

Chapter 11

LICENSES AND BUSINESS REGULATIONS*

- Art. I. In General, §§ 11-1–11-20
- Art. II. Junk Dealers, §§ 11-21–11-45
- Art. III. Peddlers, §§ 11-46–11-70
- Art. IV. Solicitors, §§ 11-71–11-77

*Cross reference—Solid waste collector's license, § 18-2 et seq.

State law references—Municipal authority to regulate and prohibit the carrying on of any trade, business or profession, G.S. § 7-148(c)(7)(H)(ii); licenses, G.S. Title 21.



ARTICLE I. IN GENERAL

Sec. 11-1. Bingo games.

The playing of bingo in the town under section 7-169 of the General Statutes is hereby permitted.

(Ord. of 8-22-66(2); Ord. of 8-28-67)

Sec. 11-2. Bazaars, raffles.

The operation of bazaars and raffles in accordance with the provisions of Public Act No. 409 of the General Assembly, Session of 1955 is hereby allowed.

(Ord. of 1-4-56)

Sec. 11-3. Private distribution of mail, advertising.

(a) It shall be unlawful for any person to distribute mail or advertising material to any residence within the town without the prior consent of at least one (1) adult occupant of such residence. The foregoing provisions shall not apply to the activities of the United States Postal Service, nor to the distribution of advertising material by any charitable or nonprofit organization.

(b) The board of selectmen is authorized to approve distribution throughout the town by any private commercial postal service or delivery service of forms or other materials used for the purpose of obtaining the consent of individual residents of the town to future deliveries of mail or advertising materials by such organization.

(c) Any person violating the provisions of this section shall be punished in accordance with section 1-11.

(Ord. of 6-26-74)

Secs. 11-4—11-20. Reserved.

ARTICLE II. JUNK DEALERS*

Sec. 11-21. License—Required.

It shall be unlawful for any person to engage in business as a dealer who deals in junk, old metal,

*State law reference—Junk dealers, G.S. § 21-10 et seq.

scrap, rags, wastepaper or other secondhand articles within the limits of the town unless the person obtains and possesses a junk dealer's license from the town. Only persons who comply with the provisions of section 21-10 of the General Statutes shall be entitled to receive such a license.

(Ord. of 10-2-72, § 1)

Sec. 11-22. Same—Application; fee; renewal.

Any person desiring to engage in the business of junk dealer within the town shall make application in writing to the board of selectmen upon forms provided by the board. The fee for the license shall be set from time to time and a schedule of such fees is on file in the town clerk's office. The license shall be renewed at the expiration of each fiscal year.

(Ord. of 10-2-72, § 2)

Sec. 11-23. Location of business designated on license; records of dealer.

Each license granted under the provisions of this article shall designate the place at which such business is to be carried on and each dealer shall keep such records as are required in section 21-11 of the General Statutes.

(Ord. of 10-2-72, § 3)

Sec. 11-24. Storage of inventory; fencing, screening.

As a prerequisite for obtaining and holding a junk dealer's license, each dealer who maintains a place of business within the town shall store and maintain his inventory in such fashion as not to create a health hazard or public nuisance. If in the opinion of the board of selectmen the outdoor storage of the inventory upon the premises used by the dealer for the conduct of his business will constitute a dangerous attraction to minor children of tender years or other public danger, the board of selectmen may require a fence or other suitable screening, not to exceed eight (8) feet in height, to screen the view of the dealer's inventory from the public.

(Ord. of 10-2-72, § 4)

Sec. 11-25. Operation near public highway.

Dealers operating within one thousand (1,000) feet of any public highway, as defined in section 13a-123c of the General Statutes, shall comply with the provisions of sections 13a-123 through 13a-123j of the General Statutes, or such license shall be revoked.

(Ord. of 10-2-72, § 5)

Sec. 11-26. Penalty.

Any person who engages in the business of a junk dealer without complying with the provisions of this article and with the provisions of Chapter 405 of the General Statutes shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than three (3) months, or both, in accordance with section 21-13 of the General Statutes.

(Ord. of 10-2-72, § 6)

Secs. 11-27—11-45. Reserved.**ARTICLE III. PEDDLERS*****Sec. 11-46. Definition.**

Any person, other than a tradesman having an established place of business within the town, who shall vend or hawk upon the public streets within the town at public or private sale or auction, or shall vend or peddle from house to house or from place to place within the town any articles of food, goods, wares or merchandise, except such as to which the provisions of section 21-37 of the General Statutes do not apply, shall be deemed a peddler within the meaning of this article.

(Ord. of 7-28-64(2), § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

***State law references**—Authority to regulate the business of peddlers, G.S. § 7-148(c)(7)(H)(iv); hawkers and peddlers, G.S. § 21-36 et seq.

Sec. 11-47. License—Required.

No person shall carry on the business of a peddler without a license from the chief of police. The chief of police is hereby authorized to issue such license.

(Ord. of 7-28-64(2), § 2)

Sec. 11-48. Same—Expiration date, fee.

The fee for each peddlers' license shall be for each person so vending, hawking, or peddling or for each team or vehicle used in connection with such vending, hawking, or peddling, for the privilege of so vending, hawking or peddling merchandise. The fee for each license shall be a one hundred twenty-five dollar "for-profit" vendor permit charge for a six-month period, January—June or July—December with no pro-rated fee based on when the permit is purchased. For 'non-profit' vendors there is no application fee; however, there is a one-dollar identification card fee. Relative to health inspections, fees are to be paid as set forth by the town. The fee shall not be payable by the persons exempted therefrom by section 21-30 of the General Statutes.

