

AMEND SECTION 26-227(ac) OF THE BUSINESS LICENSE CODE
OF THE CITY OF MOUNTAIN BROOK, ALABAMA

BE IT ORDAINED by the City of Council of the City of Mountain Brook, Alabama, as follows:

1. **Amendatory provision.** Section 26-227 (ac) of the City Code, "Schedule AC" shall be amended as follows:

"Schedule "AC" - Transient, itinerant dealers, vendors and other salespeople who make door-to-door calls.

Each person, firm, corporation, company, association, partnership, agency, or business, who engages or conducts in the City either in one locality or by traveling from place to place (including door-to-door sales and solicitations), a temporary or transient business of selling or soliciting orders for the sale of goods or merchandise or personal services with the intention of continuing in said business in the City for a period of not more than 180 days, each person who advertises by carrying signs or any other form of advertising, and each person who distributes handbills or other forms of advertising materials, and who have no regular place of business in the City shall be required to deposit cash, in an amount as specified in Section 26-111 of the Mountain Brook City Code and to obtain a business license before commencing such business or solicitation. Such license shall be one hundred fifty and no/100 dollars (\$150.00) per year.

(1) Application: At least ten (10) days prior to the holding of any sale or solicitation, every transient, itinerant dealer, vendor, and other sales person, shall furnish a completed license application in such form and containing such information as may be prescribed by the City Clerk.

(2) Permission: All transient, itinerant dealers, vendors, and other sales people must have written permission from the appropriate property owners or lessees to sell or solicit sales from private property or from the front of such property and shall provide a copy of such written permission to the City at the time of making application.

(3) With respect to door-to-door salespersons, such salespersons must comply immediately when asked or instructed by the property owner or resident thereof to leave such private property. Complaints submitted to the City by residents may result in the cancellation of the business license by the Finance Director and forfeiture of the bond and serve as sufficient basis for the City to refuse future license renewals.

(4) Hours of operation: All transient, itinerant dealers, vendors, and other sales people shall be permitted to sell or solicit sales Monday through Saturday between the hours of 9 a.m. and 8 p.m. and Sundays between the hours of 12 p.m. and 6 p.m. except in the case of door-to-door salespersons who may only solicit sales Monday through Friday between the hours of 9 a.m. and 4:30 p.m.

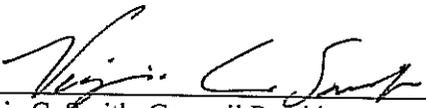
(5) Reporting and remitting sales taxes: All transient, itinerant dealers, vendors,

and other sales people shall file with the City a verified report of sales and remit all sales taxes to the City within seven (7) days from the close of business or the termination of their solicitation for each such solicitation event conducted during the license period or otherwise forfeit their bond.

(6) Right to deny or revoke business license: Failure on the part of transient, itinerant dealers, vendors, and other sales people to comply with the provisions of this or other applicable municipal ordinances, State laws, or promulgated rules and regulations shall be considered sufficient cause for the Finance Director of the City to refuse or withhold the granting of any license or to revoke same, if granted.”

2. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.
3. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. **Effective date.** This ordinance shall become effective on October 1, 2008, and upon its publication as provided by law.

ADOPTED: This 22nd day of September, 2008.


Virginia C. Smith, Council President

APPROVED: This 22nd day of September, 2008.

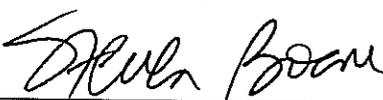

Lawrence T. Oden, Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on September 22, 2008, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September ~~22~~ 23, 2008, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
The Invitation Place, 3150 Overton Road

Joe Muggs Newsstand, 2037 Cahaba Road
Piggly Wiggly Food Store 4, 93 Euclid Avenue


Steven Boone, City Clerk