Chapter 46 - PEDDLERS AND SOLICITORS

FOOTNOTE(S):

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State Law reference— Authority to regulate peddlers, G.S. §§ 7-148(c)(7)(H)(iv), 21-37. (Back)

ARTICLE I. - IN GENERAL

Secs. 46-1—46-20. - Reserved.

ARTICLE II. - PEDDLERS

DIVISION 1. - GENERALLY

Sec. 46-21. - Definition.

In this article, the term "peddler" means any person, other than a tradesman having an established place of business within the town, who shall vend or hawk upon the public streets of the town at public or private sale or auction, or shall vend or peddle from house to house or from place to place within the town, any articles of food, goods, wares or merchandise, except such as are exempted by G.S. § 21-37.

(Code 1972, § 36-1; Ord. of 10-13-1952, art. I, § 1)

State law reference— Definition of itinerant vendor, G.S. § 21-27.

Sec. 46-22. - Penalty; license revocation.

Any person who shall engage in the business of a peddler, as defined by this chapter, without being duly licensed as herein provided; or who shall violate the provisions of this article, or shall make any false statement or misrepresentation of fact for the purpose of obtaining a license hereunder shall be subject to a fine for each offense. The amount of such fine is listed on Appendix D, Table of Ordinance Fines. The chief of police shall forthwith revoke the license of such peddler (if a licensed peddler) for the balance of such license year, and no new license shall be issued to that peddler during the license year.

(Code 1972, § 36-21; Ord. of 10-13-1952, art. I, § 7; Amd. of 5-17-2010, § 7)

State law reference— Authorized penalty, G.S. § 21-38.

Secs. 46-23—46-35. - Reserved.

DIVISON 2. - LICENSE

Sec. 46-36. - Required; application; identification.

(a) No person shall carry on the business of a peddler without a license issued by the chief of police.

(b) An applicant for a peddler's license shall complete an application blank provided by such police department, which application blank shall contain the following information:

(1) The name, home address and local address of the applicant;

(2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;

(3) The name, address, and phone number of the person, if any, by whom he is employed;

(4) The nature of the goods, wares or merchandise for which orders are to be sold;

(5) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;

(6) A statement as to the period during which the applicant intends to sell.

(c) The applicant, at the time of executing such application blank, shall also submit identification satisfactory to the police department which shall contain a specimen of the applicant's signature. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the state to administer oaths.

(d) The applicant, at the time of executing such application blank, will be photographed and fingerprinted.

(Code 1972, § 36-16; Ord. of 10-13-1952, art. I, § 2)

Sec. 46-37. - Exemptions.

The provisions of this division shall not apply to:

(1) Sales by farmers and gardeners of the produce of their farms and gardens, as provided in G.S. § 21-37.

(2) The sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, as provided in G.S. § 21-37.

(c3) Sales on approval or conditional sales of merchandise, as provided in G.S. § 21-37.

(4) A resident of the state for two years who is a veteran, as defined by G.S. § 27-103, who shall, however, secure a license without the payment of any fee.

(5) Goods sold by any blind person which have been manufactured, in whole or in part, by him with his own hands, as provided in G.S. § 10-300.

(6) Sales made to dealers by commercial travelers or selling agents in the usual course of business, or by sample for future delivery, as provided in G.S. § 21-37.

(7) Wholesalers selling and delivering their goods to the merchants of the town.

(Code 1972, § 36-22; Ord. of 10-13-1952, art. I, § 8)

Sec. 46-38. - Issuance; contents; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-36, the police department shall thereupon issue a license, within a period of seven business days, which shall set forth the name and address of the applicant and of his employer, if any, the nature of the goods, wares or merchandise which he intends to sell, and the period during which the applicant may sell which shall not exceed the timeframe selected on the application.

(b) The police department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, and further provided the chief of police or some member of the police department designated by him may defer the issuance of a license, pending investigation, for a period not to exceed seven days.

(Code 1972, § 36-17; Ord. of 10-13-1952, art. I, § 3)

Sec. 46-39. - Expiration; fee.

