

Chapter 111-PEDDLERS AND HAWKERS

Statutory Reference: *Authority to regulate peddlers and solicitors, see G.S. § 160A-178*

PURPOSE AND INTENT

The public purpose of this ordinance is consumer protection, and to protect the health, safety and welfare of the residents of the Town of Pineville, North Carolina and the public at large by prohibiting door-to-door solicitation to reduce crimes such as fraud, harassment, larceny, burglary, identity theft and home invasion; to protect its residents from intrusive or dangerous solicitations. This ordinance is not intended to circumvent constitutionally protected speech and/or acts, because of the availability of alternative avenues of communication, including but not limited to online marketing, search engine marketing, social media marketing, referral programs, direct mail, email campaigns, and opportunities available at community events and public property will still allow individuals and entities to express their views and seek support.

GENERAL PROVISIONS

111.01. DEFINITIONS:

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

DOOR-TO-DOOR SOLICITATION (PRIVATE PROPERTY):

Any person who goes from door-to-door without invitation, upon the private property of another person for the following purposes:

1. Offering the sale of goods and/or services of any description whatsoever.
2. Distributing circulars, brochures, pamphlets, flyers or other similar printed material to advertise goods or services offered for sale by any person.
3. Making or conducting surveys for research purposes, marketing, opinion polls, rating data and any such similar work, which, by nature, involves door-to-door activity.
4. Distributing informational, religious or educational literature.
5. Seeking donations, contributions or anything of value.

GOODS:

Any items, merchandise and/or wares, including, but not limited to, food, beverages, magazine subscriptions, books and periodicals, offered for sale, regardless of the manner of delivery of such goods.

PEDDLING (PUBLIC PROPERTY):

A. Any person who offers the sale of goods/services of any description whatsoever while situated upon public property.

B. Any person who seeks contributions, donations or anything of value while situated upon public property.

C. Any person who distributes promotional/branded items, printed pamphlets, brochures, flyers, leaflets, or other printed material while situated upon public property.

PERSON:

Any individual, corporation, partnership, sole proprietorship, political, civic or religious organization.

PRIVATE PROPERTY

Any real property owned by any person.

SERVICES:

Any service, **including, but not limited to**, home improvements, window cleaning, tree cutting, cable/internet packages and/or pest control offered for sale, regardless of the manner of delivery of such services.

Sec. 111.02. Door-to-Door Solicitation (Private Property)

It shall be unlawful for any person to enter upon any private property in the town for the purpose of door-to-door solicitation, without prior invitation.

Proposed Sec. 111.03. Sale of Goods on Streets; Peddlers Strictly Regulated

A. Peddling is restricted to the following:

1. 501(c)(3) organizations whose principal office location, as recorded with the North Carolina Secretary of State, is physically located in the incorporated town limits of Pineville, NC or Mecklenburg County.
2. Political, religious, and/or civic organizations.
3. Public property spaces/areas designated by the Town of Pineville for peddling.

B. Permit required: A peddler's permit is required when any eligible group/organization wishes to solicit, set up a table, kiosk, stand, easel, cart, wagon, canopy, tent or other similar structure/vessel upon public property to engage in peddling of any sort whatsoever on public property.

1. It shall be unlawful for any group/organization to engage in peddling when a permit is required (see section. 111-03(B), without having first secured a permit to do so from the Town.
2. It shall be unlawful to provide false information on a peddler's permit application.
3. It shall be unlawful to engage in peddling between the hours of 7:00 p.m. and 8:00 a.m. Monday through Saturday.
4. It shall be unlawful to engage in peddling on Sundays.
5. Organizations/groups shall be limited to four (4) peddling permits per calendar year.
6. Peddler's permits shall be displayed while the permittee is engaging in peddling activities.

Peddling at Town Sponsored Events or Special Events in the Town are exempt from these provisions as they have their own application processes and associated fees.

Sec. 111.04. Peddling (Public Property) Permit Application

Applicants seeking a peddler's permit pursuant to Sec. 111.03 of this article shall pay the non-refundable application fee for such permits in the amount of _____. Applicants shall submit a written application for the permit using the peddler's permit application available _____.

1. The name and address of applicant organization/group.
2. The names of all adults who will be participating, along with a copy of a valid government issued photo ID for each of those individuals. (Minors must be accompanied by an adult).
3. A description of the nature of the goods/services being offered and/or the types of donations/contributions accepted or when applicable, a description of promotional and/or printed materials being distributed.
4. The desired start date. (Peddling from your assigned location may continue for seven (7) consecutive days from the permit issuance date and for a maximum of four (4) consecutive hours per day that the permit is valid. Assigned dates, times, and locations will be reflected on the permit.)
5. All applications shall be submitted a minimum of seven (7) days in advance of, but no more than ninety (90) days in advance of the date that peddling is to begin; time being of the essence.

6. If a 501(c)(3) organization, IRS documents verifying same.

Sec. 111.05. Revocation.

Any permit issued under the provisions of this division is subject to revocation by the Town Manager, Police Chief, any on-duty police officer, or fireman for the violation by the permittee of any applicable provision of state law, town ordinance, rule, or threat to public health, safety, or welfare. Revocation shall become effective immediately upon verbal notification by the revoking authority, and the permittee must cease all activity immediately.

Secs. 111.06. Penalty.

Any person who violates any provision of this Chapter shall be punished by a civil penalty not exceeding five hundred (\$500) dollars. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 111.07.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.