

Chapter 12

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS*

- Art. I. In General, §§ 12-1—12-20
- Art. II. Peddlers, §§ 12-21—12-45
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ARTICLE I. IN GENERAL

Sec. 12-1. Enforcement.

The police department is hereby required and directed to enforce the provisions of this chapter, to suppress the practices prohibited by this chapter and to abate any such nuisance described in this chapter.

(Code 1964, § 14-1)

Secs. 12-2—12-20. Reserved.

ARTICLE II. PEDDLERS

Sec. 12-21. Definition.

"Peddler" as used in this article shall mean any person who goes from place to place or house to house in the town selling or soliciting orders for any goods, wares or merchandise. The term "peddler" shall not include any person defined as a transient merchant by section 13-46.

(Code 1964, § 14-12)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 12-22. Exemptions.

The provisions of this article shall not apply to the vending or sale of ice or soliciting orders for the sale of ice and milk, dairy products, truck vegetables, poultry and eggs, and other farm and garden produce, so far as the sale of the named commodities is now authorized by law.

(Code 1964, § 14-13)

***Cross reference**—Streets and sidewalks, Ch. 14.

State law references—Transient merchants, R.S. 37:1901 et seq.; itinerant vendors, R.S. 37:1920 et seq.

Sec. 12-23. Bond required; exception.

(a) For the protection of the public, all peddlers who have no permanent place of business in the town or within one (1) mile thereof, shall make bond in favor of the town with good and solvent surety in the amount of five hundred dollars (\$500.00) for the benefit of the public of the town for the purpose of ensuring that the person conducting peddling business in the town shall faithfully perform the contracts made and obligations incurred by him in the town.

(b) No person shall engage in peddling within the town without first making the bond herein required, which bond shall be approved by the clerk of the town and retained by him.

(c) This bonding requirement shall not apply to wholesale distributors.

(d) This section is enacted for the purpose of protecting the public from those who do business in the town temporarily, and accept money from the public without having a permanent place of business within one (1) mile of the town, and this section shall be liberally construed to effectuate this purpose. None of the provisions of this section shall be so construed as to permit peddling or solicitation at places of residence forbidden elsewhere in this chapter. (Code 1964, § 14-14)

Sec. 12-24. Invitation required to go onto residential property.

The practice of going in and upon private residences, contacting persons either individually or by telephone in the town by peddlers not having been requested or invited to do so by the owner, occupant or occupants of such private residences is hereby declared to be a nuisance, and such nuisance is punishable as a misdemeanor.

(Code 1964, § 14-15)

Secs. 12-25—12-45. Reserved.

ARTICLE III. TRANSIENT MERCHANTS*

DIVISION 1. GENERALLY

Sec. 12-46. Definition.

"Transient merchant" as used in this article means any person engaging temporarily in a retail or wholesale sale of goods, wares or merchandise, in any place in the town and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind. The term shall not be construed to apply to any person selling goods, wares or merchandise of any description, raised, produced, or manufactured by the individual offering them for sale; nor to persons handling vegetables, fruits or perishable farm products at any town market; nor to persons operating stores or refreshment stands at resorts or having booths

*State law reference—Municipal regulation of transient merchants, R.S. 37:1908, 37:1909.

Fireworks

~~on or adjacent to the property owned or occupied by them; nor to any stands on any fair grounds; nor to any vender of soft drinks or refreshments.~~

(Code 1964, § 14-26)

Cross reference—Definitions and rules of construction generally, § 1-2.

State law reference—Similar provisions, R.S. 37:1901.

Sec. 12-47. Prima facie evidence.

Transaction of business as defined in section 13-46, by any person for a period of ~~less than six (6) months consecutively shall be prima facie evidence that the person was a transient merchant within the intent and meaning of this article.~~

(Code 1964, § 14-27)

State law reference—Similar provisions, R.S. 37:1906.

Secs. 12-48—12-65. Reserved.

DIVISION 2. LICENSE

Sec. 12-66. Required.

~~It is unlawful for any person, either as principal or agent, to engage in business as a transient merchant in the town without having first obtained a license in the manner provided in this division.~~

(Code 1964, § 14-28)

State law reference—Similar provisions, R.S. 37:1902.

Sec. 12-67. Application; agent for service of process; bond; duration; fee; disposition of fees.

(a) A person desiring to engage in business as a transient merchant shall make and file with the mayor a written application stating the applicant's name, residence, place where he intends doing business and the kind of business.

(b) If the applicant is acting as agent for another person, he shall also cause to be filed a power of attorney appointing the mayor as the agent on whom service of process may be made in any suit commenced against him.

(c) ~~The applicant shall, at the same time, deposit the sum of five hundred dollars (\$500.00), or a surety company bond in a like amount and pay to him the further sum of seventy-five dollars (\$75.00), as a license fee.~~

(d) The mayor shall issue to the applicant a license as herein provided, if satisfied that the business to be conducted by such merchant is not maintained to cheat or defraud the public.

(e) ~~The license shall expire on December thirty-first following the date of issue.~~

(f) All license fees paid pursuant to this division shall go into the general fund of the town.

(Code 1964, § 14-29)

State law reference—Similar provisions, R.S. 37:1903.

Sec. 12-68. Deposits subject to claims; garnishment proceedings; remittance of balance of cash deposit.

(a) Deposits made with the mayor shall be subject to claims of creditors and claims for local license fees on behalf of the town in all cases where a judgment has been obtained against the transient merchant in any court in this state and the time for appealing such judgment has expired.

(b) In such cases garnishment proceedings may be commenced in such court against the mayor, who shall thereupon remit to the court any balance of the cash deposit remaining in his hands not exceeding the amount of the judgment, for the purpose of satisfying the same.

