

AN ORDINANCE OF THE TOWN OF JAMESTOWN REGULATING SOLICITORS,
CANVASSERS AND PEDDLERS.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF JAMESTOWN:

SECTION 1. DEFINITIONS.

SOLICITORS OR CANVASSER. The term "solicitor" or "canvasser" shall mean any individual, whether a resident of the Town or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street soliciting funds for any purpose, taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or from services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person, who for himself, or for another person hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking, orders for future delivery. This definition shall not apply to, and this chapter shall not apply to, the following persons;

(a) Those who solicit orders solely from industrial, commercial or professional establishments, within the city.

(b) Those who solicit orders solely for agricultural or forest products.

(c) Those who solicit orders solely for any kind of insurance, if such individual is licensed by the state, county or city.

(d) Those soliciting for schools, approved educational, religious or charitable organizations.

PEDDLER. The word "peddler" shall mean any individual, whether a resident of the town or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, in the city, selling or attempting to sell goods, wares and merchandise and personal property of any nature whatsoever for immediate delivery or delivery within twenty-four hours. This definition shall not apply to the following persons:

(a) Those who peddle solely to industrial, commercial or professional establishments within the town.

(b) Those who peddle solely agricultural or forest products which have not been subjected to manufacturing process.

(c) Those peddling for schools or approved educational, religious or charitable organizations.

SECTION 2. PERMIT REQUIRED.

It shall be unlawful for any person to engage in peddling, soliciting or canvassing within the corporate limits of the town

without first obtaining a permit therefor in compliance with the provisions of this Code.

SECTION 3. APPLICATION FOR PERMIT: PERMIT FEE

Applicants for a permit under this chapter shall personally file with the Town Manager (or designated agent) a sworn application in writing on a form to be furnished by the Town Manager, which shall give the following information.

- (a) Name and description of the applicant.
- (b) Permanent home address and full local address of the applicant.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, or acting as agent, the name and address of the employer, or principal, together with credentials establishing the exact relationship.
- (e) Length of time for which the permit is desired.
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filled, and the proposed method of delivery.
- (g) Two photographs of the applicant, taken within the sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguished manner.
- (h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinances, the nature of the offense and the punishment or penalty assessed therefor.

At the time of filing the application the applicant shall pay a fee of \$20.00 and the applicant shall pay a fee of \$10.00 for each individual working under the direction of the applicant to cover the cost of issuing the permit. Said fee shall be paid to the Town Manager.

SECTION 4. BOND FOR SOLICITOR

Before a permit is issued for soliciting or canvassing, every applicant, not a resident of the town, shall file with the Town Manager a surety bond running to the town in the amount of one thousand dollars, the surety acceptable to and approved by the Town Manager conditioned that the applicant shall comply fully with all the provisions of the Code and other ordinances of the town and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representation of the solicitor. Such bond shall provide that action thereon may be brought in the name of the town to the use or benefit of the aggrieved person. A

surety bond issued by any surety company licensed to do business by the department of insurance of the state shall constitute a valid bond under this section.

SECTION 5. TOWN RULINGS ON APPLICATIONS AND APPEALS THEREFROM.

If the Town Manager shall find the previous criminal record of the applicant justified the conclusion that the health and safety of occupants of the places solicited might be menaced by commission of a breach of peace or some form of assault, he shall not approve the permit. Whenever an application for a permit is disapproved on this ground, the applicant shall have the right to appeal from the decision of the Town Manager by filing with the council within fourteen days after the applicant receives notice that the application has been disapproved, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing in such appeal and notice of such hearing shall be given to the applicant by mailing the notice, postage paid, to the licensee at his last-known address at least five days prior to the date set for the hearing. The decision of the council on such appeal shall be final and conclusive.

SECTION 6. ISSUANCE AND CONTENTS OF PERMIT: COPY OF ORDINANCE.

Upon receipt (and-approval) of an application for a permit and payment of the prescribed fee therefor, the Town Manager or his designated agent shall deliver to the applicant the following:

(a) A permit containing the signature of the issuing officer the name address and photograph of the applicant, the class (type) of permit issued and the kind of goods to be sold thereunder, the date of issuance of the permit, the length of time the permit shall be in effect, and the license number and other identifying description of any vehicle used in such business.

(b) A copy of the ordinance.

SECTION 7. DURATION OF PERMIT

The permit issued under the provisions of this chapter shall be effective only for the calendar year in which the permit is issued.

SECTION 8. PERMIT TO BE PRODUCED WHEN CALLED FOR: ENFORCEMENT.

It shall be the duty of the Town Manager in the town or any tax collection officials of the town to require any person seen soliciting, canvassing or peddling to produce his permit and to enforce the provisions of this chapter against any person found to be violating the same.

SECTION 9. REVOCATION OF PERMIT - GROUNDS.

The permits issued under the provisions of this chapter may be revoked by the Town Manager after notice and hearing for any of the following causes:

(a) Fraud, misrepresentation, or false statement contained in the application of permit.

(b) Fraud, misrepresentation, or false statement made in the course of carrying on his business.

(c) Any violation of this chapter.

(d) Conducting the business in an unlawful or abusive manner or in such a manner as to constitute a breach of peace or menace to the health and enjoyment of the privacy of the home of any individual.

(e) Conviction during the permit year of any crime or misdemeanor involving moral turpitude.

SECTION 10. SAME - NOTICE OF HEARING.

Notice of hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds for complaint and the time and place of hearing. Such notice shall be mailed, post- age paid, to the person holding the permit at his last-known address at least five days prior to the date set for the hearing.

SECTION 11. SAME - APPEAL ON REVOCATION.

Any person aggrieved by the action of the Town Manager in the revocation of a permit as provided in Section J-9. shall have the right to appeal to the town council. Such appeal shall be taken by filing with the council within fourteen days after notice of the action complained of has been mailed to such person's last-known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided for notice of hearing on refusal to grant a permit. The decision of the council of such appeal shall be final and conclusive.

SECTION 12. VIOLATION OF ORDINANCE.

If any individual violates this ordinance, such individual shall be guilty of a misdemeanor and shall be fined \$50.00 and/or imprisoned in the discretion of the Courts of the General Courts of Justice of North Carolina. SECTION 13. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 14. This ordinance shall become effective from and after its passage as by law provided.

Adopted by Town Council 2-21-84.