

ARTICLE III. PEDDLERS

DIVISION 1. GENERALLY

Sec. 23-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile transient peddler includes solicitors and transient merchants, and means any person who engages in the business of selling any goods, wares, merchandise or services, or who solicits orders for such goods, wares, merchandise or services, by going from house to house or place to place; provided, however, that the word "peddler" shall not include persons distributing, or delivering goods or services, or soliciting orders for newspapers.

Temporary seasonal peddler includes solicitors and/or temporary merchants engaged in the business of selling agricultural products, including fruits, vegetables, trees, pumpkins or similar products, in a stationary location for a limited seasonal time period.

Temporary stationary peddler includes solicitors and/or temporary merchants who sell nonagricultural goods and services which may include prepared foods, flags, banners, toys, sidewalk sales, etc. in a stationary location for a temporary period of time.

Sec. 22-97. Exceptions.

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

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.
- (3) Individual vendors who purchase or rent booths or areas for Town sponsored festivals, parades and/or similar events for a period of time not to exceed five days.
- (4) Solicitations, sales or distributions made by educational or religious organizations which have their principal place of activity within the Town.

Sec. 22-98. Refusing to leave.

Any peddler who enters upon a premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises or his agent to leave the premises and not return thereto shall be deemed guilty of a misdemeanor.

Sec. 22-99. Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when such premises is posted with a sign stating "no peddlers allowed" or "no solicitation allowed" or other words to that effect.

Sec. 22-100. Misrepresentation concerning goods or services.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase such goods, wares, merchandise or services.

Sec. 22-101. Hours of business.

It shall be unlawful for any peddler to engage in the business of peddling within the Town absent proper permitting as set forth below. Notwithstanding a proper permit, no peddling shall take place between the hours of 9:00 p.m. and 9:00 a.m., except by specific appointment with or invitation from the prospective customer or as otherwise provided in this article.

Sec. 22-102. Activity in roadways.

It shall be unlawful for any person to peddle any goods, wares, merchandise or services, or to solicit any contribution of any kind for any charitable, educational or other purpose, while standing in or upon any public roadway.

Sec. 22-103. Mobile transient peddlers.

Temporary permits shall be valid for a period of 90 days and obtainable once each six months. Permits are issued to each individual representing a business and/or cause, and subject to the requirements outlined in this article.

Sec. 22-104. Temporary stationary peddlers.

Specific provision permits shall be available to an applicant and/or vendor on a particular parcel once each six months not to exceed 30 days per permit; provided, however, such business must comply with the following specific provisions:

- (1) The sale of goods and merchandise is prohibited from, or as an accessory use, to the primary use of such business presently existing on the premises which shall be limited to the confines of such building;
- (2) Such sales must occur on property that contains a principal structure;
- (3) No display shall be erected or installed, nor shall any sale of goods and merchandise take place within 50 feet of the curb or paved edge of a public roadway;
- (4) Such sales shall be permitted only within a commercial zoning district which would normally allow such sales;
- (5) Such sales shall be permitted only on property where controlled vehicular ingress and egress with adequate off-street parking;
- (6) No temporary shack, shed, tent or other structure' shall be erected, except as may be approved by the Town;
- (7) No operator, employee or representative of the operator of such business shall solicit directly from the motoring public;
- (8) Written permission from the property owner shall be obtained and submitted by the applicant to the Town for approval prior to the issuance of a permit;
- (9) A single sign-not-to exceed 4 square feet shall be allowed per road frontage. Such sign shall be located outside of the right-of-way; and
- (10) All goods and equipment must be removed at the end of each business day.

Sec. 22-105. Temporary seasonal peddlers.

