

AN ORDINANCE FOR THE PURPOSE OF REGULATING
RESIDENTIAL DOOR-TO-DOOR SALES AND SOLICITATIONS
IN THE CITY OF BARLING AND FOR OTHER PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF
THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1: The term "residential door-to-door selling or soliciting" shall refer to the activity or practice of going, whether by foot or by any type of conveyance, from place to place, house to house, from street to street or from door-to-door to residential living units for the purpose of selling or attempting to sell goods or services, whether to be currently delivered or delivered at a subsequent time, or for the purpose of requesting or attempting to request donations or contributions by a person who has not obtained a prior appointment to call at such residential unit. Provided, such term shall not be applicable to the activities of organizations classified as tax exempt under the appropriate provisions of the Internal Revenue Service Code, its amendments and regulations pertaining thereto.

SECTION 2: (a) No firm, company, corporation, association, partnership, sole proprietorship, or other legal entity shall engage in the activity of residential door-to-door selling or soliciting within the City of Barling without first complying with the provisions of this section.

(b) Each such legal entity shall before engaging in such activity register itself with the City Clerk, or other agent of the City designated for such purpose by the City Administrator. Such registration shall be on forms supplied by the City and shall contain the following information:

- (1) Name, address and telephone number of the supervisor or manager of the entity's activities

within the City of Barling;

- (2) The correct (legal) name of the entity together with the entity's home office address, home office telephone number and designated agent for service of process at its home office and within the State of Arkansas, If such an agent has been designated within the State of Arkansas; and,
- (3) A listing of the anticipated period during which such sales and solicitations shall be conducted within the City.

(c) As reimbursement of the cost of maintenance of such register of persons engaging in such activities, the City Clerk, or other agent of the City designated by the City Administrator, shall charge a fee of five Dollars (\$5.00) for each such registration.

(d) The registration provided for herein shall be effective for the shorter of the following periods of time:
(1) From registration to the end of the period of time listed on the registration during which the legal entity anticipates engaging in such activities, or (2) From registration to the termination of the employment relationship of the registered local supervisor or manager within the City of Barling so that a new registration is required with each replacement of the local manager or supervisor of the entity's operations in the City of Barling. In no event shall a registration period continue for more than twelve months without the City charging an additional registration fee.

(e) It shall be unlawful for any person to engage in the activity of residential door-to-door selling or soliciting within the City of Barling unless the legal entity represented by such person has a current registration on file with the City.

SECTION 3: It shall be unlawful for any person, whether the registration provided for in the preceding section has been accomplished or not, to engage in the activity of residential door-to-door selling or soliciting before 8:00 a.m. or after 9:00 p.m. of each day of the week except Sunday, and it shall be unlawful to engage in such activities at any time on Sundays.

SECTION 4: It shall be unlawful for any person engaged in the activity of residential door-to-door selling or soliciting to make use of any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's visit is other than to obtain orders for or make sales of goods or services or obtain commitments for or collect donations or contributions.

SECTION 5: Any person found guilty of violating the provisions of this Ordinance shall be deemed guilty of a Class "C" misdemeanor.

SECTION 6: The provisions of this Ordinance are hereby declared to be severable, and a decision by any court of competent jurisdiction that a provision of this Ordinance, or any application thereof, is illegal, invalid or unconstitutional shall not affect the legality, validity or constitutionality of the remaining provisions or applications of this Ordinance.

SECTION 7: All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

PASSED AND APPROVED this 18th day of May,
1982.

APPROVED:

James Baileg
Mayor

ATTEST:

Shirley Yorget
City Clerk