In all cases and unless sooner revoked all annual licenses shall expire on December 31, succeeding the date of issuance thereof. The board of selectmen may establish a fee and an operating time frame (i.e. Daily, Weekly, Monthly, Yearly) for each license based upon the recommendation of the police commission.

(Code 1972, § 36-18; Ord. of 10-13-1952, art. I, § 4; Ord. of 9-26-1972, § 2; Ord. of 5-8-1995)

Sec. 46-40. - Badge.

Each person so licensed and so exercising his vocation shall have in his possession, at all times, a badge furnished by the chief of police with the words "Licensed Peddler," photograph, the number of such license, and the timeframe in which such license is in force, in numerals plainly inscribed thereon; such badges to be furnished by the chief of police to the person so licensed.

(Code 1972, § 36-19; Ord. of 10-13-1952, art. I, § 5)

Sec. 46-41. - Records.

It shall be the duty of the chief of police to keep a record of all licenses granted under the provisions of this article, giving the number and date of all licenses, the name, age and residence of the person licensed, the amount of license fee paid, and also the dates of revocation of any licenses revoked as provided herein.

(Code 1972, § 36-20; Ord. of 10-13-1952, art. I, § 6)

Secs. 46-42—46-75. - Reserved.

ARTICLE III. - SOLICITATIONS OF SALES OF MERCHANDISE

DIVISION 1. - GENERALLY

Sec. 46-76. - Penalty; suspending or canceling permission.

Any person violating any of the provisions of this article or making any false statement or misrepresentation of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof and in addition to other penalties provided by law, be subject to punishment as provided in section 1-8, each solicitation or sale being deemed a separate offense; and pending trial therefor, the police department may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the police department and the department's stamped credentials thereon shall be canceled, and such person shall not thereafter solicit orders in the town.

(Code 1972, § 36-43; Ord. of 10-13-1952, art. II, § 6)

Sec. 46-77. - Exemptions.

This article shall not apply to salesmen selling goods to retail or wholesale stores for resale. Any person who has, and has had for the preceding 12 months, a regular place of business within the town, and any person employed by or soliciting for any person, firm or corporation that has, and has had for the preceding 12 months, a regular place of business within the town shall not be required to register before soliciting orders, but all other provisions of this article shall apply to such persons.

(Code 1972, § 36-44; Ord. of 10-13-1952, art. II, § 7)

Sec. 46-78. - Conduct of solicitor; order receipts.

Any person soliciting within the town, whether or not required to register under the provisions of this article, shall conform to the following regulations:

(1) The solicitor shall conduct himself at all times in an orderly and lawful manner;

(2) The solicitor shall give a written receipt for all orders taken within the town, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.

(3) The solicitor shall go to the front door ONLY of a dwelling residence.

(4) The solicitor shall not conduct business before 9:00 A.M. nor after hours of official sunset.

(5) The solicitor shall show the permit to any such person so solicited or to any Police Officer on request.

(6) The solicitor must, at all times, wear their issued badge in a plainly visible location on the outermost garment and carry their permit with them.

(7) The solicitor shall immediately, without question, vacate any residence or premises of a person so solicited, if the person so solicited indicates that he or she does not wish to engage in business with said solicitor.

(Code 1972, § 36-42; Ord. of 10-13-1952, art. II, § 5)

Secs. 46-79—46-90. - Reserved.

DIVISION 2. - REGISTRATION

Sec. 46-91. - Required.

It shall be unlawful for any person over 16 years of age to solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door or on any street or highway within, or by telephone from and within, the town, without first registering with the police department of the town and having his credentials stamped as provided in this division. Registration shall not constitute a permit to enter privately policed areas.

(Code 1972, § 36-38; Ord. of 10-13-1952, art. II, § 1)

Sec. 46-92. - Application; identification.

(a) An applicant for permission to solicit orders hereunder shall complete an application blank provided by such police department, which application blank shall contain the following information:

(1) The name, home address and local address, of the applicant;

(2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;

(3) The name, address, and phone number of the person for whom or through whom orders are to be solicited or cleared;

(4) The nature of the goods, wares or merchandise for which orders are to be solicited;

(5) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;

(6) A statement as to the period during which the applicant intends to solicit orders.

