

**Martin County, NC  
Code of Ordinances**

**ORDINANCE REGULATING PEDDLERS AND SOLICITORS**

Section: **7.21**

- A: Intent; permit requirements and applications; revocation of permits; exceptions
- B: Licenses or permits; refusal to issue, suspension, revocation; notice, hearing
- C: Penalty: Misdemeanor, punishable by a fine of up to \$500 or a maximum of 30 days imprisonment, as provided in G.S. 14-4.
- D: Effective Date: 5/13/2015

**SECTION A: INTENT; PERMIT REQUIREMENTS AND APPLICATIONS; REVOCATION OF PERMITS; EXCEPTIONS.**

(A) *Intent.* The purpose of this section is to regulate the door-to-door offering for sale and selling of goods, wares, merchandise, food, periodicals and services and the solicitation of orders therefore countywide, and to thereby promote the public safety and welfare. This ordinance is written in accordance with the provisions of G.S. § 153A-125 and G.S. § 66-250 through 66-259.

(B) *Permit required.* It is unlawful for any person, firm or corporation to sell, offer for sale, or solicit orders for goods, wares, merchandise, food, periodicals or services by going from door-to-door ("peddle" or "solicit") or to beg or panhandle, within the county without having first secured a peddler/solicitor's permit from the county as provided for in this section, unless it is done with the prior request or invitation of the residents or occupants of the premises visited. This permit is only required for areas of Martin County that are unincorporated (there may be additional permits required by other municipalities) and this permit shall not supersede or interfere with any ordinance or law of those localities. Additionally, it is unlawful to peddle, solicit, beg, or panhandle unless the following requirements are met:

- (1) Such peddling, soliciting, begging or panhandling shall be permitted only between the hours of 9:00 a.m. and 6:00 p.m.
- (2) The peddler/solicitor permit issued for that person shall be carried and displayed at all times while conducting such solicitations in such a manner as to be clearly visible to a reasonable person of adequate vision.
- (3) All other permits or licenses required by law shall have been obtained.

(C) *Permit applications.*

(1) Applications for peddler/solicitor permits under this section shall be submitted to include a \$25 permit fee during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m.) on a form provided by the Sheriff's office and shall include, but not be limited to, the following information:

- (a) The full name of the applicant;
- (b) The permanent residence address of the applicant;
- (c) The applicant's temporary address in or in the vicinity of the county, if applicable;
- (d) The name and address of the applicant's employer or the organization with which the applicant is associated in connection with the begging, panhandling, sale activity, or solicitation of orders;
- (e) A description of the automobile or other vehicle to be used in the business, including make, model, body style, color and license number;

(f) The type of donations, goods, wares, merchandise, food, periodicals and services to be requested, sold or offered for sale;

(g) The period for which the application is sought, which shall not exceed 60 consecutive calendar days; provided that the permit may be renewed for 60-day periods without limit, upon proper application therefore;

(h) A record of any and all crimes of which the applicant has been convicted or has pleaded no contest in the ten years preceding the submittal of the application;

(i) The age, height, weight, and any other additional information which the county may reasonably require for identification, including a copy of the document used by the applicant to verify personal identification (e.g., driver's license, passport, picture I.D.);

(j) A complete listing of and information concerning all other permits or licenses, such as privilege licenses, which were obtained by the applicant.

(2) If an application is filed by an employer, there shall also be filed separate applications for each peddler, solicitor, beggar and panhandler, giving the information set forth above for each peddler, solicitor, beggar and panhandler and signed and sworn to by each peddler/solicitor, and a separate permit shall be issued for each applicant.

*(D) Procedures for considering applications.*

(1) Upon receipt of a complete application, the Sheriff or designee (hereafter "Sheriff") shall make or cause to be made such investigation as reasonably necessary to verify the information in the application and to assure compliance with the provisions of this section and shall issue a permit unless the applicant:

(a) Has not submitted a completed application;

(b) Is not permitted by law to engage in such activity due to age;

(c) Has been convicted of, or has pleaded no contest to, a felony charge within the ten years preceding the submittal of the application;

(d) Has been, within the previous five years, convicted of, or pleaded no contest to, a misdemeanor charge involving theft, fraud, forging, uttering, or other crimes of like nature or any crime involving moral turpitude;

(e) Does not have valid driving privileges in the state in those cases where the applicant will be operating a vehicle in the course and scope of the peddling, soliciting, begging, or panhandling; or

(f) Has not obtained any necessary licenses.

(2) The Sheriff shall approve or deny an application and issue a permit as soon as possible and, except in the case of extraordinary circumstances, as when a number of applications are submitted within a short period of time, should act within five business days of receipt of the completed application. Such issued permit shall be nontransferable.

*(E) Permit renewal.* A peddler/solicitor permit may be renewed for an unlimited number of 60-day periods, provided an application for renewal is made on such form as provided by the Sheriff's office no later than the expiration date on the current valid permit.

