**CHAPTER 28: PEDDLERS AND SOLICITORS**

**CHAPTER** **28:** **PEDDLERS AND SOLICITORS**

Section

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***ARTICLE I. IN GENERAL***

**28‑1 PENALTY.**

Any violation of this chapter subjects the offender to a civil penalty of $500, as provided in  1‑6.

(2001 Code,  28‑1)

**28‑2 EXCEPTIONS.**

The provisions of this chapter shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit and where the solicitations or sales are made without remuneration to the solicitor.

(1970 Code,  11‑48; 2001 Code,  28‑2)

**28‑328‑30 RESERVED.**

***ARTICLE II. PERMITS***

***Statutory reference:***

*Regulation of solicitation, see G.S.  160A‑178 et seq.*

**28‑31 REQUIRED.**

It shall be unlawful for any person, without first obtaining a permit as provided in this article, to go in or upon or permit its representatives to go in or upon any private residence or premises in the town as solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise, not having been requested or invited to do so by the occupants of the private residence or having secured their permission to do so for the purpose of soliciting orders for the sale of goods, wares, periodicals or merchandise, or for the purpose of distributing, disposing of, peddling or hawking goods, wares, periodicals or merchandise.

(1970 Code,  11‑41; 2001 Code,  28‑31)

**28‑32 APPLICATION.**

Any person desiring to engage in the business or practices referred to in  28‑31 shall file with the Chief of Police an application for a permit to do so. The application shall be in writing, under oath and shall show the applicants name, age, fingerprints, current address, his or her place of residence and nature of employment during the preceding year, the address and nature of business of his or her employer or principal, if any, and shall specify in detail the goods, wares, periodicals or other merchandise to be offered for sale and shall state whether or not the applicant has been convicted of any crime involving moral turpitude and, if so, the nature of the crime and the place and time of conviction. The applicant shall also furnish, at the time of filing his or her application, a valid identification as issued by a division of motor vehicles made within one year of the date of application and other information requested as may be of assistance in passing upon the qualifications of the applicant. If the application is filed by an employer, there shall also be filed a separate application for each solicitor giving the information as to the qualifications of the solicitor, and the application shall be signed and sworn to by each solicitor, and a separate permit shall be issued for each applicant.

(1970 Code,  11‑42; 2001 Code,  28‑32)

**28‑33 ISSUANCE, POSSESSION AND EXHIBITION.**

If, upon investigation reasonably made, the Chief of Police ascertains and determines that the applicant for a permit, as required in this article, is a person of good moral character and purpose to engage in a lawful commercial or professional enterprise during hours that will not unduly disturb the occupants of residences, the Chief of Police shall issue to him or her a permit to engage in the business, which permit shall contain substantially the information set forth in his or her application and to which shall be attached the applicants photograph and fingerprints. The permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the town and shall be exhibited by any applicant whenever requested to do so by any police officer or other person solicited. If the Chief of Police shall, upon investigation, determine that the applicant is not a person of good moral character and that he or she does not propose to engage in a lawful commercial or professional enterprise during hours reasonably convenient for the occupants of residences, he or she shall refuse to issue the permit.

(1970 Code,  11‑43; 2001 Code,  28‑33)

**28‑34 APPEAL FROM THE REFUSAL TO ISSUE PERMIT.**

Upon the refusal of the Chief of Police to grant a permit as required in this article, the applicant may thereafter appeal to the Board of Commissioners; and if the Board shall be satisfied that the applicant and his or her proposed business and hours of work meet the requirements set forth in this article, it shall direct the Chief of Police to issue the permit; otherwise, the permit shall be refused.

(1970 Code,  11‑44; 2001 Code,  28‑34)

**28‑35 DURATION AND RENEWAL.**

(A) The Chief of Police shall determine from the application and from such facts as may be developed in connection with the application the period for which the permit shall be approved and granted; however, the period shall in no case exceed 12 calendar months.

(B) Upon the expiration of the permit, the Chief of Police may, upon application filed in the form and giving the information required in the original application, renew and extend the permit for additional periods not to exceed 12 calendar months for any period.

(1970 Code,  11‑45; 2001 Code,  28‑35)

**28‑36 TRANSFERABILITY.**

No permit approved and issued as provided in this article shall be transferable.

(1970 Code,  11‑46; 2001 Code,  28‑36)

**28‑37 REVOCATION.**

If it should appear that the facts set forth in the applicants application for a permit under this article are untrue or if the applicant is thereafter convicted of a crime involving moral turpitude, or if he or she engages in business other than as set forth in his or her permit or fails to utilize the permit in good faith and for the purpose issued, the permit shall be revoked by the Chief of Police; and from the revocation, the applicant may, if he or she desires, appeal to the Board of Commissioners.

(1970 Code,  11‑47; 2001 Code,  28‑37)