(b) The applicant, at the time of executing such application blank shall also submit identification satisfactory to the police department which shall contain a specimen of the applicant's signature. Each application shall be signed by the applicant and sworn to before a justice of the peace or other person authorized by the laws of the state to administer oaths.

(c) The applicant, at the time of executing such application blank, will be photographed and fingerprinted.

(Code 1972, § 36-39; Ord. of 10-13-1952, art. II, § 2)

Sec. 46-93. - Credentials—Stamping; contents; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-92, the police department shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and his employer, if any, the nature of the goods, wares or merchandise for which orders are to be solicited, and the period during which the applicant may solicit orders shall not exceed the timeframe selected on the application.

(b) The police department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter; and further provided the chief of police or some member of the police department designated by him may defer approving and stamping the credentials of any applicant, pending investigation, for a period not to exceed seven days.

(Code 1972, § 36-40; Ord. of 10-13-1952, art. II, § 3)

Sec. 46-94. - Same—Nontransferable; scope of authorization; exhibiting.

Stamped credentials shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the town for the purchase of the goods, wares or merchandise specified in his application; provided the holder shall have his stamped credentials in his possession at all times with the issued badge in a plainly visible location on the outermost garment while soliciting orders and shall exhibit the same at any time upon the request by any police officer of the town or any purchaser or prospective purchaser.

(Code 1972, § 36-41; Ord. of 10-13-1952, art. II, § 4)

Sec. 46-95. - Records.

It shall be the duty of the chief of police to keep a record of all solicitors' credentials approved and stamped under this article, and also the dates of any suspensions of permission to solicit and any cancelations of the police department's stamp.

(Code 1972, § 36-42; Ord. of 10-13-1952, art. II, § 8)

Secs. 46-96—46-125. - Reserved.

ARTICLE IV. - CHARITABLE SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 46-126. - Penalty; suspension or cancelation of permission.

Any person violating any of the provisions of this article or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit funds shall, upon conviction thereof and in addition to other penalties provided by law, be subject to punishment as provided in section 1-8, each solicitation being deemed a separate offense; and, pending trial therefor, the police department may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the police department and the department's stamped credentials thereon shall be canceled, and such person shall not thereafter solicit orders in the town.

(Code 1972, § 36-26; Ord. of 10-13-1952, art. III, § 5)

Secs. 46-127—46-140. - Reserved.

DIVISION 2. - REGISTRATION

Sec. 46-141. - Required; information; exemptions.

(a) Religious, charitable, or other organizations desiring to solicit funds from door to door in the town shall, through a representative, register with the police department and give the following information:

  (1) The name, home address and local address, of the applicant, together with a list of all solicitors;

  (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;

  (3) The name, address, and phone number of the organization or institution for which funds are to be solicited;

  (4) A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, what, when and where;

  (5) A statement as to the period during which the organization or institution intends to solicit funds.

(b) Any organization having a local chapter or headquarters in the town shall not be required to furnish the information listed in subsections (a)(1), (a)(2) and (a)(4) of this section.

(Code 1972, § 36-23; Ord. of 10-13-1952, art. III, §§ 1, 2)

Sec. 46-142. - Credentials—Issuance; investigation of applicant.

(a) Upon compliance by the applicant with the provisions of section 46-142, the police department shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and of the organization or institution which he represents, and the period during which funds are to be solicited, which period shall not exceed one year.

(b) However, the police department shall not be required to stamp such credentials of any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this chapter, and further provided the chief of police or some member of the police department designated by him may defer approving and stamping the credentials of any applicant, pending investigation, for a period not to exceed seven days.

(c) Subsection (b) of this section shall not apply to organizations or institutions having a local chapter or headquarters in the town.

(Code 1972, § 36-24; Ord. of 10-13-1952, art. III, § 3)

Sec. 46-143. - Same—Nontransferability; scope; exhibiting.

Stamped credentials shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit funds within the town; provided the holder shall have his stamped credentials in his possession at all times while soliciting funds and shall exhibit the same at any time upon request by any police officer of the town or any contributor or prospective contributor.

(Code 1972, § 36-25; Ord. of 10-13-1952, art. III, § 4)