

ORDINANCE NO. 2023-1114-__

**AN ORDINANCE TO AMEND SECTION 13-54
OF APEX TOWN CODE**

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Section 13-54 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 13-54. - Exceptions to provisions.

A solicitor, peddler or park concessioner permit is not required for the following:

- (1) The sale or solicitation of farm or dairy products by the producer.
- (2) Organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes which have been granted 501(c)(3) tax exemption by the Internal Revenue Service and not operating for profit, and where such solicitation or sales are made without compensation of any kind to the solicitor, and such sale or offering by children under the age of 18 years who are students in a public or private school for school activities.
- (3) Actions undertaken at the prior request or invitation of the resident or occupant of the premises visited.
- (4) The delivery of goods or services which have been ordered before delivery.
- (5) The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social, or religious matters, or expressing other personal views or opinions. However, persons who are hired or compensated for such circulation or distribution are specifically not exempt from the permitting requirements of this article.
- (6) The lawful promotion or expression of views concerning political, social, religious and other like matters, or expression of other personal views or opinions. However, persons who are hired or compensated for such promotion are specifically not exempt from the permitting requirements of this article.
- (7) The sale or delivery of goods to business establishments.
- (8) Applicants who have applied for and been issued a temporary use permit by the town to perform the peddling, soliciting or concessioner operations addressed by this article and who would otherwise meet the definition of peddler, solicitor, or park concessioner under this article.
- (9) **Persons who have contracted with the town to provide concession services on town property and who would otherwise meet the definition of park concessioner under this article.**

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 14th day of November, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney