

ORDINANCE 56

AN ORDINANCE REGULATING AND LICENSING TRANSIENT MERCHANTS, HAWKERS, PEDDLERS AND SOLICITORS

The Village Council of Bird Island do ordain as follows:

Section 1. Definitions. The following terms are hereby defined as used in this ordinance:

(a) "Transient merchant"—Any person selling any merchandise, either as principal or agent, from a building or lot which he occupies as a tenant at will, or under a lease for a shorter term than six months, or from a railroad car, a truck, or a vehicle, is a transient merchant.

(b) "Hawker" and "Peddler"—Any person selling any goods or products from a vehicle, or pack, going about from place to place carrying said goods or products for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be non-edible, such person is a peddler.

(c) "Solicitor"—Any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor; provided, any person taking orders to be filled by goods delivered to the purchases from other states in the original package shall not be included.

(d) "Person"—The term "person" shall include firms and corporations.

Section 2. License Required. No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in this village without first having obtained from the village clerk a license to do so.

Section 3. Application for License. Application for such license shall be made to the village clerk, and shall show: (1) the name of the applicant and of all persons associated with him in business; (2) the type of business for which the license is desired; (3) in case of transient merchants, the place where the business is to be carried on; (4) the length of time for which said license is desired; (5) a general description of the things of thing to be sold; (6) the present place of business of the applicant; (7) the places of residence of the applicant for the five years just past. Blank applications shall be issued by the clerk on payment of one dollar (\$1.00) which amount shall be credited on the license fee if the license is granted. Every application shall bear the written approval of the village marshal or president of the council after an investigation of the moral character of the applicant.

Section 4. Certain Sales and Licenses Prohibited. No transient merchant, hawker, peddler or solicitor shall sell or solicit orders for meat; poultry; dry goods; cloth; clothing; furs; wearing apparel, old or new; umbrellas; eye-glasses; medicines; watches; jewelry; plated ware; or silverware; and no license shall be issued purporting to authorized such sales.

Section 5. License Fees. Fees for licenses under this ordinance shall be as follows:

Transient merchants, per day - - - - -	\$ 5.00
Transient merchants, per month - - - - -	\$25.00
Transient merchants, six months- - - - -	\$90.00
Solicitors, per day - - - - -	\$ 5.00
Hawkers, on foot, per day - - - - -	\$ 1.00
Hawkers, with push cart, per day - - - - -	\$ 2.00
Hawkers, with wagon, per day - - - - -	\$ 3.00

Hawkers, on foot, per year -----	\$25.00
Hawkers, with push cart, per year -----	\$50.00
Hawkers, with wagon, per year -----	\$65.00
Peddlers, on foot, per day -----	\$ 2.00
Peddlers, with push cart, per day -----	\$ 3.00
Peddlers, with wagon, per day -----	\$ 5.00
Peddlers, with automobile, per day -----	\$ 7.50

Section 6. Duration of License. Each license shall be valid only for the period specified therein and no license may extend beyond the 31st day of December of each year.

Section 7. License no Transferable. License issued under this ordinance shall be non-transferable. No refunds shall be made on unused portions of licenses except upon resolution of the Council. Each person engaged in the business of vending, hawking, or peddling goods must secure a separate license.

Section 8. License to be Carried. All licenses issued under this ordinance shall be carried by the licensee or conspicuously posted in his place of business and such licensee shall whenever requested show said license to any officer or citizen who demands to see the same.

Section 9. Practices Prohibited. No person, licensed under this ordinance, shall call attention to his business or to his merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

Section 10. Revocation of Licenses. Licenses issued under this ordinance shall be revocable, without notice, by the Council whenever in its opinion the good order of the village requires it.

Section 11. Exemptions. This ordinance shall not apply to any sale under court order, nor to any bona fide auction sale, nor to a sale at wholesale to a retail dealer, nor to the sale of milk or ice, nor to the sale of farm or garden products by the person producing the same.

Section 12. This ordinance shall and does repeal any and all other ordinances inconsistent therewith.

Section 13. Any person violating any provision hereof shall be guilty of a misdemeanor punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred (\$100.00) dollars, or imprisonment for not less than ten (10) days nor more than ninety (90) days. This ordinance shall take effect upon passage and publication.

Passed the Village Council this 5th day of March, 1936.

C.H. Doyle, President of Council

Gustav Steffen, Clerk

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