

ORDINANCE NO. 1809

**AN ORDINANCE TO AMEND ARTICLE X OF CHAPTER 26 OF
THE CITY CODE OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

WHEREAS, the City Council of the City of Mountain Brook, Alabama, upon information provided and duly considered, has determined that the practice of going in and upon private residences in the City by transient or itinerant dealers, merchants, vendors, door-to-door salespersons, peddlers, solicitors, or hawkers of services or merchandise having not been so requested or invited by the owner(s) or occupant(s) of said private residence for purposes of soliciting orders for the sale of goods, wares, merchandise, or services and/or disposing of or peddling or hawking exposes its citizenry to unwanted disruption to tranquil living and subordinates its citizens' rights to privacy and repose to the business interests of the itinerant peddlers; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, finds that it is in the best interest of the public safety, health, and welfare of its citizens to prohibit transient or itinerant dealers, merchants, vendors, door-to-door salespersons, peddlers, solicitors or hawkers of services or merchandise from going in or upon private residences within the City unless the same have been requested or invited by the owner(s) or occupant(s) of private residences to go in or upon such residence for such purpose; and

WHEREAS, the City Council of the City of Mountain Brook, Alabama, finds that the prohibition of such activity shall not extend to those canvassers or other individuals or groups who are associated with any religious, charitable, educational, governmental, or political purpose.

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

1. **Amendatory Provision.** Article X of Chapter 26 of the Code of the City of Mountain Brook, Alabama shall be and is hereby amended by adding Section 26-290 thereto as follows:

“Sec. 26-290. Itinerant vendors, peddlers defined; declared nuisance; prohibited generally; exception.

(a) An itinerant or transient vendor or peddler is defined as anyone, whether or not a resident of the city, traveling either 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, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any kind whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payments on such sale or not; the word “peddler” as used in this article shall include itinerant or transient vendors, merchants, solicitors, dealers, door-to-door salespersons, or hawkers, but shall not include canvassers or other individuals going in or upon private property for religious, charitable, governmental, educational or political purposes.

(b) The practice of going in and upon private residences in the city by itinerant or transient vendors, or peddlers who have not been so requested or invited by the owner(s) or occupant(s) of said private residence for purposes of soliciting orders for the sale of goods, wares,

merchandise or services and/or disposing of or peddling or hawking same is a nuisance and shall be prohibited. The prohibition shall not extend to those promoting or otherwise engaging in activities associated with or supporting religious, charitable, governmental, educational or political organizations or causes.

2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: The 22 day of March, 2010.


Virginia C. Smith, Council President

APPROVED: The 22 day of March, 2010.


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 March 22, 2010, as same appears in the minutes of record of said meeting, and published by posting copies thereof on March 23, 2010, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street

Piggly Wiggly Foodstore No. 4, 93 Euclid Ave.

Gilchrist Pharmacy, 2850 Cahaba Road Joe Muggs Newsstand, 2037 Cahaba Road

The Invitation Place, 3150 Overton Road


Steven Boone, City Clerk