

Chapter 17

**PEDDLERS, SOLICITORS, CANVASSERS, ETC.\***

**Sec. 17-1. Identification card and permit required.**

No person, business or organization shall engage in the business of peddler, solicitor or canvasser within the City of DeFuniak Springs without first obtaining an identification card and permit.

(Ord. No. 526, § 1, 9-22-86)

**Sec. 17-2. Definitions.**

"Peddle," "solicit" and "canvass" are defined as an offer to sell goods, services or merchandise or seek information or donations in any of the following methods:

- (1) Person-to-person contact on the public streets, highways, parks or other public areas within the city limits of DeFuniak Springs.
- (2) Door-to-door contact at private residences, apartments, rooms or hotels or lodging places within the City of DeFuniak Springs.
- (3) Contact by telephone within the City of DeFuniak Springs.

(Ord. No. 526, § 2, 9-22-86)

**Sec. 17-3. Hours of operation.**

Peddling, soliciting, and/or canvassing between the hours of 5:00 p.m. and 9:00 a.m. are hereby prohibited.

(Ord. No. 526, § 3, 9-22-86)

**Sec. 17-4. Peddling from vehicles restricted.**

(a) Selling or peddling of goods, wares or merchandise from vehicles of every nature, including but not limited to trucks, vans, motor scooters, wagons and pushcarts, whether the same be self-propelled or driven by motor, drawn by animals or propelled by human propulsion and from all types of trailers, is hereby prohibited, upon the streets, in parking areas, and in public areas within the city.

(b) An exception may be granted for ice cream vendors, local farm products or seafoods, and the like, by the city council or its designated agent.

**\*Editor's note**—Ord. No. 526, §§ 1—16, adopted September 22, 1986, amended the Code by repealing former Ch. 17, §§ 17-1—17-3, and enacting new provisions therefor. Former Ch. 17 was concerned with similar provisions and derived from Ord. No. 402, §§ 1—4, adopted November 23, 1970.

**Cross reference**—Occupational licenses, § 12-16 et seq.

**State law reference**—Municipal Home Rule Powers Act, F.S. Ch. 166.

(c) This section shall not be construed so as to prevent or in any manner affect the sale or distribution of goods, wares and merchandise at wholesale from vehicles to merchants and customers on their own premises.

(Ord. No. 526, § 4, 9-22-86)

**Sec. 17-5. Charities and nonprofit corporations.**

(a) The city council shall maintain a list of charities and nonprofit corporations, representatives of which may be permitted to solicit funds within the city without the necessity of permits or identification cards.

(b) The list of charities and nonprofit corporations shall be posted in the office of the city clerk and the chief of police.

(c) Any charity or nonprofit corporation not so listed may be adopted to the list upon application to the city council, in writing, setting forth the nature of the charity or nonprofit corporation, its purposes and officers and directors.

(d) The council shall be the sole judge of whether an organization is a true charity or truly a nonprofit corporation.

(e) An appropriate officer of the charity or nonprofit corporation shall provide the chief of police the date, time and method which they intend to use to solicit funds or sell goods within the city limits.

(f) When used in this chapter, the term nonprofit corporation shall include, but not be limited to, all groups including religious, fraternal, civic or other tax-exempt organizations.

(Ord. No. 526, § 5, 9-22-86)

**Sec. 17-6. Application for permit.**

Any person desiring to secure a permit under this chapter shall apply therefor in writing over his signature on forms provided by the city, and such application shall state:

- (1) Name and description of applicant;
- (2) Permanent home address and full local address of applicant;
- (3) A brief description of the nature of the business and goods to be sold and the proposed method of operation in the city;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) If a vehicle is to be used, a description thereof, together with license number or other means of identification;
- (6) The place the goods or property proposed to be sold by a solicitor by order for future delivery are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.

(Ord. No. 526, § 6, 9-22-86; Ord. No. 768, 7-14-2008)

**Sec. 17-7. Investigation of applicant.**

Upon receipt of an application under this chapter, the office of the city marshal shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.

(Ord. No. 526, § 7, 9-22-86; Ord. No. 768, 7-14-2008)

**Sec. 17-8. Issuance of permit.**

(a) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the city marshal, or his/her designee shall endorse on the application his approval, and execute an identification card for the applicant. Upon payment of the prescribed license fee, the applicant shall be issued an identification card and license.

(b) The application, identification card and license fee shall be filed in the offices of the city marshal and city manager.

(Ord. No. 526, § 8, 9-22-86; Ord. No. 768, 7-14-2008)

**Sec. 17-9. Refusal to issue.**

If, as a result of investigation, the applicant's character of business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons therefor, and shall notify the applicant that his application is disapproved and that no license shall be issued under this chapter.

(Ord. No. 526, § 9, 9-22-86)

**Sec. 17-10. Contents of identification cards.**

Each identification card shall contain the signature of the applicant and shall show the name, address and a general description of the applicant.

(Ord. No. 526, § 10, 9-22-86)

**Sec. 17-11. Use of identification card by another.**

No identification card issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

(Ord. No. 526, § 11, 9-22-86)

**Sec. 17-12. Carrying and exhibiting permits and identification cards.**

Permits and identification cards issued under this chapter shall be carried at all times by the applicant to whom issued, when soliciting or canvassing in the city, and shall be exhibited by any such applicant whenever he shall be requested to do so by any police officer or any person solicited.

(Ord. No. 526, § 12, 9-22-86)

**Sec. 17-13. Revocation of permits or identification cards.**

Any permit or identification card issued under this chapter may be revoked by the chief of police for violation by the holder thereof of any of the ordinances of the city, or any state or federal law, or whenever the holder of such permit shall in the judgment of the chief of police cease to possess the character and qualifications required for the issuance of such permit.  
(Ord. No. 526, § 13, 9-22-86)

**Sec. 17-14. Terms of permits.**

All permits issued pursuant to this chapter shall be dated and signed by the city marshal or his/her designee and shall be valid for a period of thirty (30) days from the date of issuance, upon payment of a fee. Said fee shall be in an amount established by resolution.  
(Ord. No. 526, § 14, 9-22-86; Ord. No. 768, 7-14-2008)

**Sec. 17-15. Renewal of permits.**

Prior to the expiration of any permit issued under the terms of this chapter, the holder of any such permit may renew the permit for an additional term not to exceed eleven (11) months. Renewal under this section shall require payment of fees, as set by resolution, for each month of the additional term sought. Any request for extension beyond eleven (11) months shall be considered a new request and fees for each month of such renewal shall be required.  
(Ord. No. 526, § 15, 9-22-86; Ord. No. 768, 7-14-2008)

**Sec. 17-16. Responsibility; liability.**

The City of DeFuniak Springs, Florida, does not assume any responsibility or liability arising from the issuance of permits in accordance with the provisions of this chapter.  
(Ord. No. 526, § 16, 9-22-86)

**Sec. 17-17. Fees.**

The fees for the permits allowed, pursuant to this chapter shall be set forth in a resolution adopted by the city council.  
(Ord. No. 768, 7-14-2008)