



# Town of Carthage

## Peddler and Solicitor Permit Application

### APPLICATION INSTRUCTIONS

Please complete all fields below. Submit this application in person to the Town Hall, Monday–Friday, 9:00 AM to 4:00 PM.

Each applicant must:

- ✓ Submit the form **under oath** with a **notarized signature**.
- ✓ Provide all required personal, business, and identification details.
- ✓ Attach a copy of a valid photo ID.
- ✓ Submit a **separate application** if applying through an employer.

Permits are valid for up to 60 days and may be renewed. Incomplete applications will not be processed.

### APPLICANT INFORMATION

Full Legal Name:	
Permanent Residence Address:	
Temporary Address in/near Carthage (if applicable):	
Phone Number:	
Date of Birth:	
Driver's License Number and Issuing State:	
Employer/Organization Name and Address:	
Type(s) of Goods/Services to be Sold:	
Requested Permit Duration (max 60 days):	

Criminal History (last 10 years):	
Age:	
Height:	
Weight:	
List of Other Permits/Licenses Obtained:	
<b>**Attach Copy of Valid Photo ID (e.g., Driver's License, Passport)**</b>	

<b>OATH AND NOTARIZATION</b>	
I hereby swear or affirm that the information provided in this application is true and complete to the best of my knowledge.	
Signature of Applicant:	Date:
Sworn to and subscribed before me this _____ day of _____, 20_____.	
Notary Public Signature:	NOTARY STAMP
My Commission Expires:	

## **TITLE XI, CHAPTER 112 PEDDLERS AND SOLICITORS**

### **§ 112.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*PEDDLER.* Any person who transports goods or products from place to place and sells or offers goods or products for sale from a vehicle, cart, device, or on his or her person.

*SOLICITOR.* Any person who travels uninvited 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, and any person who uses or occupies any building or premises for the sole purpose of 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.

### **§ 112.02 PERMIT REQUIRED; EXEMPTIONS**

- (A) 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") within the town without having first secured a peddler/solicitor's permit from the town as provided for in this subchapter, unless it is done with the prior request or invitation of the residents or occupants of the premises visited.
- (B) This section and subchapter shall not apply to the following:
- (1) The delivery of goods or services which have been ordered before delivery;
  - (2) The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters;
  - (3) The lawful promotion or expression of views concerning political, social, religious and other like matters;
  - (4) The sale or offering for sale of goods, wares, merchandise, food, periodicals or services by bona fide members or representatives of charitable, religious, civic, or fraternal organizations who receive no compensation of any kind for their services, and such sale or offering by children under the age of 18 years who are students in a public or private school for school activities;
  - (5) The solicitation of contributions or pledges thereof for bona fide nonprofit organizations;
  - (6) The sale or delivery of goods to business establishments;
  - (7) The sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden produce so far as the sale of such commodities named herein is now authorized by law.

### **§ 112.03 DOOR-TO-DOOR SOLICITOR ACTIVITIES LIMITED.**

It shall be unlawful for any person to solicit or peddle on private property within town limits in any of the following ways:

- (A) By soliciting after the owner, tenant, or lawful occupant of the property has requested that the person leave

the premises, whether the request was verbal or nonverbal.

- (B) By soliciting on property which is clearly marked with a sign stating "No Soliciting," "No Trespassing," or a sign conveying a similar message indicating that soliciting on the premises is prohibited;
- (C) By soliciting during the hours between 6:00 p.m. and 9:00 a.m. Monday through Saturday, nor at any time on Sunday
- (D) By soliciting as an agent or representative of an entity without all solicitors wearing attire or badging that is immediately visible and depicts branding that is representative of the entity.
- (E) By soliciting without first obtaining a peddler/solicitor permit from the town and all other permits or licenses required by law.

#### **§ 112.04 PEDDLER/SOLICITOR PERMIT APPLICATIONS**

Applications for peddler/solicitor permits under this subchapter shall be submitted to the Town Clerk during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. eastern time) on a form provided by the Town, under oath, 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 town, 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 sale activity or solicitation of orders;
- (E) The type(s) of goods, wares, merchandise, food, periodicals and services to be sold or offered for sale;
- (F) The period for which the application is sought, which shall not exceed 60 consecutive calendar days; provided that the permit may be renewed for sixty-day periods without limit, upon proper application therefor;
- (G) 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;
- (H) The age, height, weight, and any other additional information which the town may reasonably require for identification, including a copy of the document(s) used by the applicant to verify personal identification (e.g., driver's license, passport, picture I.D.);
- (I) A complete listing of and information concerning all other permits or licenses which were obtained by the applicant;
- (J) If an application is filed by an employer, there shall also be filed separate applications for each peddler/solicitor giving the information set forth above for each peddler/solicitor and signed and sworn to by each peddler/solicitor, and a separate permit shall be issued for each applicant.

