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PARISH OF  CALCASIEU
 State of Louisiana
 ORDINANCE

ORDINANCE NO. 6676

AN ORDINANCE amending Chapter 15 — Licenses and Miscellaneous Business Regulations, Article I. In General, of the Code of Ordinances of the Parish of Calcasieu, Louisiana, to modify provisions related to Peddling.

BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA, convened in Regular Session on the 24th day of March, 2016, that it does hereby amend Chapter 15 — Licenses and Miscellaneous Business Regulations, Article I. In General, Secs. 15.1 — 15.15 of the Code of Ordinances of the Parish of Calcasieu, Louisiana, as follows:

SECTION 1: ARTICLE I. IN GENERAL, of Chapter 15 — Licenses and Miscellaneous Business Regulations, is hereby amended to read in toto as follows:

Secs. 15.1 — 15.12. Reserved.

Sec. 15-13. Peddling.

Peddler/peddling, is defined in section 15-22, and includes the practice of going to or upon private or public premises in the parish by solicitors, peddlers, hawkers, opinion surveyors, itinerant merchants, transient vendors, or other sellers of merchandise or services not having been requested or invited to do so by the owner or occupant thereof for the purpose of soliciting orders for the sale or exchange of any goods or services, or disposing of or peddling the same or the soliciting of information or conducting polls or surveys, and, except as hereinafter provided, is hereby declared to be a nuisance and unlawful.

The provisions of this section shall not apply to churches, governmental surveys, candidates for elective office or their supporters, nonprofit and charitable organizations which have been declared exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of the United States, students of private or public schools under the age of nineteen (19), members of recognized firefighter or police associations, recognized scouting organizations, or persons advocating a cause not involving a commercial transaction or solicitation of funds or goods of any kind.

Sec. 15-14. Peddling/Solicitation Registration.

(a) Any person or organization desiring to sell goods or services, solicit funds, including contributions or payments of any kind or distribute literature which solicits contributions or payments, by going in or upon private, commercial or public property, shall first register with, and obtain authorization from, the Director of Planning and Development or his designee, hereinafter referred to as "Director." The registration process shall be in the form prescribed by the Director and shall require at least the following information:

- (1) The full name, permanent mailing address, temporary local address, telephone and cell phone number(s) of the person or organization sponsoring, promoting or conducting the proposed activities, and the name of the person(s) who will have supervision of and responsibility for the activity;
- (2) The full name, permanent mailing address, temporary local address, telephone and cell phone number(s), driver's license or other Federally recognized personal identification of each person who will be engaged in the activity;
- (3) A description of the proposed activity and a description or explanation of the purpose of the proposed activity, including the type of communication and subject matter of the activity;
- (4) The date(s) on which the proposed activity is to be conducted;

- (5) Acknowledgement that recipient will not use or represent that the authorization by the Director is an endorsement of the proposed activity; and
 - (6) Other information as may be reasonably required by the Director to apprise the public of the nature and purpose of the activity.
- (b) Each person engaging in the proposed activity shall, in addition to the registration process required, submit to a Federal background check, the cost of which will be paid by the registrant. Once the results of the Federal background check are received, the Director shall forward all results to the Calcasieu Parish Sheriff's Office to review and verify:
- (1) That the person engaging in the proposed activity is not registered on the National Sex Offender Registry.
 - (2) That the person engaging in the proposed activity has not, within the preceding seven (7) years, been convicted of any felonies, sexual offenses, violent crimes or any misdemeanors involving theft.
- (c) Upon registrant's completion of the registration process and clearance from the Calcasieu Parish Sheriff's Office, the director shall authorize registrant's proposed activity.
- (d) Initial application in the registration process must be submitted to the Director at least five (5) days before the commencement date of the proposed activity. Should there be a change of fact, policy, method or information contrary to the Application on file, the applicant shall notify the Director immediately. Failure to do so shall nullify the authorization.
- (e) Whenever authorization is granted by the Parish, the person engaged in the proposed activity will be issued a photo identification by the Parish, upon which the authorization becomes valid. A charge to the person for the cost of the photo identification may apply.
- (f) Authorization provided under this Section shall be effective for a period not to exceed 90 days; shall be non-transferable; and shall bear the name of the registrant, the date of expiration and all information deemed necessary by the Director. The registrant shall pay a fee of \$100.00 per person engaging in the proposed activity.
- (g) The Director may decline or refuse to issue authorization for any proposed activity which is unlawful; misleading; deceptive; or constitutes, upon such recommendation by the Calcasieu Parish Sheriff's Office, a clear violation of the right of privacy or a potential threat to the safety of any citizen of Calcasieu Parish.
- (h) During all times of authorized activity, the valid, Calcasieu Parish issued photo identification obtained by the peddler/solicitor shall be worn on the outer clothing of the individual or otherwise displayed, as to be clearly visible to any person who might be approached by the peddler/solicitor.
- (i) The following listed activities shall be in violation of this section and shall be cause for revocation, termination or denial of the Director's authorization:
- (1) Conducting the permitted activity in any manner which does not conform to the conditions or limitations set forth during the registration process or in this section.
 - (2) Falsification of any information during the registration process or furnished to the Director at any time.
 - (3) Going uninvited upon any premises to conduct activities as defined in this section before the hour of 9:00 a.m. or after the hour of 6:00 p.m.
 - (4) Going uninvited upon any premises to any location other than the front or main entrance.
 - (5) Repeated uninvited visits to the same premises.
 - (6) Going upon any premises which displays a "no trespassing" or "no soliciting" sign or notification.

Sec. 15-15. Peddling/Solicitation Violation.

Penalty. A violation of this section is punishable by a fine not to exceed \$500.00, or by imprisonment for a term not to exceed thirty (30) days, or by both.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER AND FINALLY ORDAINED that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

This ordinance was adopted on the 24th day of March, 2016.

/s/ Chris E. Landry
Chris E. Landry, President

/s/ Kathy P. Smith
Kathy P. Smith, Parish Secretary

STATE OF LOUISIANA
PARISH OF CALCASIEU

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original ordinance as adopted by the Calcasieu Parish Police Jury in Regular Session convened on the 24th day of March, 2016.

IN TESTIMONY WHEREOF, witness my official signature and the seal of the Parish of Calcasieu, Louisiana, on this the 24th day of March, 2016.

Kathy P. Smith
Kathy P. Smith, Parish Secretary