

**AN ORDINANCE TO AMEND THE MOBILE CITY CODE LICENSE PROVISIONS
RELATED TO PEDDLERS AND TRANSIENT MERCHANTS**

Sponsored By: William S. Stimpson, Mayor

WHEREAS, the City of Mobile ("City") wishes to simplify the type of licenses available for Peddlers and Transient Merchants by eliminating any superfluous license provisions;

WHEREAS, The City also wishes to clarify the type of activity authorized pursuant to said licenses; and

WHEREAS, this Ordinance is enacted to accomplish said goals.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the following Ordinance is adopted to amend the "2008 Schedule of Licenses" located in Chapter 34, of The Code of the City of Mobile, Alabama, 1991, as follows:

Section 1: The following provision is hereby amended and restated to read as follows:

NAICS	Code	Title	License Rate
454383		<p>Peddlers - annual license</p> <p>Peddlers: All persons or businesses primarily engaged in retailing merchandise via direct sale to the customer by means of a small and temporary location, such as stand, booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever. A Peddler's license does not authorize a person or business to engage in any house-to-house activity, solicit at private residences, or to operate a food truck.</p> <p>For any Peddler's license, the term "display area" includes the total aggregate square foot area occupied by any combination of a booth, tent, table, truck, wagon, trailer, or any other type of portable stall whatsoever.</p> <p>The following conditions apply:</p>	<p>\$50.00, plus \$70.00 tax deposit.</p>

		<p>(1) The display area may not exceed 40 square feet.</p> <p>(2) No activity is permitted in any one fixed location for more than thirty days for any calendar year.</p> <p>(3) <u>Without prior written City approval, this</u> license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way.</p> <p>(4) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations.</p> <p>(5) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license.</p> <p>(6) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee.</p> <p>Exception:</p> <p>This license is not valid for Peddlers within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.</p>	
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Section 2: The following provision is hereby amended and restated to read as follows:

454397		Peddlers, Mardi Gras. Stand, booth, table, tent, vehicle, or trailer.	\$1,000.00
		License shall be valid only 30 days prior to and including Mardi Gras Day for the area within the	

		<p>Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop.</p> <p>The Following conditions apply:</p> <ol style="list-style-type: none"> (1) The display area may not exceed 200 square feet. (2) <u>Without prior written City approval</u>, this license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) All activities must comply with all City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) No activity between the hours of 11:00 p.m. and 6:00 a.m. is authorized pursuant to this license. (5) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee. <p>Exception: Any business which sets up a booth, stand, or tent during Mardi Gras on property where it is licensed to do business year-round is not required to obtain the additional license provided for in this subparagraph. The gross proceeds derived from the sales from these "on property" Mardi Gras booths, stands or tents must be included in the measure of the annual business license and taxes must be paid and reported on the next regularly scheduled tax period.</p>	
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Section 3: The following provision is hereby amended and restated to read as follows:

454392	<p>Transient merchants: All persons engaged in selling goods, wares, merchandise or services to any purchaser other than registered licensed merchants dealing in that particular line of goods offered by said persons, shall be required before selling or offering to sell such articles to obtain a license in the amount of \$500.00. In addition, \$150.00 tax deposit to be paid when the license is purchased. This license shall also apply to such persons that stop in hotels or motels, or rent rooms at other places to display their goods and services and sell same to the general public by samples, or take orders for shirts, clothing or articles of similar or dissimilar character.</p> <p>The following conditions apply:</p> <ol style="list-style-type: none"> (1) Each license issued is valid only for up to seven consecutive days. (2) <u>Without prior written City approval, this</u> license does not permit the placement of any stand, booth, table, display, tent, vehicle, trailer, or any other structure whatsoever on any City property or within the City's Rights-of-Way. (3) Licensee must comply all with City zoning regulations as well as any other applicable City, State, and Federal regulations. (4) This license does not authorize a person or business to engage in any house-to-house activity or solicitate at private residences. (5) Written authorization from the property owner or another person who is legally authorized to grant authorization is required prior to conducting any activity on any property not owned by the licensee. The licensee must possess and be able to produce said written authorization at all times while conducting any activity on any property not owned by the licensee. <p>Exception:</p>	\$500.00
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		This license is not valid for any activity within the Hank Aaron Loop or for any area extending 500 feet from the boundaries of the Hank Aaron Loop for the 30-day period prior to and including Mardi Gras Day.	
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Section 4: The following provisions shall be deleted and removed:

454381	304.0	Peddlers—Resident, other than on foot (excluding seasonal stands)	
454380	304.0A	Per week, plus \$10.00 tax deposit	\$5.00
454379	304.0B	Per month, plus \$24.00 tax deposit	\$12.00
454378	304.C	Per six months, plus \$100.00 tax deposit	\$50.00
454382	305.0	Peddlers-Resident, operating seasonal stand. Per week, plus \$30 tax deposit .	\$15.00
454377	305.0A	Each additional consecutive week, plus \$15.00 tax deposit	\$7.50
454376	305.0B	Per month, plus \$60.00 tax deposit	\$30.00
454396	306.0	Peddlers—Itinerant or transient. Each itinerant peddler, who, on intrastate business, canvasses or takes orders for, or sells on the streets, or from house to house, or from rooming house, hotel, or office, or from temporary racks in stores owned by others, when such pursuit is not in conflict with any other clause in this article, per week (plus \$60.00 tax deposit)	\$30.00
		(a) The practice of going in and upon private residences in the city, by unlicensed solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or peddling or hawking the same is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. Compliance with this regulation must be cleared with the chief of police.	
454395	307.0	Peddlers not otherwise specified: Each, plus \$150.00 tax deposit	\$125.00
454392	398.0	Transient merchants; salesmen or drummers, same as peddlers	\$125.00

Section 5: Miscellaneous provisions:

- (a) All other provisions and sections of the Business License Code and Schedule of Licenses shall remain in full force and effect.
- (b) All other City Code Sections and ordinances or part of any City Code Sections and ordinances in conflict are hereby repealed to the extent of such conflict.
- (c) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (d) That the City Clerk of the City of Mobile is hereby authorized and directed to advertise the adoption of this Ordinance as required by law.
- (e) This Ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law.

ADOPTED: DEC 14 2021



City Clerk