

Chapter 11

**LICENSES, PERMITS AND MISCELLANEOUS
BUSINESS REGULATIONS***

Art. I. In General, §§ 11-1--11-15

Art. II. Peddlers, §§ 11-16--11-41

Div. 1. Generally, §§ 11-16—11-30

Div. 2. Permit, §§ 11-31—11-42

ARTICLE I. IN GENERAL

Secs. 11-1—11-15. Reserved.

ARTICLE II. PEDDLERS†

DIVISION 1. GENERALLY

Secs. 11-16—11-30. Reserved.

DIVISION 2. PERMIT

Sec. 11-31. Required.

No person shall bend, peddle or hawk upon the public streets of the town, any goods, wares or other merchandise at public or private sale or auction, or vend, peddle or hawk such articles from house to house within the town limits without securing a permit in accordance with the provisions of this division.

(Ord. of 11-3—81, § 1)

Sec. 11-31. Term.

No permit shall be issued to include more than one (1) person. Each person shall apply for his individual permit. The permit shall be valid for one (1) year from the date of issue.

(Ord. of 11-30-81, § 2)

***Cross reference**—Building permits, § 5-16 et seq.; alarm systems, § 12-21 et seq.; building sewer permit required, § 18-41; sewer permits generally, § 18-101 et seq.

State law references—Auctioneer's licenses, G.S. §§ 21-1—21-5; itinerant vendors' licenses, G.S. §§ 21-27—21-35; junk dealers' licenses, G.S. §§ 21-9—21-14; package store permits, G.S. § 30-20; pawnbrokers, G.S. § 21-39—21-47; peddlers, G.S. §§ 21-36—21-38; regulation of vending machines, G.S. § 21a-43.

†**Cross references**—Parks and recreation, Ch. 13; streets, sidewalks and other public places, Ch. 15.

State law reference—Authority to regulate the business of peddlers, G.S. § 7-148 (c)(7)(H)(iv).

Sec. 11-33. Application—Required.

A person shall make an application to the chief of police or his agent in order to obtain a permit required under the provisions of this division. The chief of police or his agent shall furnish the applicant a permit application which the applicant shall complete entirely. Any intentional misstatement or misrepresentation shall render the application and subsequent permit null and void.

(Ord. of 11-3081, § 3)

Sec. 11-34. Same—Denial; appeal.

The chief of police or his agent shall review the application required by this division and upon being satisfied that the requested permit is for a lawful purpose shall date and sign the application. Any person who has an application denied by the chief of police or his agent because the chief of his agent were not satisfied that the requested permit was for a lawful purpose, may appeal to the board of selectmen. If a majority of the selectmen determine that the application was improperly denied, then the majority shall date and sign the application. After the application has been properly signed and dated by either the board of selectmen or chief of police or his agent, the chief of police or his agent shall grant the permit upon receipt of the required fee. After issuing the permit the chief of police or his agent shall maintain a copy of the application with the permit number.

(Ord. of 11-30-81, § 3; Ord. No. 88-04, § 1, 4-19-88)

Sec. 11-35. Chief of police to sign.

No permit required by the provisions of this division shall be valid unless signed by the chief of police or his agent, and no permit shall be valid for any person other than the one named on such permit, and the permit shall be valid only for the purpose specified upon the application.

(Ord. of 11-30-81, § 3; Ord. No. 88-04, § 2, 4-19,88)

Sec. 11-36. Fee; display; hours of use.

(a) The permit fee required for the activities stated in section 11-31 shall be twenty-five dollars (\$25.00). Persons performing those actions stated in section 11-31 shall show their permit upon request of any individual who is being solicited or upon request of any police officer. Each person shall carry their permit upon their person at all times while engaging in those activities stated in section 11-31.

(b) No person engaging in those activities stated in section 11-31 shall perform those actions before the hour of 9:00 a.m. or after the hour of 9:00 p.m.

(Ord. of 11-30-81, § 4)

Sec. 11-37. Revocation; appeal.

(a) Upon receipt of a complaint regarding a person performing those activities stated in section 11-31, the chief of police or his agent shall conduct an investigation and if it is determined that such person violated any state, federal or local law or ordinance, the chief or his agent may confiscate and revoke such person's peddler permit.

(b) Any person who has his peddler's permit revoked by the chief of police or his agent may appeal the revocation decision to the board of selectmen in writing within five (5) days of such revocation. If a majority of the selectmen determine that the permit was improperly revoked, they may reinstate such permit without additional fee to the person. If a permit is revoked and a majority of the selectmen uphold the revocation, such decision shall be final. The board of selectmen shall issue a written decision within three (3) days after the written appeal is received.

(c) Any person whose permit is revoked shall not be allowed to reapply for any permit to perform those activities stated in section 11-31 for a period of (1) year from the date of revocation.

(Ord. of 11-30-81, § 5)

Sec. 11-38. Exemptions.

This article shall not apply to sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

(Ord. of 11-30-81, § 6)

Sec. 11-39. Pro-ration of fee.

If more than one (1) person makes application for a permit and they are representing the same company or organization, the chief of police or his agent may prorate the twenty-five dollar (\$25.00) permit fee among such persons so that the total does not exceed twenty-five dollars (\$25.00); each person involved shall be issued an individual permit.

(Ord. of 11-30-81, § 8; Ord. No. 88-04, § 3, 4-19-88.)

Sec. 11-40. Waiver of fee.

The chief of police or his agent may waive the required fee for any person upon a satisfactory showing that the person is vending, peddling or conducting a public auction for the benefit of a local civic group or nonprofit organization which is a tax exempt organization. The chief of police or his agent may require that a copy of the tax exemption certificate be filed at the time the application is presented.

(Ord. of 11-30-81, § 9; Ord. No. 88-04, § 4m 4-19-88)

Sec. 11-41. State, federal permits required.

Any person desiring to perform those activities stated in section 11-31 which are regulated by additional federal, state or local ordinances and laws shall obtain the proper permits in addition to a permit from the town.

(Ord. of 11-30-81, § 7)

Sec. 11-42. Penalty.

Any person who violates any provision of this article shall be fined in accordance with section 1-11.

(Ord. of 11-30-81, § 7)

Sec. 1-11. General penalty.

(a) Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or any offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation shall continue shall constitute a separate offense.

(b) The imposition of any punishment hereunder shall not prevent the enforced abatement of any lawful condition by the town.

(c) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the town counsel may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

(d) Any condition caused or permitted to exist in violation of any of the provisions of this Code, officially designated as such and each day that such condition continues shall be regarded as a new and separate offense.

State law reference—Penalty limitation, G.S. 7-148.

Sec. 1-12. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the town, or any evidence of the town's indebtedness;
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
- (3) Any ordinance annexing territory to the town or excluding territory as a part of the town;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any zoning ordinance;
- (6) Any subdivision ordinance;
- (7) Any ordinance creating a special services district;
- (8) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, ease, deed or other instrument;

(9) Any ordinance adopting a preliminary plan or development plan;

(10) any temporary or special ordinance;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.