Specific provision permits shall be available to an applicant and/or vendor on a particular parcel of land for a period not to exceed 90 days and obtainable once each six months; provided, however, such business must comply with the following specific provisions:

- (1) The sale of goods and merchandise is prohibited from, or as an accessory use, to the primary use of such business presently existing on the premises which shall be limited to the confines of such building;
- (2) Sales must occur on property that contains a principal structure;

- (3) No display shall be erected or installed, nor shall any sale of goods and merchandise take place within 50 feet of the curb or paved edge of a public roadway;
- (4) Sales shall be permitted only within a commercial zoning district which would normally allow such sales;
- (5) Sales shall be permitted only on property where controlled vehicular ingress and egress with adequate off-street parking;
- (6) No temporary shack, shed, tent or other structure shall be erected, except as may be approved by the Town;
- (7) No operator, employee or representative of the operator of such business shall solicit directly from the motoring public;
- (8) Written permission from the property owner shall be obtained and submitted by the applicant to the Town for approval prior to the issuance of an occupation permit;
- (9) A single sign not to exceed 4 square feet shall be allowed per road frontage. Such sign shall be located outside of the right-of-way; and
- (10) Sales shall cease by 10:00. p.m.

DIVISION 2. PERMIT

Sec. 22-126. Fees, Security for Privilege

Peddlers shall pay any taxes or licensing fees required by state law and shall furnish a good and sufficient security or proof thereof to the Town Manager or designee (e.g. verification of insurance coverage, bond, letter of credit, etc.).

Sec. 22-127. Limitation on issuance.

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the Town shall be required to have a permit whether acting for himself or as an agent or representative of another.

Sec. 22-128. Application.

Applicants for peddler permits shall file with the Town a sworn application giving the following information:

- (1) The name and description of the applicant.
- (2) The address, legal and local.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) If a vehicle is to be used, a description of such vehicle, together with license number or other means of identification.
- (6) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any Town ordinance, the nature of the offense and the punishment or penalty assessed therefor.

Sec. 22-129. Driver's license.

The applicant, at the time of filing his application for a permit required by this division, shall present his driver's license, if he has one, to the Town

Sec. 22-130. Giving false information on application.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this division.

Sec. 22-131. Investigation of applicant.

Upon receipt of an application for a permit required by this division, the original shall be referred to the Town, which shall cause such investigation of the applicant's business and moral character to be made as deemed necessary for the protection of the public good.

Sec. 22-132. Denial authorized; notice.

If, as a result of the investigation authorized by this division, the applicant's character or business responsibility is found to be unsatisfactory, the Town Manager or designee shall endorse on such application his/her disapproval and reasons for such disapproval, and return the application to the Town Clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

Sec. 22-133. Approval; issuance.

If, as a result of the investigation authorized by section 22-131, the applicant's character or business responsibility are found to be satisfactory, the chief of police shall endorse on such application his approval and reasons for such approval, and return the application to the Town Clerk, who shall, upon payment of any fees or bonds, issue a license.

Sec. 22-134. Record.

The Town shall keep a permanent record of all permits issued under the provisions of this division.

Sec. 22-135. Disposition of receipts.

The taxes and penalties collected under this division shall be paid to the Town in the same manner as other taxes collected by the Town.

Sec. 22-136. Display.

Every peddler or merchant having a permit issued under the provisions of this division and doing business within the Town shall display his permit upon the request of any person and failure to do so shall be deemed a misdemeanor.

Sec. 22-137. Revocation.

Any permit issued under the provisions of this division may be revoked for the violation by the permittee of any applicable provision of this Code, state law or local ordinance.

Sec. 22-138. Fees.

The fees and/or bonding requirements for a permit required by this division shall be as set forth in the schedule of fees and charges on file in the office of the Town Clerk.

Sec. 22-139. Appeals.

Any person aggrieved by the action of the Town shall have the right to appeal the decision to the Town's Board of Appeals. Such appeal shall be taken by filing such appeal with the Town within ten days of the action or decision.

Sec. 22-140. Transferability.

No permit shall be used at any time by any person other than the one to whom it was issued.

Sec. 22-141. Alteration.

It shall be unlawful for any person to alter or deface any permit issued for the purposes of this division.

Sec. 22-142. Permit Fees.

As a precondition to the issuance of any permit, the applicant shall remit the respective fees as set forth and published by the Town Manager.