

TOWN OF CARY

Remit to:
 Town of Cary PD
 PO Box 8005
 Cary NC 27512-8049

North Carolina

APPLICATION FOR PERMIT TO SOLICIT/SELL Police Department
 120 Wilkinson Ave
 Cary NC 27513
 (919) 469-4021

In compliance with Section 20-3 of the Code of Ordinances of the Town of Cary, I hereby make application for a permit to solicit/sell for:

Name of Employer or Organization:			Address of home office:		
Immediate Supervisor:			Phone #:		
Name of Applicant:			SS #		
Height:	Weight:	Race:	Complexion:	Eye Color:	Hair Color:
Date of Birth:			Place of Birth:		
Driver License #:			State:		
Local Mailing Address:					
Permanent Mailing Address:					
Home Phone #:			Business Phone #:		
Types of Goods/Services Offered for Sale:					
PERMIT DATES (60 Day limit):		TO			
List all criminal convictions and the location of the offenses for the past ten years:					

I have read the attached copy of Section 20-3 Peddlers and Solicitors of the Code of Ordinances of the Town of Cary and agree to abide by all provisions stipulated therein. I understand that the permit can be denied upon a finding of reasonable cause as stipulated in the ordinance.

2 PASSPORT PICTURES MUST BE SUBMITTED WITH APPLICATION.
APPLICATION WILL BE PROCESSED WITHIN THREE (3) WORKING DAYS.
 Once approved, a \$5.00 fee will be due at pickup.

Applicant's Signature _____ Date _____

Contact the Privilege License office at (919)460-4952 for any additional licensing requirements.

Sec. 20-3. Peddlers and solicitors.

(a) *Intent.* The purpose of this section is to regulate the door-to-door offering for sale and selling of goods, wares, merchandise, food, periodicals and services and the solicitation of orders therefor in residential areas of the town, and to thereby promote the public safety and welfare.

(b) *Permit required.* 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 section, unless it is done with the prior request or invitation of the residents or occupants of the premises visited. Additionally, it is unlawful to peddle or solicit unless the following requirements are met:

- (1) Such peddling/soliciting shall be permitted only between the hours of 9:00 a.m. and 6:00 p.m. during eastern daylight time and 9:00 a.m. to 5:00 p.m. during eastern standard time.
- (2) The peddler/solicitor permit issued for that person shall be carried and displayed at all times while conducting such solicitations in such a manner as to be clearly visible to a reasonable person of adequate vision.
- (3) All other permits or licenses required by law shall have been obtained, including a town privilege license of appropriate nature as required in article II of this chapter.

(c) *Permit applications.* Applications for peddler/solicitor permits under this section shall be submitted to the police department during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. eastern time) on a form provided by the police department, under oath, and shall include, but not be limited to, the following information:

- (1) The full name of the applicant;
- (2) The permanent residence address of the applicant;
- (3) The applicant's temporary address in or in the vicinity of the town, if applicable;
- (4) 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;
- (5) The type(s) of goods, wares, merchandise, food, periodicals and services to be sold or offered for sale;
- (6) 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;
- (7) 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;

- (8) 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.);
- (9) A complete listing of and information concerning all other permits or licenses, such as privilege licenses, which were obtained by the applicant;
- (10) 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.

(d) *Procedures for considering applications.*

- (1) Upon receipt of a complete application, the police chief or designee (hereafter "police chief") 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 section and shall issue a permit unless the applicant:
 - a. Has not submitted a completed application;
 - b. Is not permitted by law to engage in such activity due to age;
 - c. Has been convicted of, or has pleaded no contest to, a felony charge within the ten years preceding the submittal of the application;
 - d. 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;
 - e. 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
 - f. Has not obtained the necessary licenses, including privilege licenses.
- (2) 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 72 hours of receipt of the completed application. Such issued permit shall be nontransferable.

(e) *Permit renewal.* A peddler/solicitor permit may be renewed for an unlimited number of sixty-day periods, provided an application for renewal is made on such form as provided by the police chief no later than the expiration date on the current valid permit. Applications received after that date shall be processed as new applications. The police chief shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this section. If the police department finds that the application meets the above requirements, the renewal permit shall be issued.

(f) *Appeals.* 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 days from the date of the refusal to issue a permit or the revocation of a permit. The town manager or designee ("town manager") 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. As provided in section 20-1(e), the order or decision of the town manager shall be final municipal action.

(g) *Revocation of permit.* Permits issued under this section may be revoked in accordance with section 20-1. Additional grounds for revocation of a permit include, where evidence is presented, that the applicant has been arrested for a felony or a misdemeanor involving theft, fraud, forgery, moral turpitude, criminal trespass, or a threat to the public safety during the peddling/solicitation period, or has otherwise violated the provisions of this section. A permit which has been revoked shall be immediately surrendered to the police department. Appeals of revocations may be made pursuant to the same process as for denied permits.

(h) *Exemptions.* This section shall not apply to:

- (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 which are exempt from the payment of privilege licenses, and 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.

(i) *Peddling/soliciting from rights-of-way.* Peddling or soliciting from rights-of-way is prohibited in G.S. 20-175(b).

(j) *Penalty.* Peddling or soliciting without a permit or otherwise in violation of any of the provisions of this section, including failing to surrender a revoked permit, shall constitute a criminal misdemeanor.

(Code 1976, § 5-4; Code 1982, § 11-3; Ord. No. 79-5, § 1, 5-31-1979; Ord. No. 96-003, § 1, 3-14-1996; Ord. No. 96-004, § 1, 4-11-1996; Ord. No. 02-001, § I, 1-10-2002)

State Law References: Peddling or soliciting from right-of-way, G.S. 20-175(b).

Secs. 20-4--20-24. Reserved.