

ORDINANCE TO CONTROL
PEDDLERS, SOLICITORS AND CANVASSERS
IN POLK COUNTY, NORTH CAROLINA

BE IT ORDAINED BY THE POLK COUNTY BOARD OF COMMISSIONERS BY AUTHORITY DULY GRANTED UNDER SECTION 153A-125 OF THE GENERAL STATUTES OF NORTH CAROLINA, AS FOLLOWS:

Ord. No. 5, Sec. 1. Permit required.

It shall be unlawful for any person, without first obtaining a permit as in this ordinance provided, to go in or upon or permit his representatives to go in or upon any private residence or premises in Polk County, subject to the territorial jurisdiction of G.S. 153A-122 of the laws of the State of North Carolina, as solicitor, peddler, hawker, itinerant merchant or transit vendor of merchandise, not having been requested or invited so to do by the occupant of such private residence or premises or having procured the occupant's permission so to do, for the purpose of soliciting orders for the sale of goods, wares, magazines or other periodicals or merchandise, or for the purpose of distributing, disposing of, peddling or hawking the same.

Ord. No. 5, Sec. 2. Application for permit.

Any person desiring to engage in the business of or practices referred to in Section 1 shall file with the County Manager an application for a permit to do so. The application shall be in writing, under oath, and shall show the applicant's name, age, right thumb print, current address and his place of residence and nature of employment during the preceding year, the address and nature of business of his employer or principal, if any, and shall specify in detail the goods, wares, periodicals, magazines or other merchandise to be offered for sale and shall state whether or not the applicant has been convicted of any crime involving moral turpitude and, if so, the nature of the crime and the place and time convicted. The applicant shall furnish, at the time of filing his application, two two and one-half inch by two and one-half inch photographs made within one year of the date of the application, and shall give to the County Manager such other requested information as may be of assistance to him in passing upon the qualifications of the applicant. If the application is filed by an employer there shall also be filed a separate application for each solicitor, giving the information set forth above as to the qualifications of the solicitor, which shall be signed and sworn to by each solicitor.

Ord. No. 5, Sec. 3. Issurance or denial of permit; possession and exhibition.

If, upon investigation reasonably made and the payment of the fee, hereinafter set forth, the County Manager ascertains and determines that the applicant for a permit required by this ordinance is a person of good moral character and proposes to engage in a lawful commercial or professional enterprise during hours that will not unduly disturb the occupants of

residences, the County Manager shall issue to him a permit to engage in such business, which permit shall contain substantially the information set forth in his application and to which shall be attached his photograph and right thumb print. Such permit shall be carried at all times by the person to whom issued when soliciting or canvassing in Polk County and shall be exhibited by him whenever required to do so by any law enforcement officer or any person solicited. If the County Manager shall, upon investigation, determine that the applicant is not a person of good moral character and that he does not propose to engage in a lawful commercial or professional enterprise during hours reasonably convenient for the occupants of residences, he shall refuse to issue the permit.

Ord. No. 5, Sec. 4. Appeal from denial of permit.

Upon the refusal of the County Manager to grant a permit under this ordinance, the applicant may within ten days thereafter appeal to the Polk County Board of Commissioners, and if the Commissioners shall be satisfied that the applicant and his proposed business and hours of work meet the requirements set forth in this ordinance, it shall direct the County Manager to issue the permit, upon the payment of the fee hereinafter set forth; otherwise the permit shall be refused.

Ord. No. 5, Sec. 5. Duration of permit.

The County Manager shall determine from the application and from such facts as may be developed in connection with such application the period for which a permit under this ordinance shall be approved and granted; provided, that such period shall in no case exceed twelve calendar months.

Ord. No. 5, Sec. 6. Fee for permit.

For each permit issued to each applicant such applicant must pay or cause to be paid the sum of Twenty-five (\$25.00) Dollars into the Office of the Treasurer of Polk County and there shall appear on each permit receipt of such fee signed by the Treasurer or Assistant Treasurer.

Ord. No. 5, Sec. 7. Permits not Transferable.

No permit approved and issued pursuant to this ordinance shall be transferable.

Ord. No. 5, Sec. 8. Revocation of permit; appeal from revocation.

If, after the issuance of a permit pursuant to this ordinance, it should appear that the facts set forth in the permittee's application are untrue, or if he is convicted of a crime involving moral turpitude or engages in business other than as set forth in his permit or fails to utilize such permit in good faith and for the purpose issued, the permit shall be revoked by the County Manager. Such revocation shall be in writing and delivered to such permittee in person or mailed to

such permittee by certified mail to the address shown in permittee's application. Such revocation shall become effective at the time delivered or if mailed at the expiration of three days after said revocation is deposited in the United States mail with sufficient postage affixed thereto. Such revocation may within ten days thereafter be appealed by the permittee to the Polk County Board of Commissioners.

Ord. No. 5, Sec. 9. Persons exempted from permit requirements.

The provisions of this ordinance shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations located in Polk County or in any municipality in Polk County organized and operating exclusively for educational, benevolent, religious, fraternal, charitable, patriotic or civic purposes and not operating for profit and where such solicitations or sales are made without remuneration to the solicitor.

Ord. No. 5, Sec. 10. Violation a misdemeanor; punishment.

If any person shall violate this ordinance he shall be guilty of a misdemeanor and shall be fined or imprisoned as set forth in Section 14-4 of the General Statutes of the State of North Carolina.

Polk County Application for Permit Solicit

Fee: \$25.00

Cash: _____

Check: _____

Date: _____

Applicant's Name: _____ Age: _____

First

Middle

Last

Date of Birth

Race

Sex

Last 4 SSN

Contact Number: _____ Driver's License Number: _____

Address

Permanent Address if different

Present Employer's Name

Present Employer's Address

Type of Business

How Long Employed

Employment Record 12 months prior to above employer. (Write on back of this sheet, if necessary.)

Have you ever been convicted of a crime(s)? Yes No Felony Misdemeanor

If so, state nature of crime(s) _____

Time and place of conviction _____

Specify items to be solicited in detail _____

If the facts herewith are found to be untrue, the County Manager has the right to deny or revoke the permit.

I certify that the information I have entered on this application is true and correct and I authorize Polk County to conduct a criminal background check as part of the application process for solicitation permit. **This permit's provisions shall apply to the unincorporated areas of Polk County. Contact the Town of Columbus, Town of Tryon, and City of Saluda for their guidelines.**

Applicant's Signature: _____