

(Please print or type).

1. Date of application: _____
2. Type of Permit being applied for: _____
3. Name of business, organization, or individual applying for permit:

4. Address of principal place of business or office: _____

5. Established temporary location within City of Lafayette, from which sales or exhibits of goods to held. (NOTE: To be answered only by Itinerant Applicant.)
 - a. Name of local business: _____
 - b. Location address: _____
6. Name and address of each assistant, associate, or employee involved in soliciting business within the City of Lafayette. (Any additional, list separate)
 - a. _____
 - b. _____
7. If business is a Corporation, list names and addresses of Officers. If a partnership, list names and addresses of all partners.
 - a. _____
 - b. _____
8. Hours of the day sales or exhibit will be held: _____ am/pm TO _____ am/pm
9. Date/Dates of sale or exhibit: _____
10. The following information must be furnished with this application:
 - a. Statements showing the kind and character of the goods or merchandise to be sold, offered for sale or exhibited.
 - b. A certified copy of the charter, if the vendor is a corporation incorporated under the laws of the State of Louisiana.
 - c. A certified copy of its permit to do business in Louisiana (See: STATE REVISED STATUE R.S. 37:3081 to 37:3085) if the vendor is a corporation incorporated under the laws of some state other than Louisiana.
 - d. A bond in the sum of not less than \$5,000.00 for two years beyond the duration of the sale or exhibit. Bonding company must be authorized to do business in the State of Louisiana.
 - e. Copy of lease or contract agreement with local establishment for use of facilities.
11. For vendors of fresh seafood, farm produce, poultry, stock, or agricultural produce, see attached: "AFFIDAVIT OF EXEMPTION".
12. If your location is a temporary fixed location, you must complete the enclosed form pertaining to location and/or signs.

SIGNED: _____

TITLE: _____

DATE: _____

NOTARY: _____

ORDINANCE NO. O-121-99

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL AMENDING AND RESTATING CHAPTER 16, PEDDLERS, SOLICITORS AND ITINERANT VENDORS OF THE CODE OF ORDINANCES OF THE CITY OF LAFAYETTE, LOUISIANA AND AMENDING AND RESTATING CHAPTER 12, ITINERANT VENDORS, OF THE CODE OF ORDINANCES OF THE PARISH OF LAFAYETTE, LOUISIANA AND ESTABLISHING REVISED REGULATIONS CONCERNING PEDDLERS, SOLICITORS AND ITINERANT VENDORS

BE IT ORDAINED by the Lafayette City-Parish Council that:

SECTION 1: The Lafayette Parish City-Parish Council believes that a reasonable exercise of the police power of the Lafayette City-Parish Consolidated Government should address the issue of public peace, good order and the general welfare of the citizens of Lafayette, Louisiana, and that, as such, an Ordinance is necessary to amend and restate the existing Chapters of the City of Lafayette Code of Ordinances and the Parish of Lafayette Code of Ordinances dealing with peddlers, solicitors and itinerant vendors. This Ordinance is intended to be a reasonable regulation of those subject matters which regulations will effectuate the public peace, good order and general welfare of the citizens of Lafayette, Louisiana.

SECTION 2: The existing Code of Ordinances of the City of Lafayette, Louisiana, Chapter 16, Peddlers, Solicitors and Itinerant Vendors is hereby amended and restated and replaced with the following provisions.

CHAPTER 16

PEDDLERS, SOLICITORS AND DOOR-TO-DOOR VENDORS

Article I. Peddlers, Solicitors and Door-to-door Vendors.

Section 16-1. Definitions.

Door-to-Door Vendor. The term "door-to-door vendor" and/or "door-to-door vendors", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships and corporations, as well as their agents, representatives and employees who engage in the business of selling and/or renting, or offering for sale and/or rental, any goods, merchandise and/or services of any kind or character or exhibiting the same for sale and/or rental, or exhibiting the same for the purpose of taking orders for the sale and/or rental thereof and for the purpose of selling, offering for sale and/or exhibiting the same for the purposes of taking orders for the sale and/or rental thereof engage in door-to-door solicitation.

Peddler. The term "peddler" and/or "peddlers", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships and corporations, as well as their agents, representatives and employees who offer merchandise and/or services for sale and/or rental along a street or from door-to-door.

Solicitor. The term "solicitor" and/or "solicitors", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships

and corporations, as well as their agents, representatives and employees who solicits for sale and/or rental any goods, merchandise and/or services along any street or by going door-to-door.

