

CHAPTER 66.

AN ACT

[H. B. 79]

To amend the Fourteenth subdivision of Section 12, Chapter 97 of the Session Laws of Alaska, 1923, entitled "An Act to revise and codify the laws relating to municipal corporations, etc.," approved May 4, 1923, to authorize and empower such municipal corporation to license, tax, restrain, or prohibit peddling, hawking or the business of itinerant vendor or solicitor as herein defined.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. That Sub-division Fourteen of Section 12, Chapter 97 of the Session Laws of Alaska, 1923, relating to municipal corporations, be, and the same is hereby, amended to read as follows:

"Fourteenth: To license, tax, restrain, or prohibit peddling or hawking on the streets of the city or at any public place therein.

In addition to the powers now granted by law to such Council for the purpose of providing revenue for municipal purposes, the power is hereby granted to such Council to provide by ordinance that any non-resident person, firm or corporation desirous of engaging in the business of itinerant merchant or solicitor in such incorporated town, as hereinafter defined, must first procure a license in the manner provided by such ordinance, and to pay for such license such sum as the Council shall, by such ordinance, prescribe, subject to the limitation hereinafter imposed, for each day that such itinerant merchant or solicitor does business within such municipality.

Council empowered to enact ordinance requiring licensing of non-resident itinerant merchant or solicitor.

That the term 'itinerant merchant' as hereinabove used, and as may hereafter be used in any municipal ordinance enacted under this

Definition itinerant merchant.

Act, is hereby defined to mean any transient person who shall temporarily engage in the making or selling of any kind of goods, wares, or merchandise within the Territory of Alaska, regardless of whether such goods, wares or merchandise are peddled from house to house, sold upon the streets or other public places, or sold from any room, building, structure or lot rented or leased for the purpose of carrying on such business.

Definition  
solicitor.

That the term 'solicitor' as hereinabove used, and as may hereafter be used in any municipal ordinance enacted under this Act, is hereby defined to mean any non-resident person who goes from house to house, or from place to place, in the said Territory of Alaska, selling, or taking orders for, or offering to sell or take orders for, any goods, wares or merchandise or any article for future delivery; Provided, however, that the provisions of this Act, or of any ordinance enacted under the authority of this Act, shall apply only to solicitors who demand, accept or receive payment or a deposit of money in advance of final delivery of such goods, wares or merchandise.

Definition  
non-resident  
and transient.

That the terms 'non-resident' and 'transient', as used in this Act, shall be deemed and construed to mean any person, who has not resided in the Territory of Alaska continuously for the period of one year just prior to engaging in the business herein mentioned.

Definition  
resident.

That the term 'resident', as used in this Act, shall be deemed to mean any person who has been a bona fide resident of the Territory of Alaska for the period of one year continuously just preceding the commencement of the business hereinabove mentioned.

That any and all ordinances enacted under the authority of this Act shall be subject to the following provision, and shall contain the following exception: That the provisions of this Act, or of any ordinance enacted hereunder, shall not apply to bona fide residents of the Territory of Alaska, and sales to dealers by commercial travelers, nor to sales by producers of farm or dairy products, nor to the sale of moccasins or other curios by natives, nor to the sale of reindeer, fish or other marine products.

Who exempted  
from provisions  
of act.

That the Council may require, by the provisions of any ordinance enacted under the authority of this Act, that any person, firm, or corporation desiring to engage in the business of itinerant merchant, as hereinabove defined, within such municipality, shall make application in writing to the City Clerk of such municipality, for a license to do so, which application shall be filed with such clerk at least two days before such applicant shall be authorized to begin to do business within such municipality. Such application shall state the name and residence of the applicant, the place where such business is to be conducted, the kind of goods to be sold, and the length of time for which the license is desired. The application shall be accompanied by a bond in the sum of Five Hundred (\$500.00) Dollars, executed by a Surety Company or by at least two responsible free holders residing within the Territory of Alaska, or by cash in lieu of such bond in an equal amount, conditioned that all goods, wares, merchandise or articles sold by such applicant will be as represented by him or it, and that he or it will refund all payments made on the purchase price of any goods,

Application  
for license and  
contents.

Bond to  
accompany  
application.

wares, or merchandise or articles sold by him which are not as represented. Any person aggrieved by the action of any such itinerant merchant shall have a right of action on such bond for the recovery of money or damages, or both. And in the event a cash bond is deposited, the same shall be retained by said City Clerk for ninety (90) days after the expiration of the term of such license.

Aggrieved person to have right of action on bond.

Upon filing such application and bond, and upon the approval of such bond by the City Clerk, a license shall be issued by said Clerk to such applicant to begin business not less than seven (7) days after the date of filing such application and bond, upon the payment of a fee to be prescribed by such ordinance, which shall not exceed the sum of Two Hundred (\$200.00) Dollars per month or fractional part thereof. And such license fees shall be paid in advance, and if any such licensee desires to continue in business after the expiration of such license a new license must be secured in the same manner and upon the same terms as hereinabove provided.

Limitation of fee for license.

And any person desiring to engage in the business of solicitor, as hereinabove defined, shall, before engaging in said business, file with the City Clerk of any municipality wherein he or she desires to do business, an application containing his or her name and address, the name and address of the firm or corporation which he or she represents and the kind of goods to be offered for sale and the length of time he or she desires to engage in such business. Such application shall be accompanied by a bond in the penal sum of Five Hundred (\$500.00) Dollars, executed by a Surety Company, or by at least two responsible free-

Application for license by solicitor.

Bond.

holders in the Territory of Alaska, or by cash in lieu of such bond in an equal amount, conditioned upon the making of final delivery of goods ordered in accordance with the terms of such order, or, failing therein that the advance payment on such order be refunded. Any person aggrieved by the act of any such solicitor shall have a right of action on the bond for the recovery of money or damages, or both. In the event a Cash Bond is deposited, such deposit shall be retained by the City Clerk for a period of ninety (90) days after the expiration of the period of such license. Upon the filing of such statement and bond, and the approval of the bond by the City Clerk, a license shall be issued to such solicitor to engage in business upon the payment of a fee to be prescribed by such ordinance, which shall not be in excess of the sum of Five (\$5.00) Dollars per day, payable in advance.

Aggrieved person to have right of action on bond.

And the City Council in enacting such ordinance under the provisions of this Act, may impose penalties for violations thereof, which penalties shall not exceed a fine in the sum of One Hundred (\$100.00) Dollars.

Council may impose penalties.

Any town or City Council may provide by ordinance that the collection of any license, or tax, or license tax which may be imposed or become due under the provisions of this Act, or under the provisions of any Ordinance passed in pursuance of the provisions of this Act, may be enforced by a civil action against the person, firm or corporation upon whom such license, tax, or license tax is imposed, or from whom it may be due."

Council may provide for collection of license fee by civil action.

Approved April 30, 1925.