issuance of a license hereunder. Notice of the revocation shall be given to the licensee by personal service or by certified mail to the address listed on the application. Immediately upon issuing such notice, the license shall become null and void.

SECTION VIII: Appeal

An applicant whose application was denied or license was revoked shall have the right to appeal to the City Administrator. An applicant shall also have the right to appeal any adverse decision of the City Administrator to the City Council. Any appeal must be stated in writing and delivered by personal service or certified mail to the City Clerk within seven (7) days of the decision that is being appealed.

SECTION IX: Enforcement.

The City of Bay Minette Police Department is hereby required and directed to suppress door-to-door solicitation prohibited by this Ordinance and to abate the same. All citizen complaints should be directed to the Police Department.

SECTION X: Fine.

Any person violating any provision of this ordinance or doing any act or thing declared by this ordinance to be unlawful shall be guilty of an offense against the city and upon conviction shall be punished by a fine of not less than Twenty-Five and No/100 Dollars (\$25) and not more than Five Hundred and No/100 Dollars (\$500.00), or ninety (90) days imprisonment or both for failing to comply with the provisions of this ordinance.

SECTION XI: COUNCIL ACTION

That Ordinance 576, Ordinance 695, Ordinance 714 and Ordinance 757 are hereby be repealed and replaced with Ordinance 1038; and

SECTION XII: REPEALER

Any ordinance or resolution heretofore adopted by the Council which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION XIII: SEVERABILITY.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XIV: EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

SECTION XV: POSTING OF ORDINANCE

Ordinance 1038 shall be posted in three public locations as required by law. Posting locations include Bay Minette City Hall; Bay Minette Public Library and North Baldwin Utilities.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, determined that Ordinance 1038 repeals and replaces Ordinance 576, Ordinance 695, Ordinance 714 and Ordinance 757, is hereby ADOPTED.

Done this the 6th day of November 2023.



Robert A. Wills, Mayor

ATTEST:



Rita Diedrich, City Clerk

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Rita Diedtrich, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 6th day of November 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 6th day of November 2023.



Rita Diedtrich, City Clerk

