

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6398

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: LORINO

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: MR. FITZGERALD

SECONDED BY: MR. TOLEDANO

ON THE 4 DAY OF JUNE, 2020

ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST. TAMMANY PARISH, CHAPTER 32 - PEDDLERS, SEC. 32-1 - DEFINITIONS AND SEC. 32-2 - EXCEPTIONS TO CHAPTER TO ADD DEFINITION OF NON-COMMERCIAL DOOR-TO-DOOR ADVOCATE AND TO EXCEPT NON-COMMERCIAL DOOR-TO-DOOR ADVOCATES FROM THE PROVISIONS OF CHAPTER 32.

WHEREAS, to clarify the intent of Chapter 32 – Peddlers as pertaining to commercial speech; and

WHEREAS, to protect the rights of individuals to engage in free expression of non-commercial speech under the United States and Louisiana Constitutions; and

WHEREAS, it is appropriate to amend Chapter 32 – Peddlers, Sec. 32-1 – Definitions, and Sec. 32-2 – Exceptions to chapter, to add the definition of non-commercial door-to-door advocate and to add an exception for non-commercial door-to-door advocates from the parish permitting requirements of Chapter 32.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: Chapter 32 – Peddlers, Sec. 32-1 and Sec. 32-2 be amended as follows:

Sec. 32-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any individual, whether a resident of this parish or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within this parish for the sole purpose of exhibiting samples and taking orders for future delivery, ~~or soliciting funds or promoting political and/or religious ideologies.~~

Non-commercial door-to-door advocate means any individual who goes door-to-door for the primary purpose of disseminating religious, political, social or other ideological beliefs.

Sec. 32-2. - Exceptions to chapter.

The provisions of this chapter shall not apply to the following: (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.

(2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.

(3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor.

(4) Nonprofit organizations as defined by ch. 2, Louisiana Revised Statute 12, shall be exempt from the provisions of this chapter upon obtaining a fee free parish permit by producing a copy of their certificate of incorporation as described by R.S. 12:205 and signing the appropriate parish form attesting to their nonprofit nature and having said form duly notarized by a licensed notary. Said parish permits or a copy thereof must be carried on the person at all times while engaged in any activity regulated by this chapter and must be produced on demand when so requested by an official or citizen of the parish. The parish fee free permits issued under the provisions of this section shall be valid only from 8:00 a.m. until 9:00 p.m. in the area of the parish zoned residential and shall not be valid for solicitors upon any property posted with "No Soliciting" signs.

(5) Non-commercial door-to-door advocates. Nothing in this chapter shall be interpreted to require non-commercial door-to-door advocates to obtain a parish permit to go door-to-door for non-commercial purposes.

2

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 9 DAY OF JULY , 2020 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: MAY 27 , 2020

Published Adoption: _____, 2020

Delivered to Parish President: _____, 2020 at _____

Returned to Council Clerk: _____, 2020 at _____