Article II. In General

Section 16-2. Limitation of Right to go onto Private Property.

The practice of going in or upon private property by solicitors, peddlers and/or door-to-door vendors for the purpose of selling and/or renting goods, merchandise and/or services or for the purpose of taking orders for the sale and/or rental of goods, merchandise and/or services, of any kind and character, except as specified in this Chapter, is prohibited and declared to be a nuisance.

Section 16-3. Limitation on Time to Solicit; Invitation Required to go onto Private Property.

Any licensed peddler, licensed solicitor and/or licensed door-to-door vendor may go onto private property for the purpose of selling, renting and/or soliciting for sale and/or rental any goods, merchandise, and/or service only between the hours of 9:00 o'clock a.m. and 4:00 o'clock p.m., from Monday to Friday of each week without the specific invitation of the owner or occupant of said private property. At all other times on Monday through Friday and at all times on a Saturday or Sunday, no such peddler, solicitor and/or door-to-door salesperson may go upon private property without the specific invitation of the owner and/or occupant of the private property.

Section 16-4. Appointments.

Any peddler, solicitor and/or door-to-door vendor shall, except during the times permitted by this Chapter when no invitation is necessary, receive an invitation from the owner and/or occupant of the private property by making an appointment for such visit by telephone or by letter prior to the actual time of the visit.

Section 16-5. Exemptions

This Chapter is not and shall not be applicable to the selling, or offering for sale, of any goods, merchandise and/or services, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof with reference to:

- A. Any arts or craft fair and/or festival.
- B. At any event commonly known as a garage sale; a flea market; a show, display or exhibition of antiques, stamps, coins, guns, arts, crafts or industrial, business or commercial equipment; a festival; or a fair.
- C. Sales of goods, merchandise and/or services donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.

Article III. Permit

Section 16-6. Permit Required.

It shall be unlawful for any peddler, solicitor and/or door-to-door vendor to offer for sale and/or rental, exhibit for sale and/or rental or exhibit for the purpose of taking orders for sale and/or rental, any goods, merchandise and/or services without first obtaining a permit from the Customer Service Division of the Lafayette City-Parish Consolidated Government.

Section 16-7. Compliance Required; Permit Fee.

The Customer Service Division of the Lafayette City-Parish Consolidated Government shall issue to any peddler, solicitor and/or door-to-door vendor a permit authorizing that individual or entity to sell and/or rent, exhibit for sale and/or rent, offer for sale and/or rental or exhibit for the purpose of taking orders for sale and/or rental, from the location identified on the permit or on a door-to-door basis, the goods, merchandise and/or services, only after said peddler, solicitor and/or door-to-door vendor has fully complied with the provisions of this Section and has paid the sum of Five Hundred and No/100 (\$500.00) Dollars for the issuance of such permit.

Section 16-8. Conditions for Issuance of Permit.

- (1) Application required. The peddler, solicitor and/or door-to-door vendor shall make an application to the Customer Service Division of the Lafayette City-Parish Consolidated Government, at least ten (10) days prior to the date of his or its contemplated sale, rental or exhibit to be held, which application shall be in a form prescribed by the Lafayette City-Parish Consolidated Government. That form shall include, but not limited to, the following information:
 - a. The full name and address of the applicant;
 - b. The location of his or its principal office and place of business;
 - c. The location from which the applicant will sell, lease, exhibit for sale and/or lease, offer for sale and/or lease or exhibit for the purpose of taking orders for the sale and/or lease of his or its goods, merchandise and/or services or a statement that the activity will be only on a door-to-door basis;
 - d. The name and address of each assistant, associate or employee who will work for and under the applicant; and
 - e. The name and addresses of the applicant's officers, partners, members and/or principals.

The applicant shall make a separate application for each location from which he or it shall sell, lease, exhibit for sale and/or lease, offer for sale and/or lease and/or exhibit for the purpose of taking orders for the sale and/or lease of any goods, merchandise and/or services.

