

Ordinance No. 1427

AN ORDINANCE to amend Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new article designated Article II, which Chapter 32 relates to SOLICITATION FOR CHARITABLE, ETC., PURPOSES and which new Article II relates to SOLICITATION FOR NON-CHARITABLE PURPOSES and provides penalties and violations.

WHEREAS, there has been reported a number of instances in which non-regulated solicitors have threatened the health, life, and property of citizens of the City of Alexandria, Virginia; and

WHEREAS, the City Council is of the opinion that solicitation within the City should be regulated so that the health, life, and property of its citizens are protected; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 32 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding a new article thereto designated Article II, to read as follows:

ARTICLE II. SOLICITATION FOR NON-CHARITABLE PURPOSES

Sec. 32-10. Definitions.

(a) The word "peddler" as used herein shall include any person, whether a resident of the City of Alexandria or not, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who, by traveling from house to house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction, makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this ordinance, shall be deemed a peddler, subject to the provisions of this article. The word "peddler" shall also include the words "hawker" and "huckster."

(b) A canvasser or solicitor is defined as any individual whether a resident of the City of Alexandria or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale, a sample of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for any other person or corporation, hires, leases, uses or occupies any building or structure, lodging house, apartment, shop or any other place within the City of Alexandria for the sole purpose of exhibiting samples and taking orders for future delivery.

(c) The terms "peddler", "solicitor", or "canvasser" shall not be construed to include the following:

(1) Farmers or truck gardeners selling, offering for sale, or soliciting orders for any products grown, raised or produced by them.

(2) Vendors of milk, bakery products, groceries, or other food products of any kind, duly licensed in the City of Alexandria to sell the same from truck or wagon.

(3) Persons peddling, soliciting or canvassing where the proceeds derived from such peddling, soliciting or canvassing are to be used for charitable or religious purposes, provided they hold the permit required by Sec. 32-1 of this chapter, or on behalf of a qualified and filed candidate or candidates for public office, or on behalf of a political party.

(4) Salesmen or agents for wholesale houses or firms who solicit orders from, or sell to retail dealers in the City of Alexandria for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.

(5) Children of or under the age of sixteen years, except when they are acting as agents of adults covered by this article.

(6) Route salesmen for laundry, dry cleaning, rug cleaning, garment storage, linen supply, towel supply and diaper services, operated from clearly identifiable vehicles, and newspaper delivery men on a regular route.

Sec. 32-11. Registration Certificate required.

It shall be unlawful for any solicitor, canvasser or peddler as defined in Sec. 32-10 of this article to engage in such business or act within the meaning and application of this article within the corporate limits of the City of Alexandria, Virginia, without first obtaining and possessing a valid certificate therefor in compliance with the provisions of this article.

Sec. 32-12. Application for certificate.

Any person desiring to act as a peddler, solicitor or canvasser within the City of Alexandria shall first file with the City Police Department a sworn application in writing, on a form to be provided by the City, containing the following information.

(a) Name, permanent business and local business address of the applicant.

(b) Home address of the applicant.

(c) If employed, the name and address of the employer.

(d) A brief description of the nature of the business and the goods to be sold or services to be performed.

(e) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, including traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

(f) The length of time the applicant intends to do business in the City.

(g) If a vehicle is to be used, a description of the same, together with the license number, or other means of identification.

(h) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery.

(i) The names of at least two (2) persons who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

The written application shall be accompanied by (1) credentials establishing the applicant's relationship with his employer, if he is not self-employed, and (2) a recently taken photograph of the applicant in duplicate clearly showing the face and shoulders. (If the applicant does not have such photographs, the City Police Department shall take them.)

Any such person shall also first have his finger and thumb prints taken by the City Police Department.

Sec. 32-13. Registration certificate fee.

No application shall be considered until the applicant shall have first paid the City Collector the sum of \$5.00 to cover processing and the costs of the investigation prescribed by this article and such sum shall not be returned to the applicant in the event the certificate is refused.

Sec. 32-14. Investigation.

Upon receipt of the application and certificate fee as provided for in preceding sections, the Major and Superintendent of Police shall cause to be made such an investigation of the applicant as he deems necessary for the protection of the citizens of Alexandria.

