

I certify that this instrument was filed  
for record at 3:35 P.M.

ORDINANCE NO. 11

MAR 19 1986

ORDINANCE PROVIDING REGULATION OF  
SOLICITORS AND PEDDLERS AND  
REQUIRING PERMIT OR LICENSE

and recorded in book 16 Page 828  
of Mesa 832  
Teresa C. Hinds, County Clerk  
Natasha Pacheco Deputy  
Reception No. 86-0421

SECTION ONE

DEFINITIONS

(a) Solicitor. A solicitor is any person, whether a resident of Luna County, New Mexico, or not, traveling either by foot, 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 or any nature whatsoever, for future delivery, or for services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment on such sales or not.

(b) Peddler. A peddler is any person, whether a resident of Luna County, New Mexico, or not, traveling by foot, automobiles, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting unsolicited goods, wares, merchandise, meat, fish, vegetables, fruits, truck garden or farm products or provisions, offering and exposing them for sale, or making sales and delivering articles to purchasers.

SECTION TWO

APPLICATION

Applications for licenses by solicitors and peddlers shall be made to the County Clerk, shall be sworn and in writing, and shall contain the following information:

- (a) Name and physical description of applicant;
- (b) Address;
- (c) A brief description of the nature of the business to be conducted and the goods to be sold, and, if the goods are farm or orchard products, a statement whether they are produced or grown by the applicant;
- (d) If applicant is employed, the name and address of the employer, together with credentials establishing exact relationship;

(e) the length of time for which the right to do business is desired;

(f) If a vehicle is to be used, a description of the same, together with the state vehicle license number or other means of identification;

(g) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, and if so, the nature of the offense, and the punishment or penalty assessed therefor;

An applicant for a solicitor's or peddler's permit shall supply the County Clerk with (1) photograph at the time of the application which photograph shall show the head and shoulders of the applicant in a clear and distinguishing manner.

### SECTION THREE

#### LICENSE FEES FOR SOLICITORS AND PEDDLERS

The fee for solicitors and peddlers shall be:

(a) Twenty-Five Dollars (\$25.00) per year for all peddlers and solicitors having an established place of business within the county.

(b) One Hundred Dollars (\$100.00) per day.

### SECTION FOUR

#### REGULATIONS

A peddler or solicitor, or any person in his behalf, shall not

(a) shout, make any outcry, blow a horn, ring a bell, or use any sound device or musical instrument, including any loud speaking radio or sound amplifying system, on any of the streets or other public places of the county or on any private premises in the county where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard on such public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell;

(b) have any exclusive right to any location in the public streets, shall not be permitted a stationary location,

and shall not be permitted to operate in any congested area where his operations might impede or inconvenience the public.

For the purpose of this ordinance, the judgment of a law enforcement officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced;

(c) sell or offer for sale goods, wares, or merchandise from vehicles on any of the public streets of the county, provided however, that the prohibition herein contained shall not include the peddling from door to door or from vehicles, of fresh food products of farm or garden, nor bona fide deliveries of goods, wares, merchandise or food made on a regular route to regular customers;

(d) solicit or peddle from 7:00 o'clock p.m. to 9:00 o'clock a.m., or any time when a sign has been posted on a building stating "No solicitors or peddlars," or words to that effect, except that a licensed solicitor or peddler may call upon the occupant of a residence at other times when he has received express prior permission from such occupant to do so;

(e) cast, throw, distribute, deposit, scatter, pass out, give away, circulate, or deliver any commercial or business handbill, dodger, circular, or other advertising material or device to any residence or business, or leave the same on any porch, doorstep, or vestibule thereof, or in any yard or public hallway thereof, or on any vacant lot or other private property in the city, without first having obtained the express consent or without the express request of an adult resident or occupant thereof:


This ordinance shall not prohibit solicitations for a charitable, religious, education, community, recreational, or similar nonprofit purpose by means of calling upon places of residences or by means of direct personal contact in public places or upon public property.

SECTION FIVE

Any violation of this ordinance shall be punishable as a petty misdemeanor in accordance with the laws of the State of New Mexico.

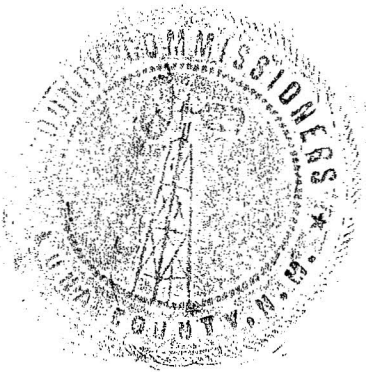
PASSED, ADOPTED AND APPROVED this 19th day of March, 1986.

LUNA COUNTY BOARD  
OF COUNTY COMMISSIONERS

  
Dona Irwin, Chairman

  
Douglas Tharp, Member

  
Walter W. Schultz, Member



Recorded in Misc. Papers, BK \_\_\_\_\_ PAGES \_\_\_\_\_. Ordinance Effective  
30 days after such recording by Clerk

APPLICATION FOR LICENSE OR PERMIT  
TO PEDDLE OF SOLICIT

I, \_\_\_\_\_, do hereby make application for  
license to peddle merchandise or solicit orders therefor in the  
County of Luna in compliance with the ordinances of such County.

Street address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Age: \_\_\_\_\_ Weight: \_\_\_\_\_ Height: \_\_\_\_\_

Color of hair: \_\_\_\_\_ Sex: \_\_\_\_\_

Length of time license is desired: \_\_\_\_\_

Name of firm or corporation represented: \_\_\_\_\_

Address: \_\_\_\_\_

Business phone: \_\_\_\_\_ Home phone: \_\_\_\_\_

Description of business: \_\_\_\_\_

Number of vehicles to be operated: \_\_\_\_\_

Kind of vehicle (s) to be operated: \_\_\_\_\_

Method of distribution: \_\_\_\_\_

Kind of service to be performed: \_\_\_\_\_

Prior arrests; Yes \_\_\_\_\_ No \_\_\_\_\_ Reason: \_\_\_\_\_

Remarks: \_\_\_\_\_