- (2) Supporting information; bond. The application for a permit must be accompanied by:
 - a. A statement showing the kind and character of the goods, merchandise and/or services to be sold, leased, offered for sale and/or lease or exhibited;
 - b. A certified copy of the Charter, if the applicant is a corporation incorporated under the laws of the State of Louisiana;
 - c. A certified copy of a permit to do business in Louisiana, if the applicant is a corporation incorporated under the laws of the State of Louisiana;

- d. A certified copy of its Articles of Partnership and/or Articles of Limited Liability Company, if the applicant is a partnership and/or limited liability company under the laws of the State of Louisiana and/or of any other state;
- c. The paperwork forming and/or organizing the entity if the entity is not a corporation, partnership and/or limited liability company;
- f. A bond in the sum of not less than Five Thousand and No/100 (\$5,000.00) Dollars which shall be executed by the applicant as principal, with one or more good and sufficient sureties satisfactory to the Lafayette City-Parish Consolidated Government, which bond shall be payable to the Lafayette City-Parish Consolidated Government for the use and benefit of any person or persons entitled thereto and conditioned that the principal will pay all damages to person or persons caused by or arising from or going out of the wrongful, fraudulent or illegal conduct by the applicant while conducting its operations. The bond shall remain in full force and effect for the entire duration of the permit and for two (2) years thereafter.

Section 16-9. Scope, Transferability of Permits; Additional Fee for Employees.

The permit of an applicant required by this Article shall not be transferrable from one (1) applicant to another person or entity, nor from one (1) location to another. It shall give authority for no more than one (1) person to sell, lease, exhibit for sale or lease, offer for sale or lease or exhibit for the purpose of taking orders for the sale or lease of goods, merchandise and/or services. But any applicant obtaining such permit shall be allowed two (2) assistants, associates or employees who shall work for him or it, and in the event that said person receiving such permit employees or has associated with him or it more than two (2) assistants, associates or employees, then the permit fee herein provided for shall be increased by the sum of Twenty-Five and No/100 (\$25.00) Dollars for each additional assistant, associate or employee.

Section 16-10. Duration of Permits; Display Required.

The permit of the applicant required by this Chapter shall continue so long as such sale, leasing or exhibits are held at the permitted location or on a door-to-door basis for at least six (6) hours of each day and at least five (5) days of each calendar week, but in no event shall the permit continue for more than six (6) months from the date of the issuance. The same limitation shall apply for a door-to-door solicitation. Said permit shall be prominently displayed in a conspicuous place in the permitted location and/or with the applicant if there is no location but door-to-door solicitation only, such that it can be easily seen by the public in general, and shall remain so displayed as long as any goods, merchandise and/or services are being sold, leased or exhibited.

Article IV. Violations

Section 16-11. Violations; Penalty.

Any person or entity violating any provisions of this Chapter shall, upon conviction, be punished by a fine not exceeding Five Hundred and No/100 (\$500.00) Dollars or imprisonment for a term not exceeding thirty (30) days, or both, in the discretion of the Court. Each instance of any violation of any Section of this Chapter shall be considered a separate offense.

SECTION 3: The existing Code of Ordinances of the Parish of Lafayette, Louisiana, Chapter 12, Itinerant Vendors, is hereby amended and restated and replaced with the following provisions.

CHAPTER 12

PEDDLERS, SOLICITORS AND DOOR-TO-DOOR VENDORS

Article I. Peddlers, Solicitors and Door-to-door Vendors.

Section 12-1. Definitions.

Door-to-Door Vendor. The term "door-to-door vendor" and/or "door-to-door vendors", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships and corporations, as well as their agents, representatives and employees who engage in the business of selling and/or renting, or offering for sale and/or rental, any goods, merchandise and/or services of any kind or character or exhibiting the same for sale and/or rental, or exhibiting the same for the purpose of taking orders for the sale and/or rental thereof and for the purpose of selling, offering for sale and/or exhibiting the same for the purposes of taking orders for the sale and/or rental thereof engage in door-to-door solicitation.

Peddler. The term "peddler" and/or "peddlers", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships and corporations, as well as their agents, representatives and employees who offer merchandise and/or services for sale and/or rental along a street or from door-to-door.

Solicitor. The term "solicitor" and/or "solicitors", as used herein, means and includes and shall be construed to mean and include all persons, firms, entities, partnerships and corporations, as well as their agents, representatives and employees who solicits for sale and/or rental any goods, merchandise and/or services along any street or by going door-to-door.

Article II. In General

Section 12-2. Limitation of Right to go onto Private Property.

The practice of going in or upon private property by solicitors, peddlers and/or door-to-door vendors for the purpose of selling and/or renting goods, merchandise and/or services or for the purpose of taking orders for the sale and/or rental of goods, merchandise and/or services, of any kind and character, except as specified in this Chapter, is prohibited and declared to be a nuisance.

Section 12-3. Limitation on Time to Solicit an Invitation Required to go onto Private Property.