(c) Any balance remaining in the hands of the mayor four (4) months after the expiration of the license shall be remitted to the transient merchant; but if, at such date, the mayor has received notice of any suit then pending against the transient merchant, the deposit shall not be returned until sixty (60) days after the termination of the suit.

(Code 1964, § 14-30)

State law reference—Similar provisions, R.S. 33:1904.

Sec. 12-69. Void when deposit exhausted; revocation; suit to set aside decision.

(a) A license shall be void as soon as the deposit made with the mayor as provided in this article shall have been exhausted because of garnishment suits authorized herein.

(b) The mayor may revoke any license issued by him, for good cause shown, after giving the licensee reasonable notice and opportunity to be heard, subject to the right of the licensee to bring suit in the district court of the parish where the license may have been revoked, to set aside the decision of the mayor, the suit to be filed within ten (10) calendar days after the decision of the mayor.

(Code 1964, § 14-31)

State law reference—Similar provisions, R.S. 33:1905.

Secs. 12-70—12-90. Reserved.

ARTICLE IV. CHARITABLE SOLICITATIONS

DIVISION 1. GENERALLY

Sec. 12-91. Exemptions.

This article shall not apply to the public solicitation of funds by sale of tickets or otherwise by regularly constituted and duly authorized members of bona fide organizations, religious or otherwise, where the entire funds or proceeds derived from such enterprises go or belong to such organizations.

(Code 1964, § 14-43)

Secs. 12-92—12-110. Reserved.

DIVISION 2. LICENSE

Sec. 12-111. Required.

It shall be unlawful for any person representing or pretending to represent, directly or indirectly, or using the name of any lodge, club, charitable, philanthropic, educational, patriotic, political or labor organization, or any other association or society, to solicit funds from the public for any public dance, entertainment, charity, advertising scheme or other endeavor through the sale of tickets, tags, contributions, advertising or otherwise where such person shares or receives, directly or indirectly, any part of such fund without having first procured a license from the town permitting such solicitation.

(Code 1964, § 14-42)

Sec. 12-112. Application.

Application for the license required by this division shall be presented in writing to the clerk of the town, who is granted and given authority to issue the same, and shall contain the following information:

- (1) ~~The name and address of the person making the application and if an association or corporation, a certificate or resolution of authority from its governing board;~~
 - (2) ~~The name of the organization or society for whose benefit such solicitation and promotion shall be carried on, together with the names and addresses of the president and secretary thereof and a certificate or resolution of such organization consenting to the enterprise;~~
 - (3) ~~The nature of the entertainment or enterprise proposed, the date and place thereof and general plan of organization, the price of tickets, tags, subscriptions and contributions and methods to be followed in the sale or solicitation thereof;~~
 - (4) The method of distribution of the funds or proceeds from any such undertaking, including the names of the promoters and the organization or organizations represented, or under whose auspices the entertainment is conducted or purported to be conducted and respective percentages or amounts to be distributed or allotted to each;
 - (5) ~~The names and addresses of three (3) bona fide residents of the town as references,~~
- (Code 1964, § 14-44)

Sec. 12-113. Prerequisites to issuance; submission of application to mayor and selectmen.

The clerk may not issue a license required by this article until he is in receipt of all of the information required in section 12-112, in writing, and he may, if he so desires, submit the application to the mayor and selectmen for their approval or disapproval before issuing such license.

(Code 1964, § 14-45)

Sec. 12-114. Misrepresentations, misstatements grounds for denial or revocation.

Any misrepresentation or misstatement of a required fact in the application shall be a ground for withholding or revoking a license issued pursuant to this division.

(Code 1964, § 14-46)

Sec. 12-115. Fee.

The fee for a license required by this division shall be five dollars (\$5.00).

(Code 1964, § 14-47)

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Chapter 13

PLANNING*

- Art. I. In General, §§ 13-1—13-15
Art. II. Homer Regional Planning Commission, §§ 13-16—13-45
Art. III. Homer Planning Commission, §§ 13-46—13-75
Art. IV. Northwest Louisiana Region, §§ 13-76—13-81

ARTICLE I. IN GENERAL

Secs. 13-1—13-15. Reserved.

ARTICLE II. HOMER REGIONAL PLANNING COMMISSION†

Sec. 13-16. Created.

There is hereby created the Homer Regional Planning Commission under the authority granted in R.S. 33:131 et seq.

(Code 1964, § 15-1)

Sec. 13-17. Membership.

The regional planning commission shall consist of seven (7) members, three (3) to be appointed by the mayor of the town with the approval of the selectmen, and four (4) members to be appointed by the president of the police jury of Claiborne Parish with the approval of the police jury. Planning commission members appointed by the mayor shall be residents of the town. The members appointed by the president of the police jury shall be selected from residents of the wards lying wholly or partly within the planning region.

(Code 1964, § 15-2)

Sec. 13-18. Appointment, terms of members.

(a) Of the members first appointed to the regional planning commission, the terms of office of one (1) member shall be for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years, one (1) member for five (5) years, one (1) member for six (6) years, and one (1) member for seven (7) years.

*Cross references—Administration generally, Ch. 2; buildings and building regulations, Ch. 5; cemeteries, Ch. 6; flood damage prevention, Ch. 8; streets and sidewalks, Ch. 14; utilities, Ch. 17; zoning, App. A; airport zoning, App. B; subdivision regulations, App. C.

State law reference—Municipal zoning regulations, R.S. 33:4721 et seq.

†State law reference—Regional planning commissions, R.S. 33:131 et seq.