**§ 112.04 INVESTIGATION; PROCEDURE FOR CONSIDERING PERMITS.**

(A) Upon receipt of the peddler/solicitor permit application, the Town Clerk shall forward it to the Chief of Police or designee (hereafter "Police Chief") for investigation. The Chief of Police 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 subchapter and shall issue a permit unless the applicant:

- (1) Has not submitted a completed application
- (2) Is not permitted by law to engage in such activity due to age;
- (3) Has been convicted of, or has pleaded no contest to, a felony charge within the ten years preceding the submittal of the application;
- (4) 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;
- (5) 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; or
- (6) Has not obtained the necessary licenses or permits.

(B) The Police Chief 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 (5) business days of receipt of the completed application.

**§ 112.05 DISPLAY OF PERMIT.**

All persons soliciting under this subchapter shall keep a physical or digital copy of the license obtained under this subchapter and shall display it upon any lawful request.

**§ 112.06 FEES.**

(A) Before issuing a peddler/solicitor permit under this subchapter, the Town Clerk shall collect an administrative processing fee at an amount set by the Board of Commissioners. This fee is to cover the administrative costs of processing the application required by this subchapter and shall not be considered a tax, nor shall it relieve the applicant of paying any other state or local taxes required by law.

(B) The Town Clerk shall collect an administrative processing fee for each renewal issued under § 112.11 at an amount set by the Board of Commissioners.

**§ 112.07 LICENSE NON-TRANSFERRABLE.**

No peddler/solicitor permit issued under this subchapter shall be transferable.

**§ 112.08 POLICE DEPARTMENT TO ENFORCE.**

It shall be the duty of the Police Department of the town to enforce the provisions of this subchapter.

**§ 112.09      REVOCATION OF PERMIT.**

(A) Any permit issued pursuant to this subchapter may be revoked by the Town Manager and/or Chief of Police after notice and hearing, for any of the following reasons:

- (1) Any fraud, misrepresentation, or false statement contained in the application for license;
- (2) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise;
- (3) Any violation of this subchapter;
- (4) Convictions of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this subchapter 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.

(B) Notice of hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the permittee at his or her last known address at least five days prior to the date set for the hearing.

**§ 112.10      APPEAL FROM REFUSAL OF ISSUANCE OR REVOCATION.**

The appeal of a refusal to issue a permit or the revocation of a permit shall be made to the Town Manager by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than ten (10) days from the date of the refusal to issue a permit or the revocation of a permit. The Town Manager 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 Town Manager or other authorized official, department, board or agency where applicable, shall be the final municipal action for the purpose of judicial review.

**§ 112.11      EXPIRATION; RENEWAL.**

- (A) All permits issued under the provisions of this subchapter shall expire 90 days after the date of issuance unless an earlier date is stated on the permit.
- (B) Any permit issued under the provisions of this subchapter may be renewed any number of times based on the following conditions:
  - (1) The applicant makes a written application for renewal stating that the person or persons managing the business are the same as those listed on the original application, that the place or places where the applicant proposes to conduct business have not changed, and a statement explaining any material change in circumstances from the information given in the original application;
  - (2) There is not cause for revocation under § 112.09; and
  - (3) The payment of an application fee equal to one-half of the original fee.

**§ 112.12      PEDDLING/SOLICITING FROM RIGHTS-OF-WAY.**

Peddling or soliciting from rights-of-way is prohibited in accordance with G.S. 20-175 except that the distribution of newspapers on the non-traveled portions of a street is allowed, provided that the distribution does not impede the

normal movement of traffic.

**§ 112.13      PENALTY.**

Peddling or soliciting without a permit or otherwise in violation of any of the provisions of this subchapter, including failing to surrender a revoked permit, shall constitute a criminal misdemeanor and shall subject the offender to a fine of not more than \$500 or imprisonment for not more than 30 days or a civil penalty under § [10.99](#) of this Code of Ordinances.

**Section 2.** All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.