Any licensed peddler, licensed solicitor and/or licensed door-to-door vendor may go onto private property for the purpose of selling, renting and/or soliciting for sale and/or rental any goods, merchandise and/or service only between the hours of 9:00 o'clock a.m. and 4:00 o'clock p.m., from Monday to Friday of each week without the specific invitation of the owner or occupant of said private property. At all other times on Monday through Friday and at all times on a Saturday or Sunday, no such peddler, solicitor and/or door-to-door salesperson may go upon private property without the specific invitation of the owner and/or occupant of the private property.

Section 12-4. Appointments.

Any peddler, solicitor and/or door-to-door vendor shall, except during the times permitted by this Chapter when no invitation is necessary, receive an invitation from the owner and/or occupant of the private property by making an appointment for such visit by telephone or by letter prior to the actual time of the visit.

Section 12-5. Exemptions

This Chapter is not and shall not be applicable to the selling, or offering for sale, of any goods, merchandise and/or services, or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof with reference to:

- D. Any arts or craft fair and/or festival.
- E. At any event commonly known as a garage sale; a flea market; a show, display or exhibition of antiques, stamps, coins, guns, arts, crafts or industrial, business or commercial equipment; a festival; or a fair.
- F. Sales of goods, merchandise and/or services donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose.

Article III. Permit

Section 12-6. Permit Required.

It shall be unlawful for any peddler, solicitor and/or door-to-door vendor to offer for sale and/or rental, exhibit for sale and/or rental or exhibit for the purpose of taking orders for sale and/or rental, any goods, merchandise and/or services without first obtaining a permit from the Customer Service Division of the Lafayette City-Parish Consolidated Government.

Section 12-7. Compliance Required; Permit Fee.

The Customer Service Division of the Lafayette City-Parish Consolidated Government shall issue to any peddler, solicitor and/or door-to-door vendor a permit authorizing that individual or entity to sell and/or rent, exhibit for sale and/or rent, offer for sale and/or rental or exhibit for the purpose of taking orders for sale and/or rental, from the location identified on the permit or on a door-to-door basis, the goods, merchandise and/or services, only after said peddler, solicitor and/or door-to-door vendor has fully complied with the provisions of this Section and has paid the sum of Five Hundred and No/100 (\$500.00) Dollars for the issuance of such permit.

Section 12-8. Conditions for Issuance of Permit.

- (1) Application required. The peddler, solicitor and/or door-to-door vendor shall make an application to the Customer Service Division of the Lafayette City-Parish Consolidated Government, at least ten (10) days prior to the date of his or its contemplated sale, rental or exhibit to be held, which application shall be in a form prescribed by the Lafayette City-Parish Consolidated Government. That form shall include, but not limited to, the following information:
 - a. The full name and address of the applicant;
 - b. The location of his or its principal office and place of business;

- c. The location from which the applicant will sell, lease, exhibit for sale and/or lease, offer for sale and/or lease or exhibit for the purpose of taking orders for the sale and/or lease of his or its goods, merchandise and/or services or a statement that the activity will be on a door-to-door basis only;
- d. The name and address of each assistant, associate or employee who will work for and under the applicant; and
- e. The name and addresses of the applicant's officers, partners, members and/or principals.

The applicant shall make a separate application for each location from which he or it shall sell, lease, exhibit for sale and/or lease, offer for sale and/or lease and/or exhibit for the purpose of taking orders for the sale and/or lease of any goods, merchandise and/or services.

(2) Supporting information; bond. The application for a permit must be accompanied by:

- a. A statement showing the kind and character of the goods, merchandise and/or services to be sold, leased, offered for sale and/or lease or exhibited;
- b. A certified copy of the Charter, if the applicant is a corporation incorporated under the laws of the State of Louisiana;
- c. A certified copy of a permit to do business in Louisiana, if the applicant is a corporation incorporated under the laws of the State of Louisiana;
- d. A certified copy of its Articles of Partnership and/or Articles of Limited Liability Company, if the applicant is a partnership and/or limited liability company under the laws of the State of Louisiana and/or of any other state;
- e. The paperwork forming and/or organizing the entity if the entity is not a corporation, partnership and/or limited liability company;
- f. A bond in the sum of not less than Five Thousand and No/100 (\$5,000.00) Dollars which shall be executed by the applicant as principal, with one or more good and sufficient sureties satisfactory to the Lafayette City-Parish Consolidated Government, which bond shall be payable to the Lafayette City-Parish Consolidated Government for the use and benefit of any person or persons entitled thereto and conditioned that the principal will pay all damages to person or persons caused by or arising from or going out of the wrongful, fraudulent or illegal conduct by the applicant while conducting its operations. The bond shall remain in full force and effect for the entire duration of the permit and for two (2) years thereafter.

