

Town Ordinance

ITINERANT MERCHANTS, SALESMEN, PROMOTERS, PEDDLERS, AND BEGGARS
ORDINANCE

WHEREAS, the Town Commissioners of the Town of Bunn, North Carolina wishes to amend to the Town of Bunn's Code of Ordinances, Article VII: Permits for Merchants, by adding Section 6 entitled ITINERANT MERCHANTS, SALESMEN, PROMOTERS, PEDDLERS, AND BEGGARS in order to promote the health, safety, and welfare of citizens and of other person(s) wishing to sale goods or merchandise within the Town's jurisdiction.

THEREFORE, BE IT ORDAINED by the Town Commissioners of the Town of Bunn, North Carolina that Article VII: Permits for Merchants, ITINERANT MERCHANTS, SALESMEN, PROMOTERS, PEDDLERS, AND BEGGARS be amended by inserting the following language:

Section 6-100. PURPOSE

The Town of Bunn, pursuant to N.C.G.S. § 160A- 178 and § 160A- 179, does hereby find that it is necessary to provide regulations governing peddlers, solicitors, itinerant merchants, salesman, promoters, and beggars. The Town has determined that the unfettered control of these types of endeavors is detrimental to the property values and community appearances, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or general welfare of the public.

§ 6-101. DEFINITIONS

- (1) ***Peddler* shall include all persons, firms, or corporations who sell or advertise products or services from vehicles, stands, portable facilities, or open areas located along or near public roadways.**
- (2) ***Solicitor* means any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.**
- (3) ***Beggar* means a person who begs or asks from someone in a public place.**
- (4) ***Itinerant merchant* means a person, other than a merchant with an established permanent retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in a town and who, at that location, displays the goods for sale and sells the goods for sale at retail.**
- (5) ***Transient/mobile vendor* means a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.**
- (6) ***Locally Grown or Crafted* means that products for sale were grown in North Carolina or South Carolina within a 100 mile radius of the Town.**

§ 6 -102.ITINERANT MERCHANTS, PEDDLERS, TRANSIENT VENDORS PROHIBITED

It shall be unlawful for any person, firm, entity, or corporation to go in or upon, or permit his representative to go in or upon, any public property, private residence or premises in the town as a solicitor, beggar, peddler, itinerant merchant, or transient/mobile vendor of merchandise, not having been requested or invited so to do by the occupants of such private residence or having secured their permission so to do for the purpose of soliciting orders for the sale of goods, wares, periodicals or merchandise, or for the purpose of distributing, disposing of, or peddling such goods, wares, periodicals or merchandise, or in a public place or on property exposed to the public view, to sell or offer to sell goods, merchandise or services, except as provided herein.

§ 6-103. EXCEPTIONS

It shall be lawful for a person, firm, corporation, or entity to engage in the sale of any goods as an itinerant merchant or peddler within the Town limits when the following requirements are met:

- (1) Locally grown, crafted, prepared, and/or produced goods are allowed by permit in commercial or business zoned districts;**
- (2) Sidewalk sales or outdoor sales conducted, on the same premises, by merchants operating from a fixed business location in a building or structure;**
- (3) Short-term fundraising activities of not-for-profit organizations;**
- (4) Yard sales or garage sales conducted on the premises of the owner or resident, provided they are otherwise in compliance with town ordinances;**
- (5) Flea markets, provided they are otherwise in compliance with town ordinances; and**
- (6) Town sponsored festivals, fairs and events.**

§ 6-104. INVESTIGATION AND PERMIT

Any person, firm, corporation, or entity desiring to engage in the sale of locally grown, crafted, prepared, and/or produced goods in a commercial or business zoned district must file with the Bunn Town Hall an application to do so. The application must include the following:

- (1) The name, current address, and place of residence of the applicant;**
- (2) A written and signed letter or rental agreement from the owner of the property stating that such itinerant merchant or peddler is allowed to sale goods and/or merchandise on said owner's property;**
- (3) The address and nature of business of the employer or principal, if any;**

- (4) Specific detail regarding the goods or other merchandise to be offered for sale, to include the North or South Carolina county of origin of the items;**
- (5) Provide a valid North Carolina Sales and Use Tax Number;**
- (6) Proposed location, times and duration of sales; and**
- (7) The type of temporary structure, if any, that will be erected for the sale of such goods or merchandise.**

The applicant shall also furnish at the time of the filing of the application a valid government issued photo identification card, and a permit fee in the amount of \$50.

