

## Chapter 118. Peddlers, Solicitors and Itinerant Merchants

### Section

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#### **§118.01 PURPOSE**

The purpose of this article is to protect the public health, safety and welfare by regulating the solicitation and business activities of itinerant merchants, salesmen, promoters, drummers, peddlers, and hawkers within the town. This article will provide the policy and procedures for conducting criminal history checks through SBI/DCI for all permit applicants.

#### **§ 118.02 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:

***MERCHANT ITINERANT (ITINERANT MERCHANT)*** means merchant, other than an established retail merchant in county, who transports goods to a building, vacant lot or alley, etc., and offers for sale at retail for less than six consecutive months.

***PEDDLER*** means a person who travels from place to place with inventory and offers for sale at retail the actual inventory, occupying no space for more than 30 minutes during a 24-hour period.

#### **§ 118.03 PERMIT**

(A) No itinerant merchant/peddler shall operate in the town without a permit from the town.

(B) Every application for a permit shall be made under oath and shall contain or be accompanied by the following information or material:

- (1) A state issued identification card;
- (2) The applicant's full name, date of birth, social security number, full address, a description of the product he is offering for sale and the name, address and telephone of the product vendor;
- (3) A complete statement of all convictions and arrests of any person whose name is required to be given in subsection (B)(2) of this section for any felony or any crime involving fraud, theft or the receiving or possessing of stolen goods; and
- (4) The submission of fingerprints by the applicant.

(C) Prior to issuance of a permit, the Police Department will conduct a background check on the applicant.

- (1) The Police Chief, or his/her designee, will conduct a criminal history check of the applicant utilizing the SBI/DCI network.

- a. The criminal history check will be conducted to verify the applicant's qualifications, pursuant to the conditions of this article, for issuance of the requested permit.
- b. Any results produced that would disqualify the applicant for the issuance of the permit will be verified through the submission of fingerprint cards to the SBI.
- c. Results of the criminal history check will be provided to the Town Manager or his/her designee, provided all necessary agreements with the State Bureau of Investigation's Division of Criminal Information (DCI) have been executed.

(2) No permit will be approved or denied until the verification process has been completed.

(D) Upon issuance of the permit, the permit shall designate the date and hour of issue and expiration.

(E) The holder of the permit shall first present such permit to any person before attempting to offer an article for sale to such person.

(F) Hours of door-to-door sales are restricted to the hours of 9:00 a.m. to one (1) hour prior to sunset.

(G) The Police Chief or his designee has the authority to deny or revoke a permit for just cause.

(1) A permit shall not be issued:

- a. To any person who has been convicted of unlawfully selling intoxicating liquors narcotic drugs;
- b. To any person who has been convicted of a felony, or misdemeanors involving drugs; or
- c. For other lawful reasons including conviction of a misdemeanor carrying a penalty of imprisonment of not less than 90 days
- d. To any person previously denied or having had a permit revoked pursuant to this ordinance.

(2) A permit may be revoked if it is determined that:

- a. The holder of the permit violates any provisions of this article; or
- b. The holder of the permit conducts himself in a manner constituting a public nuisance.

#### **§ 118.04 FEE**

(A) Every applicant will pay at the time of application a fee as established by the State Bureau of Investigation for the processing of fingerprint card submissions.

(B) Every application will pay at the time of issuance of the permit a fee as established by the Town Manager to cover the cost of the production of the permit.

#### **§118.05 PENALTY**

Violations of this Ordinance shall constitute an infraction punishable up to thirty (30) days in jail and/or up to \$500.00 in fines. (Ord. 1728, passed 4-12-10)