(Ord. of 7-28-64(2), § 3; Ord. of 8-25-03; Ord. of 9-8-03)

Sec. 11-49. Badges, signs—Issuance to licensees; contents.

Each person licensed under this article and exercising his vocation shall have in his possession at all times a badge furnished by the chief of police with the words "Licensed Peddler" and the number of the license, and the year in which the license is in force, in numerals plainly inscribed thereon. Each person so licensed, when using for the purpose for which he is licensed a wagon, cart or vehicle, shall have a sign furnished by the chief of police bearing the number of his license and the year in which the license is in force. Such badges and signs shall be furnished by the chief of police without expense to the person so licensed.

(Ord. of 7-28-64(2), § 4)

Sec. 11-50. Reserved.

Editor's note—Ordinance of March 28, 1998 repealed § 11-50, which pertained to badges and signs requisitioned by the police chief and derived from Ordinance of July 28, 1964(2), § 5.

Sec. 11-51. Records of licenses.

It shall be the duty of the chief of police to keep a record of all licenses granted under the provisions of this article in a book provided for that purpose, giving the number and date of all licenses; the name, age and residence of the persons licensed; the amount of license fee paid; and the dates of revocation of any licenses revoked as provided in this article.

(Ord. of 7-28-64(2), § 6)

Sec. 11-52. Promulgation of rules.

The board of selectmen on the recommendation of the chief of police may make such reasonable rules regulating peddlers consistent with this article as it deems the public welfare requires.

(Ord. of 7-28-64(2), § 7)

Sec. 11-53. Penalty.

Any person who shall engage in the business of a peddler without being duly licensed as provided in this article, or who shall violate the provisions of this article shall be guilty of an infraction and fined not more than fifty dollars (\$50.00) for each offense and the chief of police shall forthwith revoke the license of such peddler (if a licensed peddler) for the balance of the license year, and no new license shall be issued to that person during the license year.

(Ord. of 7-28-64(2), § 8)

Secs. 11-54—11-70. Reserved.

ARTICLE IV. SOLICITORS*

Sec. 11-71. Registration required.

It shall be unlawful for any person over sixteen (16) years of age to solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door or on any street or highway within, or by telephone from and within, the town

*State law reference—Hawkers and peddlers, G.S. §§ 21-36—21-38.

without first registering with the police department of the town and having his credentials stamped as provided in this article.

(Ord. of 7-28-64(1), § 1)

Sec. 11-72. Application for permission.

(a) An applicant for permission to solicit orders under this article shall complete an application blank provided by the police department. The application blank shall contain the following information:

- (1) The name, home address and local address, if any, of the applicant;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes;
- (3) The name and address of the person for whom or through whom orders are to be solicited or cleared;
- (4) The nature of the goods, wares or merchandise for which orders are to be solicited;
- (5) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor and, if so, what;
- (6) A statement as to the period during which the applicant intends to solicit orders.

(b) The applicant, at the time of executing the application blank, shall also submit identification satisfactory to the police department which shall contain a specimen of the applicant's signature.

(Ord. of 7-28-64(1), § 2)

Sec. 11-73. Stamping of credentials.

Upon compliance by the applicant with the provisions of section 11-72, the police department shall thereupon stamp the credentials of the applicant. The credentials shall set forth the name and address of the applicant and of his employer, if any; the nature of the goods, wares or merchandise for which orders are to be solicited; and the period during which the applicant may solicit orders, which shall not exceed one (1) year; provided, however, that the police department shall not be required to grant such permission to

any person who has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this article.

(Ord. of 7-28-64(1), § 3)

Sec. 11-74. Scope of approved credentials; display upon request.

Stamped credentials under this article shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the town for the purchase of the goods, wares or merchandise specified in his application, provided that the holder shall have his stamped credentials in his possession at all times while soliciting orders and shall exhibit the same at any time upon request by any police officer of the town or any purchaser or prospective purchaser.

(Ord. of 7-28-64(1), § 4)

Sec. 11-75. Conduct of solicitor; issuance of receipts.

Any person soliciting within the town, whether or not required to register under the provisions of this article, shall conform to the following regulations:

- (1) The solicitor shall conduct himself at all times in an orderly and lawful manner.
- (2) The solicitor shall give a written receipt for all orders taken within the town, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.

(Ord. of 7-28-64(1), § 5)

Sec. 11-76. Applicability.

This article shall not apply to salesmen selling goods to retail or wholesale stores for resale. Any person who has, and has had for the preceding twelve (12) months, a regular place of business within the town, and any person employed by or soliciting for any person who has, and has had for the preceding twelve (12) months, a regular place of business within the town, shall not be required

to register before soliciting orders, but all other provisions of this article shall apply to such persons.

(Ord. of 7-28-64(1), § 7)

Sec. 11-77. Penalty.

Any person violating any of the provisions of this article or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed fifty dollars (\$50.00), each solicitation or sale being deemed a separate offense, and pending trial therefor the police department may suspend the permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the police department and the department's stamp thereon shall be cancelled, and such person shall not thereafter solicit orders in the town without reregistering.

(Ord. of 7-28-64(1), § 6)