

## **ARTICLE IV. PEDDLERS AND SOLICITORS**

### **DIVISION 1. GENERALLY**

#### **Sec. 14.40.010. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Peddler.* Any person, including salesperson and vendor, who goes from house to house, place to place or to any one (1) house or to any one (1) place, or in or along the streets, within the Town, selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise, services or anything of value in the possession of the peddler, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

*Solicitor.* Any person, including salesperson and vendor, who engages in the business of going from house to house, place to place or to any one (1) house or to any one (1) place, or in or along the streets, within the Town, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, services or other things of value, for future delivery or for services to be performed in the future, to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities or services.

(Code 1968, § 19-1)

Cross reference(s)—Definitions and rules of construction generally, § 1.10.015.

#### **Sec. 14.40.015. Nonapplicability.**

The provisions of this article shall not apply to the following:

- (1) Any person peddling or soliciting orders for dairy, bakery, fruit, vegetables, meat, fish or poultry products, or other products intended for human consumption, except ice cream, candy, hot dogs, hamburgers, soft drinks and the like intended for immediate human consumption.
- (2) Any person peddling or soliciting subscriptions for newspapers or religious publications.
- (3) Any person peddling or soliciting on behalf of a religious, charitable or educational organization.
- (4) Any person soliciting for personal services to be performed by the person so soliciting.
- (5) Any other person who files with the Town Clerk an affidavit setting forth the name and address of the affiant and which clearly establishes exemption from the provisions of this article by virtue of the Constitution or Statutes of the United States or of the State.

(Code 1968, § 19-2)

#### **Sec. 14.40.020. Hours during which peddling and soliciting permitted.**

Any identification permit issued under the provisions of this article shall be valid only between the hours of 9:00 a.m. and 9:00 p.m. of any day.

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(Code 1968, § 19-12)

**Sec. 14.40.025. Posted premises.**

No person shall solicit or attempt to solicit at any residential premises where the occupant has posted a sign clearly and obviously visible from an access way used by the solicitor which states, in letters at least three-fourths of an inch in height on a contrasting background, "No Soliciting," "Soliciting Prohibited," "No Soliciting Allowed" or "No Solicitors Allowed." Nor shall any person peddle or attempt to peddle at such premises where the occupant has posted in such a manner a sign which states in substance the same prohibition with reference to peddlers.

(Code 1968, § 19-13)

**Secs. 14.40.030—14.40.100. Reserved.**

*DIVISION 2. IDENTIFICATION PERMIT*

**Sec. 14.40.105. Required.**

- (a) No person shall act as a peddler or solicitor within the Town without an identification permit, as provided in this article.
- (b) Such identification permit shall be in addition to any business license required by the Town for the conduct of the business or occupation of a solicitor or peddler, pursuant to this chapter.

(Code 1968, § 19-3)

**Sec. 14.40.110. Application.**

An applicant for a permit under this division shall furnish the Chief of Police with the following information and material.

- (1) The name and description of the applicant.
- (2) The address of the applicant, legal and local (if any).
- (3) A brief description of the nature of the business, and the goods, wares, merchandise and services to be sold or furnished.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time the applicant wishes to do business within the Town.
- (6) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (7) A recent photograph of the applicant, which picture shall show the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) Fingerprints of the applicant to be taken by the Chief of Police, or a member of the Police Department of the Town, at the discretion of the Chief of Police.

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- (9) A statement as to whether or not the applicant has been convicted of a crime, felony or misdemeanor, the nature of the offense and the punishment or penalty assessed therefor.

(Code 1968, § 19-4)

#### **Sec. 14.40.115. Investigation.**

The permit required by this division shall only be issued by the Chief of Police after an investigation is made by the Chief of Police.

(Code 1968, § 19-5)

#### **Sec. 14.40.120. Prerequisite to issuance of business license.**

The information required for an application under this division shall be furnished to the Chief of Police in conjunction with the application for a business license for the occupation of a solicitor or peddler, and an investigation by the Chief of Police and the issuance of an identification permit shall be necessary conditions precedent to the granting of such business license. After the investigation is made and the identification permit issued, a business license for the occupation of a solicitor or peddler shall be issued upon the payment of the license fee, if any is required, in conformity with the provisions of this chapter.

(Code 1968, § 19-6)

#### **Sec. 14.40.125. Issuance; expiration.**

The Chief of Police, upon being advised of the application of an applicant for a business license for the business or occupation of a solicitor or peddler in the Town, and upon being furnished with the information and records required by this division, shall investigate the applicant. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall issue an identification permit in favor of the applicant for the carrying on of the business or occupation of a solicitor or peddler in the Town.

(Code 1968, § 19-7)

#### **Sec. 14.40.130. Denial; appeal to Town Council.**

- (a) If, as a result of the investigation pursuant to an application under this division, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall make the findings and reasons for disapproval and transmit the same to the Tax and License Collector, who shall notify the applicant that the application is disapproved and that no permit or license will be issued.
- (b) Upon the disapproval of the application, as a result of the findings of the Chief of Police, any person aggrieved by the action of the Chief of Police, and the denial of the application for a permit or a license, shall have the right of appeal to the Town Council. Such appeal shall be taken by filing with the Town Clerk, within ten (10) days after notice of the action complained of has been mailed to the applicant's last known address, or to the applicant's address as appearing on the application, a written statement setting forth fully the grounds of appeal. The Town Clerk shall set a time and place for a hearing of such appeal and notice shall be given to the appellant by mail, postage prepaid, to the address, as aforesaid, at least five (5) days prior to the date set for a hearing. The disposition and order of the Town Council shall be final and conclusive.

(Code 1968, § 19-8; Ord. No. 2030, § I, 7-21-97)

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**Sec. 14.40.135. Display.**

The identification permit issued under the provisions of this division shall be worn in a prominent place on the outer clothing, clearly legible to all persons with whom the permittee deals, at all times when the permittee is soliciting or peddling.

(Code 1968, § 19-10)

**Sec. 14.40.140. Transferability.**

No identification permit issued under the provisions of this division shall be transferable, and the same, as issued, shall be personal to the person to whom issued.

(Code 1968, § 19-9)

**Sec. 14.40.145. Revocation.**

- (a) Identification permits issued under the provisions of this division may be revoked by the Chief of Police for any of the following reasons:
- (1) Misrepresentation or false statements contained in the application for the identification permit.
  - (2) Misrepresentation or false statement made in the course of carrying on the business of peddling or soliciting.
  - (3) Conviction of any crime or misdemeanor involving moral turpitude.
  - (4) Conducting the business of peddling or soliciting in an unlawful manner, or in such a manner as to constitute a breach of the peace and to constitute a menace to the health, safety or morals or general welfare of the public.
  - (5) Any violation of this chapter, or of the business license provisions of this Code or any other ordinances of the Town.
- (b) Upon revocation of any identification permit issued under the provisions of this division, the Chief of Police shall make the findings and reasons for revocation and transmit them to the permittee, whose license has been revoked, and a copy thereof to the Tax and License Collector. Revocation of an identification permit automatically revokes the business license to which the identification permit applies. The permittee whose permit has been revoked shall have the right of appeal to the Town Council in the same manner and in conformity with the same procedures as set forth in section 14.40.130.

(Code 1968, § 19-11; Ord. No. 2030, § II, 7-21-97)

**Sec. 14.40.150. Expiration.**

Each permit issued under the provisions of this division shall be valid for a period of ninety (90) days and subject to revocation as provided in this division.

(Code 1968, § 19-7)