

Ordinance No. 1097-09



**An Ordinance Amending Ordinance No. 557-98 Which
Prohibits Door-to-Door Solicitation in the City of Foley**

Be it ordained by the City Council of the City of Foley, Alabama, at its meeting on the 3rd day of August, 2009, that Ordinance 557-98, which prohibits door-to-door solicitation in the City of Foley, be amended as follows:

Section 1. Ordinance No. 557-98 is hereby amended to read as follows:

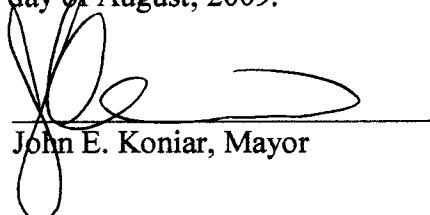
- (a) **Definitions:** For purposes of this ordinance, the following terms shall have the following meanings:
 - 1. City – City of Foley, Alabama.
 - 2. Private Residence – property zoned for residential use or used as a residence, including but not limited to single- and multi-family dwellings, apartments, townhouses, and mobile homes.
 - 3. Door-to-Door Solicitation – the practice of going in and upon private residences in the city by solicitors, peddlers or transient vendors of merchandise not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of same for commercial purposes.
- (b) **Prohibition on 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.
- (c) **Exemption:** The prohibitions in this Ordinance shall not apply to persons acting solely on behalf of a bona fide charitable nonprofit agency or organization.
- (d) **License Requirement:** Every person or entity desiring to engage in solicitation by means of calling upon places of residence must obtain a valid business license from the City of Foley prior to engaging in such solicitation in the City of Foley. The license must identify each person who will be engaging in solicitation within the City. 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.
- (e) **Limit on Hours:** No person licensed to engage in door-to-door solicitation shall engage in door-to-door solicitation within the City before 9:00 a.m. or after 7:00 p.m.
- (f) **No Solicitation Signs:** No person licensed to engage in door-to-door solicitation shall approach or go upon on 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 solicitation,” “no peddling,” or “no trespassers.”
- (g) **Additional Restrictions:** No person licensed to engage in door-to-door solicitation shall:
 - 1. Knowingly make a false, misleading, or deceptive representations, including, but not limited to, presenting invalid or false identification about himself or herself or a good or service;
 - 2. Represent, directly or by implication, that the City of Foley endorses the solicitation, selling or peddling; or
 - 3. Refuse to immediately and peacefully leave private property upon being asked to leave by the owner or a lawful occupant.
- (h) **Enforcement:** The city police force 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.

- (i) **Fine:** Any person convicted of perpetuating a nuisance, as described and prohibited in this ordinance shall be fined a sum not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), in addition to the costs of proceedings, which said fine may be satisfied, if not paid in cash, by execution against the person convicted of committing the misdemeanor as herein prohibited.

Section 2. That this Ordinance shall become effective immediately upon its passage and publication as required by law.

Passed, Adopted, and Approved this the 3rd day of August, 2009.




John E. Koniar, Mayor


A. Perry Wilbourne, CMC
City Clerk/Administrator

This ordinance was published in the *Foley Onlooker* on August 8, 2009 and was posted at City Hall from August 4 th to August 18th.


City Clerk/Administrator