

ORDINANCE NO. 2881

**AN ORDINANCE TO ADD ARTICLE III TO THE CITY CODE CHAPTER 16 WHICH PROVIDES PROVISIONS FOR THE CITY OF AUBURN TO ISSUE A PERMIT TO TICKET SCALPERS.**

**BE IT ORDAINED** by the City Council of the City of Auburn, Alabama, as follows:

**ARTICLE III. TICKET SCALPING REGISTRATION**

**SECTION I.** The Code of the City of Auburn, Alabama hereby is amended by adding the following provisions:

**SECTION II. Definitions.** For purposes of this Ordinance, the following words shall have the following meanings:

“Ticket Scalping” means the act of offering for sale or selling admission tickets to events such as athletic events, concerts, movies, and other events or entertainments as itinerant, roving or transient vendors in public or private locations that have been previously sold or issued. This does not include the occasional sale of tickets purchased for personal use; not for the purpose of reselling tickets.

“Ticket Scalper” means any person engaged in the activities of scalping tickets. This does not include a person who occasionally sells tickets which were originally purchased for personal use. “Person” means natural person.

“Permitted Scalper” means any person who is subject to this Ordinance and who has obtained a valid permit of registration from the City of Auburn.

“Permit” means the City issued photo identification card issued to every scalper registered with the City.

**SECTION III. Registration Requirement**

1. Registration. Each person in the business of scalping admission tickets that have previously been sold or issued (“a resale” or “reselling”) must apply with the City of Auburn’s Revenue Office prior to making any such resale at a cost of one hundred fifty-five dollars (\$155.00); paid by cash, cash equivalent, or credit card for a permit of registration. Permits are valid from July 1<sup>st</sup> of the current through June 30<sup>th</sup> of the following year. Each person scalping tickets must have a City issued scalping permit and picture identification (Driver’s License or State Issued Identification Card) in their actual possession while reselling. The City issued scalping permit, executed by the City Manager or his designee must be worn by the registrant so that it is fully visible at all times while engaged in the activity of scalping tickets in the City.

2. Application for Permit. The City shall provide a standard form for use by ticket scalpers for registering. The applicant for the permit shall state in writing upon his or her oath or affirmation that the information is truthfully provided to the best of his or her knowledge and belief. The applicant shall supply with or upon the registration form the following information:

- a. Applicant’s true, correct, and legal name.
- b. Address and phone number of applicant’s home and applicant’s place of business if applicable.
- c. Two passport sized photos taken within sixty (60) days of application.

3. Non-endorsement. In addition, the applicant shall certify on the application form that if his or her registration is granted, he or she will not state, imply, or represent to any person that the issuance of the permit is an

endorsement by the City of Auburn or Auburn University that the tickets being scalped are valid.

4. **Proof of Identification Required.** No permit shall be issued except upon proof of identification by the applicant, in person, providing one of the following, bearing a photograph of said applicant:

- a. A valid driver's license of any state in the United States.
- b. A valid United States Uniform Service Identification.
- c. A valid identification issued by any agency of a state for the purpose of identification of the holder.

5. **Registration Complete with Issuance.** Registration shall be complete when the City issues the permit of registration to scalp tickets, which shall not be unreasonably withheld or delayed.

6. **Form of Permit Registration.** Each permit shall be uniquely numbered, shall list the name of the individual scalper, the date on which the permit will expire, and shall be dated and signed by the City Manager or his designee.

7. **Maintenance of Registry.** The City shall maintain, and make available for public inspection during normal business hours, a record of every application received and acted upon, together with any information pertaining thereto, all permits issued and all denials of applications. Each application and each permit issued shall be assigned a number exclusive to the registrant.

8. **Renewal.** Permits shall be valid from July 1<sup>st</sup> of the current year through June 30<sup>th</sup> of the following year. Any permit that has not been revoked may be renewed upon request of the registrant and upon payment of one hundred fifty-five dollars (\$155.00) in cash, cash equivalent or credit card. The applicant shall be required to fill out a renewal application providing all information required in the initial registration application. Renewals will be sent to Public Safety for approval.

9. **Non-transferability.** Permits of registration shall be issued only in the name of the applicant. The permit under this subsection shall be personal to the registrant, and accordingly each individual person making such a resale shall purchase a registration and no person may scalp tickets under a permit issued to another person.

#### **SECTION IV. Penalty**

Failure to register as a ticket scalper prior to ticket scalping shall be considered a violation of City Ordinance and can be punishable in accordance with the provisions outlined in Section 1-9 of the City Code. Any person found scalping tickets without a valid scalping registration permit must immediately cease and desist all scalping activity until a valid registration permit has been obtained.

#### **SECTION V. Suspension of Permit**

Any permit issued under this article may be suspended by issuance of a citation by any authorized sworn officer upon determination by the Department of Public Safety personnel such as but not limited to:

- a. Falsifying application
- b. Use of permit by someone other than the permitted scalper
- c. Not having the permit and picture identification visible during ticket scalping activity
- d. Conducting activity in such a manner as to create a public nuisance or constitute danger to the public health, safety, and/or welfare.
- e. Any other violation that Public Safety personnel deems necessary.

Suspension of permit shall require that the officer issue a written citation describing violation and registrant shall immediately surrender the previously issued permit.

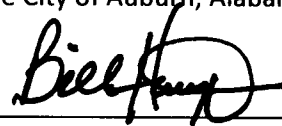
**SECTION VI. Revocation of Permit**

If permit holder is found guilty in municipal court of offense referenced in Section V, the municipal judge shall have sufficient grounds for revocation of the permit issued to the ticket scalper for the remainder of the season.

**SECTION VII.** The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof or the application thereof to any employee or licensee or class of persons shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the ordinance, it being legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of each other.

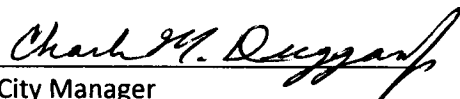
**SECTION VIII.** This Ordinance shall be effective August 2, 2014, and shall be published as required by law.

**ADOPTED AND APPROVED** by the City Council of the City of Auburn, Alabama, this the 15<sup>th</sup> day of July, 2014.



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Mayor

ATTEST:

  
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City Manager