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## **CHAPTER 111: PEDDLERS AND HAWKERS<sup>1</sup>**

### *General Provisions*

#### **PURPOSE AND INTENT:**

The public purpose of this ordinance is to protect the health, safety and welfare of the residents of the Town of Pineville, North Carolina and the public at large by regulating door-to-door solicitation and peddling upon public property. The Town has identified reasonable time, place and manner restrictions on door-to-door solicitations and peddling upon public property to reduce crimes such as fraud, larceny, burglary, identity theft and home invasion; to protect its residents from intrusive or dangerous solicitations; and to assist law enforcement personnel in the performance of their duties. This ordinance is not intended to circumvent constitutionally protected speech and/or acts.

#### **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):**

- A. 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, political, religious or educational literature.
  - (5) Political canvassing.
  - (6) 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**

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<sup>1</sup> State law reference(s)—Authority to regulate peddlers and solicitors, G.S. 160A-178.

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. 111.01. Door-to-Door Solicitation (Private Property)**

**A. PERMIT REQUIRED**

- (1) 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 first having secured a town issued permit to do so in accordance with section \_\_\_\_\_.
- (2) It shall be unlawful for any solicitor to enter upon any private property when such property is posted with a sign stating “No Soliciting Allowed” or other words to that effect, even if granted a permit for solicitation.
- (3) It shall be unlawful for any solicitor to enter upon any private property of another and refuse to leave such property after having been notified by the owner or occupant of such property, or his/her agent, to leave the same and not to return to such property.
- (4) It shall be unlawful to provide false information on the application for a door-to-door solicitation permit.
- (5) It shall be unlawful to engage in door-to-door solicitations **Monday through Saturday before 10:00 a.m. or after 5:00p.m. or dusk, whichever is later.**
- (6) It shall be unlawful to engage in door-to-door solicitations at any time on Sunday.
- (7) All vehicles used by solicitors shall clearly display the company name for which soliciting is being done.
- (8) Solicitors shall display a company issued photo ID and their town issued solicitation permit while engaging in door-to-door solicitations in the Town of Pineville.
- (9) No more than four (4) door-to-door solicitation permits per calendar year shall be issued to any one company, individual, corporation, partnership, sole proprietorship or other such entity.

**Sec. 111-02. Sale of Goods on Streets; Peddlers Strictly Regulated**

It shall be unlawful for any person to sell or offer for sale or peddle goods, wares or merchandise upon the public streets or public parking lots of the town; provided, however, this section shall not apply to vendors selling fresh produce.

**OR**

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 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.

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 in accordance with section 18-111-04.**

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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 8:00 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.

Special Events are exempt from these provisions as they have their own application processes and associated fees.

## Permits

### Sec. 111-03. Door-to-Door (Private Property) Solicitation Permit Application and Fee

Applicants seeking a door-to-door solicitation permit under this article shall pay the non-refundable application fee for such permits of \_\_\_\_\_. **Applicants shall submit a written application for the permit using the door-to-door solicitation permit application available \_\_\_\_\_.** All business applicants must be registered with the State of North Carolina.

- (1) The name and address of the business, organization, person(s), or group for whom door-to-door solicitation is being conducted. **The applicant must be a duly authorized representative of the business, company, group or organization for which the permit is sought.**
- (2) The names of all individuals who will be engaging in door-to-door solicitation on behalf of the business/organization, along with a copy of a valid government issued photo ID.
- (3) A description of the nature of the business/organization and the goods, services, or wares being offered for sale.
- (4) If soliciting for donations/contributions; the types of donations being sought, including, but not limited to money, clothing, household items, shoes, etc.
- (5) All door-to-door solicitation 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 you want to begin solicitation; time being of the essence. Permits are valid for seven (7) consecutive days from the date of issuance.
- (6) A statement as to whether the applicant or any person engaging in door-to-door solicitation on behalf of the applicant has been convicted of any crimes (felony or misdemeanor) involving assault, larceny/fraud, damage to property, disorderly conduct, any crime of domestic violence, and/or sell/distribution of illicit drugs/controlled substances, and if so, the details thereof.
- (7) The make, model, year, color and license plate number of each vehicle used by the applicant(s) during the period of door-to-door solicitation within the town. Copies of the applicant's operator's license, vehicle registration and insurance certificate.
- (8) One (1) recent photograph, taken within the past ninety (90) days, of the applicant and any person(s) who will be engaging in door-to-door solicitation on behalf of the applicant, which shall be approximately two and one-half by two and one-half (2 ½" x 2 ½") inches in size, showing the head and shoulders of the applicant/participants in a clear and distinguishing manner. Minors are not required to provide a photograph but must be accompanied by an adult who has provided a recent photograph.
- (9) The last five municipalities wherein the applicant has received a door-to-door solicitation permit.
- (10) The period of time the applicant wishes to engage in that business within the town.

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## **Sec. 111-04. Peddling (Public Property) Permit Application**

Applicants seeking a peddler's permit pursuant to Sec. 18-202 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.

**The peddler's permit application is available via the following link: (to be determined)**

## **Sec. 111-04. Bond Required**

Before any door-to-door solicitation or peddler's permit shall be issued under the provisions of this article, the applicant therefor shall furnish a bond in a sum up to \$1,000.00 to the town signed by the applicant and signed as surety by some surety company authorized to do business in the state, conditioned upon the final delivery of goods and/or services (as defined in this article) in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the goods/services sold by the principal on such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery. The bond shall be for the use and benefit of all people that may make any purchase or place any order to the principal on said bond, or to any agent or employee of the principal. If the applicant/permit holder works for a bonded and insured company, a certificate of insurance from that company will suffice.

- (a) Only one bond shall be required of each applicant, even though such applicant shall have one or more agents or employees; provided such bonds be made to cover the activities of all such agents or employees.
- (b) Applicants soliciting for charitable, civic, religious or patriotic purposes without compensation or remuneration shall be exempt from the bond requirement.

## **Sec. 111-04. Issuance.**

No permit shall be issued under the provisions of this division until the applicant shall have complied with all the provisions and requirements of this article.

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**Sec. 111-05. Duration.**

Every permit issued under the provisions of this division shall be valid for a period of seven (7) consecutive days and will need to be renewed after seven (7) days, unless otherwise indicated on the face of the permit. No solicitor shall be eligible to solicit more than ninety days, whether consecutive or intermittently within a calendar year.

**Sec. 111-06. Contents.**

Each permit issued under the provisions of this subchapter shall be signed by the Town Administrator or designee, shall be dated as of the date of its issuance and shall state the duration or term of the license on the face thereof. Any license not dated and signed as required in this section, or which was issued in violation of this section, shall be void.

**Sec. 111-07. Display.**

Every person granted a permit under the provisions of this division and doing business within the town shall display his/her permit at the demand of a police officer or at the request of any person. Failure to display the permit shall be deemed a misdemeanor.

**Sec. 111-08. Revocation.**

Any permit issued under the provisions of this division is subject to revocation for the violation by the permittee of any applicable provision of this Code, state law or town ordinance, rule, or regulation.

**Secs. 111-09. Penalty.**

Any person who violates any provision of this article 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.