Applications received after that date shall be processed as new applications. The Sheriff shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this section. If the Sheriff's office finds that the application meets the above requirements, the renewal permit shall be issued.

*(F) Appeals.* The appeal of a refusal to issue a permit or the revocation of a permit shall be made to the Sheriff's office by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than ten days from the date of the refusal to issue a permit or the revocation of a permit. The Sheriff's office or designee shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties, and

shall render a decision within a reasonable time. The order or decision of the Sheriff shall be the final county action for the purpose of judicial review.

(G) *Revocation of permit.* Permits issued under this section may be revoked at the discretion of the Sheriff or if evidence arises that the permit application was falsified in anyway. Additional grounds for revocation of a permit include, where evidence is presented, that the applicant has been arrested for a felony or a misdemeanor involving theft, fraud, forgery, moral turpitude, criminal trespass, or a threat to the public safety during the peddling/solicitation period, or has otherwise violated the provisions of this section. A permit which has been revoked shall be immediately surrendered to the Sheriff's office. Appeals of revocations may be made pursuant to the same process as for denied permits.

(H) *Exemptions.* This section shall not apply to:

(1) A peddler or an itinerant merchant who sells only one or more of the following types of merchandise:

(a) Farm or nursery products produced by the merchant;

(b) Crafts or goods made by the merchant;

(c) The merchant's own household personal property;

(d) Wood for fuel produced by the merchant and/or

(e) Ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes or pies; produced by the merchant.

(2) A peddler or an itinerant merchant who is an authorized automobile dealer licensed pursuant to G.S. Chapter 20.

(3) A peddler or an itinerant merchant who is a nonprofit charitable, educational, religious, scientific or civic organization.

(4) An itinerant merchant who meets any of the following descriptions:

(a) Locates at a farmer's market;

(b) Is part of the state fair or an agriculture fair that is licensed by the Commissioner of Agriculture pursuant to G.S. § 106-520.3; and/or

(c) Sells goods at an auction conducted by an auctioneer licensed pursuant to G.S. Chapter 85B.

(6) A peddler who complies with the requirements of G.S. §§ 25A-38 through 25A-42, or who complies with the requirements of G.S. § 14-401.13.

(7) The delivery of goods or services which have been ordered before delivery.

(8) The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters;

(9) The lawful promotion or expression of views concerning political, social, religious and other like matters.

(10) The sale or delivery of goods to business establishments.

## **SECTION: B LICENSES OR PERMITS; REFUSAL TO ISSUE, SUSPENSION, REVOCATION; NOTICE, HEARING.**

(A) The Sheriff may refuse to issue a license or permit, or the licenses or permits issued pursuant to this chapter, unless otherwise provided hereunder, may be suspended or revoked by the County Manager or other authorized official, department, board or agency where applicable, after notice and hearing for any of the following causes:

(1) Any fraud, misrepresentations or false statements contained in the application for permit or license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, merchandise and services;

- (3) Any violation of this chapter and/or any ordinance of the county;
- (4) Conviction of the applicant, licensee or permittee of any crime or misdemeanor involving moral turpitude or a violation of any act of this state, or any law of the United States having a reasonable relationship to the purpose and scope of the permit or license;
- (5) Conducting the activity under this chapter and/or any ordinance of the county 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, morals or general welfare of the public.

(B) Notice of hearing for the suspension or revocation of a license or permit shall be in writing given by the Sheriff or his designee, setting forth specifically the grounds of the complaint and the time and place of the hearing. Service of such notice shall be made either by personal service or by certified mail, return receipt requested, to the applicant, licensee or permittee at the last known address, at least five days prior to the date set for the hearing.

(C) In case of refusal to issue a permit or license or the suspension or revocation of a license or permit as herein provided, no portion of the application, license or permit fee shall be returned to the applicant, licensee or permittee unless otherwise provided in this chapter and/or any ordinance of the county.

(D) Any suspension or revocation hereunder shall not be considered a recovery or penalty so as to bar any other penalty from being enforced.

(E) The order of the Sheriff or other authorized official, department, board or agency where applicable, shall be the final county action for the purpose of judicial review.

**SECTION C: PENALTY.**

Violations of the provisions of this chapter or failure to comply with any of its requirements, shall constitute a misdemeanor, punishable by a fine of up to \$500 or a maximum of 30 days imprisonment, as provided in G.S. § 14-4.

**SECTION D: EFFECTIVE DATE.**

Commissioner \_\_\_\_\_ moved the adoption of the above ordinance regulating peddlers and solicitors.

Commissioner \_\_\_\_\_ seconded the motion and it was \_\_\_\_\_ passed by the Martin County Board of Commissioners this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

This ordinance shall be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

SEAL

\_\_\_\_\_  
Clerk to the Martin County Board of Commissioners

Approved as to legal form this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Melvin Bowen, Martin County Attorney