Town personnel or its designee shall promptly review the application submitted by the applicant. Within seven (7) days of the application being submitted, Town personnel shall render a decision regarding the application and either issue the permit or mail a notice of denial for reasons stated in this section. Notice of denial of the permit shall be sent by certified mail, return receipt requested, to the address contained in the application and shall state the reasons for the denial.

The Town shall deny the permit and identification card required by this section under the following conditions:

- (1) The applicant previously was refused a permit under the provisions of this section; provided, however, any applicant denied a permit under the provisions of this section may reapply if and when the reason for denial no longer exists;**
- (2) The applicant made any false or misleading statement in the application; or**
- (3) If there is a violation of any section of this ordinance.**

§ 6-105. PERMIT TO BE CARRIED ON PERSON

Each peddler, Itinerant merchant, or mobile vendor shall retain in his/her possession the permit and identification card issued by the Town at all times, when engaged in the business of peddling he/she must produce and show the identification card to any police officer or official of the town when demanded. No person issued a permit or an identification card shall alter, remove or obliterate any entry made thereon, nor deface such permit or identification card in any way. Each permit and identification card shall be personal and not assignable or transferable, nor shall any permit or identification card be used by any person other than the person to whom it was issued.

§ 6-106. REVOCATION OF A PERMIT

A permit issued under this section may be suspended or revoked by the Town for any of the following causes:

- (1) Fraud, misrepresentation, or false statements contained in the application for a permit;**
- (2) Fraud, misrepresentation, or false statements made in the course of carrying on his business as a peddler, itinerant merchant, mobile vendor;**
- (3) Any violation of this section;**
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or**
- (5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.**

This section shall be self-executing and the suspension or revocation shall be effective immediately. The Town shall give notice of the suspension or revocation of a permit and sufficient notice shall be given if mailed or delivered to the permittee at his last known local address by certified mail, return receipt requested.

§ 6-107. DURATION; RENEWAL

Any permit issued hereunder shall expire thirty (30) days after its issuance, provided that such permit may be renewed for two (2) additional thirty (30) day periods for a total of ninety (90) days at the discretion of the Town, provided that all conditions for issuance of the original permit are met, and the applicant pays a renewal fee in amount of \$25 for each thirty (30) day renewal period.

§ 6-108. APPEAL TO THE TOWN CLERK/ADMINISTRATOR

In the event that any person desires to appeal any order, revocation, or ruling of the Town staff, the Chief of Police, or any designee made under the provisions of this section, such aggrieved person shall file written notice of such appeal with the Town Clerk/Administrator, whose decision shall be final. The Town Clerk/Administrator shall render a final decision within seven (7) days of receipt of such appeal.

§ 6-109. SOLICITING ALMS/BEGGARS

It shall be unlawful for any person to engage in the business of soliciting alms, or begging charity, for his own livelihood, upon the streets or sidewalks of the town, or any other public place within the town limits. It shall also be unlawful for a person to sell or order for sale anything as an indirect method of soliciting alms.

§ 6-110. STRUCTURES

It shall be lawful for an itinerant merchant or peddler to erect a temporary structure upon the ground for the display of goods and services for sale. Structures shall

include any stand or freestanding awning upon a motor vehicle or which is taken down and disassembled on a daily basis. Such structures shall be approved by the Town personnel prior to a permit being issued.

§ 6-111. PUBLIC RIGHT-OF-WAY

It shall be unlawful for a peddler, itinerant merchant or transient vendor of any kind to occupy the right-of-way for other than travel of any streets or alleys within the town limits, or to occupy any public space except for the stated purpose of the space and except as otherwise stated herein.

§ 6-112. PENALTY

Any person violating any provision of this article shall be guilty of a misdemeanor and punishable pursuant to N.C.G.S. § 14-4.

This ordinance shall be effective upon adoption this ___th day of _____, 2023.

Adopted this the 6th day of February, 2023.

Adopted by motion of Board Member Sherry Merce, second by Board Member Don Mitchell and approved by vote of 3 in favor and 0 against.

Attested to:

Dottie Taylor
Dottie Taylor, Town Clerk

Marsha W. Strawbridge
Marsha Strawbridge, Mayor

Approved to Legal Form

Brian Pridgen
Brian Pridgen, Town Attorney