

**OPINION**  
**50-16**

August 23, 1950           (OPINION)

CITIES

RE: Green River Ordinances

This is in answer to your letter of August 12, 1950. You ask whether or not the following ordinances of Rugby are constitutional: It defines a solicitor as:

"A person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods etc. \* \* \* or for services to be performed in the future, or making, manufacturing, or repairing any article or thing whatsoever for future deliver."

"The practice of going in or upon private residences or entrances, porches, steps or areas immediately adjacent to such private residences or the ringing of door bells or adopting other means to attract the appearance of the owner or owners or the occupant or occupants of such private residences by solicitors, salesmen, or vendors of goods \* \* \* WHO HAVE NOT BEEN REQUESTED OR INVITED SO TO DO BY THE OWNER OR OWNERS OR OCCUPANT OR OCCUPANTS of such private residences for the purpose of disposing of such goods \* \* \* or to secure orders for sale thereof, is forbidden and is hereby declared to be a nuisance and shall be abated as provided herein."

The question of whether or not the above quoted ordinances of Rugby would be constitutional is not free from doubt. It is my opinion that the ordinances may infringe upon the constitutional rights of individuals seeking to sell goods or merchandise in the city. The definition of a solicitor includes any person who stands in the street or public place taking orders. This part of the ordinance creates doubt in my mind as to its constitutionality.

The constitutionality of a city ordinance much like the one quoted in this letter appears in the case of *Town of Green River v. Fuller Brush Company*, 65 F.2d. 112, 88 A.L.R. 177. In that case, the ordinance was held to be an appropriate exercise of police power and the court said that it did not deprive such solicitor and vendor of their property without due process of law or deny them equal protection of law, nor did it operate as an unlawful interference of interstate commerce. The ordinance reads as follows:

"Be It Ordained by the Town Council of the Town of Green River, Wyoming:

"Section 1. The practice of going in and upon private residences in the Town of Green River, Wyoming, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private

residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

"Section 2. The Town Marshal and Police Force of the Town of Green River are hereby required and directed to suppress the same, and to abate any such nuisance as is described in the first section of this ordinance.

WALLACE E. WARNER

Attorney General