

## ARTICLE II. PEDDLERS AND SOLICITORS\*

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\***State law references:** Hawkers and peddlers, G.S. § 21-36 et seq.; ordinances authorized, G.S. § 21-37.

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### **Sec. 9-41. 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:

*Peddler* means any person over sixteen (16) years of age, whether principal or agent, who shall go from place to place within the town selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, or merchandise, either on foot or from any animal or vehicle.

*Solicitor* means any person over sixteen (16) years of age, whether principal or agent, who shall go from place to place within the town soliciting orders for future delivery of any goods, wares or merchandise, including magazines and other printed matter where full payment is required at the time of solicitation.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. II)

**Cross references:** Definitions and rules of construction generally, § 1-2.

### **Sec. 9-42. Permit required.**

No person shall carry on any trade or business upon the sidewalks or streets or highways or from house to house in the town without a permit from the town clerk.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. I)

### **Sec. 9-43. Exemptions.**

(a) *Generally.* The provisions of section 7-42 shall not apply to persons who are soliciting orders of purchase for future delivery, selling, bartering or exposing for sale or barter, goods, wares, or merchandise to regularly established customers, to salesmen selling goods to retail or wholesale stores for resale, or to industrial establishments for processing; to newsboys, local clubs, local school organizations, 4-H clubs, scouting organizations and those exempted under the general statutes from the operation of the general regulatory power to towns with respect to peddling.

(b) *Festivals.* In the case of the vending of any goods, sold at or upon the occasion of any public festival; charitable, educational, philanthropic, ecclesiastical, and civic organizations shall be exempt from section 7-42.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. III)

Sec. 9-44. License required; application; issuance; fee; term.

(a) Every person desiring to solicit or peddle upon the streets of the town, except those exempted by section 7-43, shall complete an application blank provided by the town

clerk for a solicitor's or peddler's license. Upon the filing of such application, the selectman shall require the applicant to give information concerning his place of residence, his physical description and business and whether or not he has been convicted of any crime, including any other reasonable information that may be requested by the selectman to adequately determine the business and purpose of such business. If the application is approved by the selectman, he shall refer the applicant to the town clerk who shall issue the license applied for as follows:

(1) A solicitor's license for a period of thirty (30) days, upon payment of a fee for each team or vehicle used in connection with such vending or peddling, for the privilege of so vending or peddling such merchandise.

(2) An initial peddler's license for a period of four (4) months, upon the payment of a fee; the peddler's license being renewable on two (2) successive four-month periods, upon payment of a fee on each successive renewal period up to one (1) year.

(b) The amount of the license fees shall be set from time to time and a schedule of such fees is on file in the town clerk's office.

#### **Sec. 9-45. Restrictions.**

(a) No person engaged in the business of peddling shall solicit or peddle any goods in the public streets within two hundred (200) feet of any school.

(b) No soliciting or peddling shall take place after 6:00 p.m. nor shall soliciting or peddling of any kind be conducted within the town on Sundays or any holiday when the doing of secular business is suspended, except the vending of ice cream and refreshments.

(c) A solicitor or peddler shall conduct himself at all times in an orderly and lawful manner.

(d) No peddler or solicitor shall have an exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where his operations might impede or inconvenience the public.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. V)

#### **Sec. 9-46. Identification required.**

(a) Each permittee shall receive a written permit bearing the name of the permittee, permit number, and the words "licensed peddler Town of Durham" or "licensed solicitor Town of Durham" as the case may be, and with the expiration date of the permit.

(b) The permittee must carry the permit with him when engaged in peddling or soliciting, and must show his permit to any inhabitant of the town on request. No such permit shall be used by any other person than the permittee to whom the same was issued.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. VI)

#### **Sec. 9-47. Revocation of permits.**

Permits required by this article may be revoked for one (1) or more of the following:

(1) Fraud, misrepresentation, or false statements;

(2) Violation of this article;

(3) Conviction of a crime or misdemeanor.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. VII)

**Sec. 9-48. Penalty for violations.**

Any person violating any of the provisions of this article or any person who makes any false statements or misinterpretations of fact for the purpose of obtaining a license to solicit or peddle shall upon conviction thereof be subject to a fine in accordance with section 1-10 and each solicitation or sale being deemed a separate offense or to a revocation of his license to solicit or peddle, or both.

(Comp. Ords. 1983, pg. 80, 7-26-76, art. VIII)

Secs. 9-49--9-60. Reserved.