

# *Peddler Ordinance*

(PDFversion)

**AN ORDINANCE OF THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT, MISSISSIPPI, WITH RESPECT TO THE REGULATION OF PEDDLERS AND SOLICITORS BE IT ORDAINED BY THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT, MISSISSIPPI THE FOLLOWING, TO WIT:**

## **Section 1. Definition.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Peddler or Solicitor means any person, whether a resident of the City or not, who travels by foot or vehicle of any kind or other conveyance from place to place, carrying, selling, or offering for sale items, goods, wares, merchandise, food, produce, or services of any kind; or who, without traveling from place to place, sells or offers the same for sale from a vehicle of any kind, whether motorized or otherwise, or from a stand, booth, display case, or other temporary or portable structure or fixture. The word "peddler" shall include "door-to-door salesperson", "vendor", "hawker", "huckster", "concessionaire" or "solicitor" and shall include route salespersons selling randomly to customers, but not route salespersons supplying only prior customer orders.

## **Section 2. General Prohibition.**

No person shall engage in the business of a peddler or solicitor within any residential or mixed residential/commercial area of the City of West Point, Mississippi, except as otherwise set forth herein.

## **Section 3. Exemptions.**

The following persons are exempt from compliance with the provisions of Section 2 hereof:

- (1) Any person representing any recognized religious, civic, or charitable organization legally established in the City of West Point or Clay County Mississippi.
- (2) Any person representing any public or private school legally established in the City of West Point or Clay County, Mississippi, provided that sales are sponsored by such school and for the sole benefit of such school.
- (3) Any person selling goods or produce at any farmers' market sanctioned and approved by the

City of West Point.

(4) Any person representing the Boy Scouts of America or the Girl Scouts of America.

(5) Any person who holds a valid transit vendors license issued by the state of Mississippi pursuant to applicable law and registered with the City of West Point.

(6) Any person who is a registered participant in any community-wide festival, show, or related activity sponsored by the City of West Point, Clay County, the Clay County Economic Development Corporation, The Prairie Arts Festival, Incorporated, and the Howlin' Wolf Festival, Incorporated.

#### **Section 4. Prohibitions Applicable to All Persons.**

No person, including those exempted in Section 3 from the provisions of Section 2 hereof, shall:

(1) Remain upon private property after having been asked to leave by the owner or occupant thereof:

(2) Engage in any conduct in violation of any law of the State of Mississippi or any Ordinance of the City of West Point.

(3) Sell or offer for sale any goods, wares, merchandise, food, produce or other items upon any public street, sidewalk, alley or other public right of way.

(4) Call on prospective customers between the hours of 9:00 p.m. and 8:00 a.m., unless by previous arrangement with such customer.

(5) Engage in any activity of solicitation, selling, requesting donations, distribution of literature of any type, or offering of any service upon any public street or at any street intersection.

#### **Section 5. Legal Compliance.**

Any person licensed hereunder shall comply in every other respect with the ordinances of the City of West Point and the statutes of the State of Mississippi with respect to the conduct of their business and the use, operation, parking and standing of their vehicles, if any.

#### **Section 6. Violation.**

Any violation of the provisions of this ordinance shall constitute a municipal civil infraction punishable by immediate suspension of the activity and punishable by civil fine not to exceed \$1,000.

## **Section 7. Separability.**

If any section, subsection, paragraph, 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 thereof.

## **Section 8. Ordinances Repealed.**

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

## **Section 9. Effective Date.**

This ordinance shall take effect and be in force from and after its passage and publication as required by law.

## **Section 10. Codification.**

The provision of the above and foregoing Ordinance shall be codified as Chapter 14, Article V, Section 14.5.1 et Sequa of the Codified Ordinances of the City of West Point, Mississippi.

**The above and foregoing Ordinance was previously reduced to writing, proposed and introduced for the consideration of the Board of Mayor and Selectmen of the City of West Point, Mississippi, and was voted upon Section by Section and upon the Ordinance as a whole and was unanimously adopted on this the 12th day of February, 2002, by the said Board of Mayor and Selectmen in lawful session assembled.**