



Legislation Text

File #: ORD-48:020, **Version:** 1

A BILL FOR AN ORDINANCE TO BE ENTITLED: AN ORDINANCE PROVIDING FOR THE PAYMENT OF A LICENSE FEE BY ITINERANT MERCHANTS, VENDORS, DOOR TO DOOR CANVASSERS, PHOTOGRAPHERS, AND SALESMEN, FIXING THE AMOUNT OF SAID LICENSE FEE AND PROVIDING PENALTIES FOR FAILURE TO PAY SAID LICENSE FEE: AND FOR OTHER PURPOSES BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

SECTION 1. That is shall be unlawful for any Itinerant person, firm or corporation to engage in or carry on business of any kind or character without complying with the provisions of this ordinance.

SECTION 2. Each Itinerant person, firm or corporation engaged in the business of merchant, vendor, solicitor, door to door canvasser, photographer or salesmen in the City of Jonesboro shall pay to the City collector as a license fee the sum of One Hundred and Fifty dollars for each for month period or part thereof that said person, firm or corporation shall engage in any of said occupations or endeavors; and as a means of determining who shall pay said license, any person, firm or corporation beginning said occupations in the City of Jonesboro shall pay to the City Collector as a deposit said license fee of One Hundred and Fifty dollars and the same shall be returned if the person, firm or corporation making the deposit shall remain in continuous operation within the City for six consecutive months, and such party shall pay only the amount of tax prescribed for parties regularly engaged in business within the City as prescribed by Ordinance 757 of the ordinances of the City of Jonesboro; if the party making said deposit does not remain continuously engaged in business for said six months period then said One Hundred and Fifty Dollars deposit shall be applied on the Itinerant license hereinbefore prescribed.

SECTION 3.

(A.) Any person desiring a license as an itinerant merchant, vendor, solicitor, door to door canvasser, photographer or salesman shall file with the Chief of Police a written application containing:

1. Applicants name and home address
2. Type of license applied for
3. Name of Employer
4. Last two Cities worked in
5. Address of business or premises to be used in Jonesboro
6. Period for which license is desired

(B) The Chief of Police may withhold the granting of such license until such a time as he may receive a report from the Police Department of the last two cities in which applicant has worked. If such reports are unfavorable to the applicant the Chief of Police shall refer the applicant to the City Council who shall determine whether the license will or will not be granted.

SECTION 4. The applicant shall file with the Chief of Police a bond with sureties approved by the Mayor in the sum of One Thousand Dollars. Said bond shall be made payable to the City of Jonesboro, Arkansas for the use and benefit of all patrons or customers of said licensee. The bond shall be conditioned for faithful performance

of the licensees promises and contracts made in the course of his business in the City of Jonesboro and said bond shall further provide that any person injured by the breach of any obligation which said bond secures may sue on such bond in his own name to recover such damage as he may have sustained as a result of such breach.

SECTION 5. Each licensee shall file with the Chief of Police copies of each and all orders or contracts obtained while engaged in said business within the City of Jonesboro; said copies to be filed within 24 hours of the time of procurement.

SECTION 6. Should any section, provision or clause of this ordinance be for any reason held void it shall not affect the validity of any other section, provisions or clause not in itself invalid, it being the purpose of the Council to make such section provision and clause severable and they are hereby declared severable.

SECTION 7. No provision of this ordinance shall be so construed as to tax interstate commerce or any United States government business, or foreign commerce.

SECTION 8. It is hereby declared that this ordinance is not intended to repeal any existing ordinance unless it is in irreconcilable conflict therewith.

SECTION 9. It is hereby declared that this ordinance is not intended to tax any person, firm or corporation exempted from such tax by state law.

SECTION 10. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not in excess of double the amount of license fee.

SECTION 11. It is hereby found that many citizens of Jonesboro have been and are being defrauded by Itinerant merchants, vendors, solicitors, door to door canvassers, photographers and salesmen, and that this ordinance is necessary to prevent said frauds, that the immediate passage and enforcement of this ordinance is necessary to protect the public health, peace and safety an emergency is therefore hereby declared to exist and this ordinance shall be in full force and effect from and after its passage, adoption and publication as required by law.

PASSED and ADOPTED this 6th day of December, 1948.