Sec. 32-15. Issuance or denial of certificate.

If, as a result of such investigation, the applicant's character, reputation or business responsibility are found to be unsatisfactory, the applicant shall be immediately notified by the Major and Superintendent of Police, or his authorized agent, that his application is not approved along with the reason therefor and no certificate will be issued except on appeal as hereinafter provided.

If, as a result of the investigation, the character, reputation and business responsibility of the applicant are found to be such that they will not be incompatible with the protection of the health, life and property of the citizens of the City of Alexandria, then the Major and Superintendent of Police, or his authorized agent, shall immediately notify the applicant and issue a certificate to the applicant, provided the security provided for in Section 32-18 has been furnished.

The Major and Superintendent of Police shall keep a permanent record of all certificates issued, refused or revoked.

Sec. 32-16. The certificate.

Such certificate shall contain a certificate number, the name and photograph of the certificate holder, the kind of goods to be sold thereunder, the name of the employer, the date of issuance and the date of expiration, and the signature of the Major and Superintendent of Police, or his authorized agent.

Sec. 32-17. Duration, renewal and transfer of certificates.

No certificate shall be valid for a period longer than one year from the date of its issuance; no certificate shall be transferable; a certificate shall automatically expire at such times as an applicant changes his employer; and no certificate shall be renewed after expiration or revocation, but applicants may apply for a new certificate.

Sec. 32-18. Bond.

Every applicant shall file with the Chief of Police, or his authorized agent, a surety bond running to the City in the amount of ONE THOUSAND DOLLARS (\$1,000), with a corporate surety licensed to do business in Virginia, conditioned that the said applicant shall comply fully with all provisions of the ordinances of the City of Alexandria, and the statutes of the State of Virginia regulating and concerning the business of peddling, soliciting or canvassing, and guaranteeing to any citizens of the City of Alexandria that all money paid will be accounted for and applied according to the representations of the peddler, solicitor or canvasser, and further guaranteeing to any citizen of the City of Alexandria, doing business with said peddler, solicitor or canvasser, that the property purchased will be delivered according to the representations of said solicitor, and that such property purchased meets the standards as represented by the peddler, solicitor or canvasser. Action on such bond may be brought in the name of the aggrieved person. A blanket bond, otherwise meeting the requirements of this section, shall be acceptable.

Sec. 32-19. Carrying and exhibition of certificate.

It shall be the duty of peddlers, canvassers or solicitors to carry their certificates at all times while engaged in peddling, soliciting or canvassing in the City, and it shall also be the duty of any such peddler, solicitor or canvasser to exhibit his certificate when requested by any householder or law-enforcement officer.

Sec. 32-20. Revocation of certificate.

(a) Certificates issued under the provisions of this ordinance may be revoked by the City Manager after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for certificate.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, solicitor or canvasser.

(3) Any violation of this article.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting his business in an unlawful manner, or in such a manner as to constitute the breach of the peace, or to constitute a menace to the health, safety or general welfare of the people.

(6) Cancellation or termination of the bond.

(b) Notice of the hearing for revocation of a certificate shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the certificate holder at his last known local business address at least five (5) days prior to the date set for hearing.

Sec. 32-21. Appeals.

Any person aggrieved by the action of the Major and Superintendent of Police, or his authorized agent, in the denial of an application for a certificate or in the decision with reference to the revocation of a certificate, shall have the right of appeal to the City Council of Alexandria. Such appeal shall be taken by filing with the Clerk of the City Council within ten (10) days after the notice of action complained of has been mailed to such person's last known local business address, a written statement setting forth fully the grounds for appeal. The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this article for notice of a hearing on revocation. The decision and order of the City Council on such appeal shall be final and conclusive.

Sec. 32-22. Penalty.

Any person violating any provision of Article II, Chapter 32 of the City Code shall, upon conviction thereof, be punished by a fine not to exceed One Hundred Dollars (\$100), or by imprisonment not to exceed thirty (30) days in jail, or by both such fine and imprisonment.

Sec. 32-23. Interstate Commerce.

Nothing in this article shall be construed or enforced so as to be in derogation of interstate commerce.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective March 24, 1967.

FRANK E. MANN
Mayor

Final Passage: Jan. 24, 1967