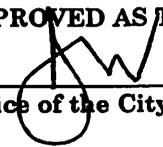


APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW
Requested: Public Safety Comte
Presentation on: 07-22-2014
Suspension of Rules: No

ORDINANCE NO. 8102

ORDINANCE AMENDING SECTION 7-19 OF THE
CODE OF TUSCALOOSA
(A14-0698)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that
Section 7-19 of the Code of Tuscaloosa is amended to read as follows:

**“Sec. 7-19. - Additional regulations for particular license
classifications.**

In addition to all other laws, ordinances, rules, and regulations,
the following provisions shall apply to the specific classifications of
section 7-18 as indicated:

454391 Football novelties. All such licensees shall be subject to the
provisions of section 21-9. The revenue department is authorized to
institute a selection process to assign public vending locations as
provided in subsection 21-9(b), and shall have the following powers for
this purpose:

- (A) To hold a random drawing to be conducted in a public place
and require the participants or their representatives to be
present and participate in person, unless other reasonable
accommodation is required by law and duly requested.
- (B) To charge a nonrefundable one hundred dollar (\$100.00) fee
per person who enters the random drawing regardless of
whether the person receives a location slot or purchases a
business license.
- (C) To exercise such authority as reasonably necessary to make
the random drawing fair, orderly, and open.

454393 Solicitor/Door to Door Sales. All such licenses shall be
subject to the following additional regulations:

- A. *Individual permit required.*

- (1) A solicitor/door to door sales permit shall be required for solicitors defined as: Any person who, by going from house to house and place to place in the city, sells or takes order for, or offers to sell or take orders for goods, wares, merchandise, newspapers, magazine, periodicals, or other publications, or any article or thing for future delivery.
- (2) No permit will be issued to any solicitor convicted of a violation of any provisions of this article or whose solicitor's license has previously been suspended or revoked.
- (3) All persons receiving a solicitor/door to door sales permit shall only solicit during the following hours:
 - (i) September through May, 8:00 a.m. to 6:00 p.m.
 - (ii) June, July and August, 8:00 a.m. to 8:00 p.m.
 - (iii) No door to door sales shall be conducted on holidays recognized by the City or between 8:00 a.m. and 12:00 p.m. on Sunday.

B. *Permit application.* Any person desiring a permit to engage as a solicitor within the City shall furnish to the Revenue Department on its form the following:

- (1) Applicant's name and permanent and local address, if applicable, to be provided through applicant's driver license or other picture identification.
- (2) The name and address of the firm or organization applicant represents. A Solicitor license shall be purchased separately in the name of the firm or organization.
- (3) A description of the article or services which applicant proposes to sell or take orders for the sale thereof.
- (4) A statement as to whether the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense, the penalty or punishment imposed, and the date, court, and place of conviction.

- (5) Payment of twenty-five (\$25.00) dollars by cashier's check or money order made payable to the Alabama Bureau of Investigation along with a release form to the State, to obtain a criminal background history from the State. The Tuscaloosa Police Department shall mail cashier's check or money order with the release form to the Alabama Bureau of Investigation.
- (6) Payment of \$20.00 for the picture identification as furnished by the Tuscaloosa Police Department.

C. Permit Requirements.

- (1) Individual permits for solicitation shall be valid for a period of thirty (30) days from the date of issuance.
- (2) The picture identification permit must be worn so that it is clearly visible at all times while the permittee is soliciting in the City.
- (3) All orders taken by licensed solicitors shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser.

D. Suspension of Permit.

- (1) Any permit and/or solicitor license issued under this article may be suspended by written notice or oral notice to the permittee by the Chief of Police or his/her designee or the Revenue Director or his/her designee for any of the following reasons:
 - (a) Fraud or misrepresentation in the application for a permit;
 - (b) Fraud or misrepresentation in the course of conducting solicitation activities;
 - (c) Conducting solicitation activities contrary to the conditions of the permit;
 - (d) Conviction of any felony or crime involving dishonesty or false statement;

- (e) Conducting solicitation activities in such a manner as to create public nuisance or constitute danger to the public health, safety, or welfare.
- (2) Upon suspension, the Revenue Department shall deliver written notice to the permit holder stating the action taken and the reason supporting each action. The written notice shall be delivered to the local address set forth in the application.
- (3) Solicitors whose permits have been suspended may appeal the action by filing a written notice of appeal with the city clerk. The appeal must be filed within ten (10) days of the notice of suspension. The City Council shall hear and determine the appeal and the decision of the City Council shall be final.

E. Violations.

- (1) It is unlawful for any person to act as a solicitor without (1) procuring a solicitor/door-to-door permit as evidenced by a picture identification from the Tuscaloosa Police Department, and (2) taking out a solicitor license purchased separately in the name of the firm or organization.
- (2) It shall be unlawful for any person while conducting the business of a solicitor pursuant to a permit to solicit during the hours or days other than as provided herein.

713290 Ticket resellers (or any other classification applicable to ticket resellers). All such licensees shall be subject to the following additional regulations:

- (A) In addition to all other activity applicable to this NAICS code, this classification shall apply to those in the business of buying, selling or reselling admission tickets to events such as sporting events, concerts, movies, and other events and/or entertainment, as itinerant, roving, or transient vendors in public or private locations, unless a different license applies and is issued prior to engaging in such business activity.

- (B) A city-issued and -provided identification permit must be worn by the licensee so that it is fully visible at all times while engaged in the activity of buying and/or reselling tickets in the city.
- (C) In addition to the city-provided identification permit, each such licensee must have a city-issued business license and picture identification (driver's license or state-issued identification card) in their actual possession while buying and/or reselling tickets and must display the same to any law enforcement officer, revenue officer, or other enforcement officer employed by the city upon demand.
- (D) Each individual person buying, selling or reselling tickets shall purchase a license, and no person may buy and/or resell tickets under a license issued to another person.
- (E) It shall be unlawful for the licensee to fail to have in actual possession and on display as required, an identification permit, business license, and picture identification as provided in this subsection, and such violation shall be considered sufficient grounds for revocation of the license under the procedure provided in section 7-33. This shall be in addition to and supplemental to the grounds for revocation otherwise provided in section 7-33."

FUNDING REQUIRED: Yes No

By: _____
 Finance Director

COUNCIL ACTION

Resolution _____
 Ordinance _____
 Introduced Intro:
 Passed _____
 2nd Reading Unan:
 Unanimous _____
 Failed Adopted 7.22.14
 Tabled _____
 Amended Dickby K. Clement
 Comments: Asst. City Clerk