Section 12-9. Scope, Transferability of Permits; Additional Fee for Employees.

The permit of an applicant required by this Article shall not be transferrable from one (1) applicant to another person or entity, nor from one (1) location to another. It shall give authority for no more than one (1) person to sell, lease, exhibit for sale or lease,

offer for sale or lease or exhibit for the purpose of taking orders for the sale or lease of goods, merchandise and/or services. But any applicant obtaining such permit shall be allowed two (2) assistants, associates or employees who shall work for him or it, and in the event that said person receiving such permit employees or has associated with him or it more than two (2) assistants, associates or employees, then the permit fee herein provided for shall be increased by the sum of Twenty-Five and No/100 (\$25.00) Dollars for each additional assistant, associate or employee.

Section 12-10. Duration of Permits; Display Required.

The permit of the applicant required by this Chapter shall continue so long as such sale, leasing or exhibits are held at the permitted location or on a door-to-door basis for at least six (6) hours of each day and at least five (5) days of each calendar week, but in no event shall the permit continue for more than six (6) months from the date of the issuance. The same limitation shall apply for a door-to-door solicitation. Said permit shall be prominently displayed in a conspicuous place in the permitted location and/or with the applicant if there is no location but door-to-door solicitation only, such that it can be easily seen by the public in general, and shall remain so displayed as long as any goods, merchandise and/or services are being sold, leased or exhibited.

Article IV. Violations

Section 12-11. Violations; Penalty.

Any person or entity violating any provisions of this Chapter shall, upon conviction, be punished by a fine not exceeding Five Hundred and No/100 (\$500.00) Dollars or imprisonment for a term not exceeding thirty (30) days, or both, in the discretion of the Court. Each instance of any violation of any Section of this Chapter shall be considered a separate offense.

SECTION 4: All Ordinances or Resolutions, or parts thereof in conflict herewith, are hereby repealed.

SECTION 5: This Ordinance shall become effective immediately upon the signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

SECTION 6: In the event any Section part or portion of this Ordinance shall be found unconstitutional, or otherwise unenforceable, the remaining portions shall still remain in full force and effect.

SECTION 7: It is intended that this Ordinance replace the existing Chapter 16 of the Code of Ordinances of the City of Lafayette and the existing Chapter 12 of the Code of Ordinances of the Parish of Lafayette, and it shall be codified as such. Furthermore, upon the enactment of a Consolidated Code of Ordinances for the Lafayette Consolidated Government, this Ordinance shall be included in that codification under the subject matter as indicated in the title.

DISPOSITION OF ORDINANCE NO. 121-99

1. This ordinance was introduced: April 6, 1999
YEAS: Ardoin, Castille,
Broussard, Trumps,
Schouest, Menard
NAYS: None
ABSENT: Williams, Benjamin,
Alexander
RECUSED/ABSTAINED: None
- Final disposition by Council:
April 20, 1999
YEAS: Ardoin, Castille, Williams,
Benjamin, Broussard, Trumps,
Alexander, Menard
NAYS: None
ABSENT: Schouest
RECUSED/ABSTAINED: None

Assist Norma Dugas
CLERK OF THE COUNCIL

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on April 9, 1999
3. This ordinance was presented to the President for his approval on April 21, 1999 at 2:45 o'clock p.m.

Assist Norma Dugas
CLERK OF THE COUNCIL

4. Disposition by President:

I hereby:

- A. Approve this ordinance, the 26 day of April, 1999, at 10:00 o'clock A.m.
- B. Veto this ordinance, the _____ day of _____, 1999, at _____ o'clock _____m., veto message is attached.
- C. Line item veto certain items this _____ day of _____, 1999, as noted in the attached veto message.

Walter Long
PRESIDENT

5. Returned to Council office with/without veto message on April 26, 1999, at 2:20 o'clock p.m.

6. Reconsideration by Council (if vetoed):

On _____, 1999, the Council did/refused to readopt this ordinance after the President's veto.

Assist Norma Dugas
CLERK OF THE COUNCIL

7. Full Publication:

Full publication of this ordinance was made in the Advertiser on Friday, April 30, 1999.

NOTE: If no approval nor veto of President appears, and ten days have elapsed since this ordinance was presented to him for action, the same has been automatically approved.