

## CHAPTER 13: ITINERANT MERCHANTS, PEDDLERS AND VENDORS

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### **Section 13.1. Definitions, Compliance Required; Applicability.**

(A) *Definitions.* The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

*Peddler* means any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the Town, who engages in the business of carrying any goods, wares or merchandise from place to place and offering to sell or barter, or actually selling or bartering, such goods or merchandise.

*Transient merchant, itinerant merchant and itinerant vendor* (all such terms referred to in this Chapter as “itinerant merchant”) means any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the Town, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, trailer, railroad box car, truck or boat, public room in hotels, motels, lodging houses, apartments or shops, or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include:

- (1) Any person selling at a “yard sale” at their residence.
- (2) Any person, firm or corporation that otherwise meets the requirements of this definition, but who is part of a group of ten or more merchants selling at a shopping area or trade show, and is selling at the invitation of the shopping area or trade show, and where such sales activities do not last for a period of time longer than seven (7) days.

*Relief from compliance by association.* For the purpose of this Chapter, a person, firm or corporation engaged in a transient business shall not be relieved from complying with the provisions of this Chapter merely by reason of temporarily associating with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

**Section 13.2. License Required.**

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor or peddler to engage in such business within the Town without first obtaining a privilege license in compliance with the provisions of this article.

**Section 13.3. License Application.**

All applicants for licenses required by this Chapter shall file an application with the Town Clerk. The application shall contain the following information:

- (A) A description of the goods, wares or merchandise for sale.
- (B) The names of the persons, and any employees or agents, having the management or supervision of the applicant's business during the time that it is proposed that such business will be carried on in the Town; the local addresses of such persons while engaged in such business; the permanent addresses of such persons; the capacity in which such persons will act, whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business will be carried on, if any and, if a corporation, the state of incorporation.
- (C) Places within the Town where the applicant proposes to conduct business and the length of time during which it is proposed that such business shall be conducted, and the provisions the applicant has for access and parking.
- (D) A description of any vehicle proposed to be used in the business, including its registration number.
- (E) Whether or not the applicant, or the individuals identified in (B) above, have been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.
- (F) Proof of the property owner's permission to conduct such business.

**Section 13.4. License Fee.**

A registration issued in accordance with this Chapter is good for the 12-month period beginning July 1 and ending June 30.

Before issuing a license under this Chapter, the Town Clerk shall collect a license fee as set and made a part of the Fee Schedule adopted by the Town of Vanceboro Board of Alderman, as amended from time to time. This fee shall not be prorated. Notwithstanding the foregoing, the fee shall in no case be more than the maximum permitted by North Carolina law for that particular business or enterprise. The license filed shall not relieve the applicant of paying any other state or local taxes required by law.

**Section 13.5. Investigation of Application; Issuance of License; Term of Validity; Change of Location; Transferability.**

(A) The Town Clerk shall investigate all applications within five (5) days from receipt of the application.

(B) If the applicant satisfies all requirements of this Chapter, the Town Clerk shall issue a license. A copy of all license applications and licenses issued shall be maintained in the office of the Town Clerk.

(C) Itinerant merchant licenses will be valid for the location indicated on the license. If the location changes, the itinerant merchant shall apply for a new license.

(D) The license is not transferable to other persons or locations.

**Section 13.6. Posting of License.**

The license issued under this Chapter shall be conspicuously posted in the place of business named on such license.

**Section 13.7. Safety Vest Required for Certain Activities.**

A reflective safety vest, supplied by the applicant, shall be required for any individual peddling goods from place to place.

**Section 13.8. Exemptions.**

This Chapter shall not apply to civic clubs located within the county, nor to any bona fide charitable, education, religious, cultural or governmental institution or organization when the proceeds of the sales are used directly for the charitable purpose of the institution or organization.

**Section 13.9. Revocation of License.**

(A) Licenses issued under the provisions of this Chapter may be revoked by the Town Clerk of the Town, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or a false statement contained in the application for the license;
- (2) Fraud, misrepresentation or a false statement in the course of carrying on the business as peddler or itinerant merchant;
- (3) Any violation of this Chapter;
- (4) Convictions of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddler or itinerant merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or a detriment to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given in writing, specifically setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least ten (10) days prior to the date set for the hearing.

**Section 13.10. Appeals.**

(A) Any person aggrieved by the action of the Town Clerk in the denial of an application for a license, or in the decision with reference to the revocation as provided in section 13.8, shall have the right to appeal to the Town of Vanceboro Board of Alderman. The appeal shall be taken by filing with the Board of Alderman, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Board of Alderman shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in section 13.8.

(B) The order from the Town of Vanceboro Board of Alderman after the hearing shall be final.

**Section 13.11. Violations; Penalties.**

(A) *Criminal remedies.* Conducting business within this Town without a valid registration issued in accordance with this Chapter, or without posting a registration in compliance with Section 13.6 of this Chapter is a misdemeanor, punishable as provided in NCGS 14-4. Each day that a person conducts business in violation of this Chapter is a separate offense.

(B) *Equitable remedies.* In addition to the criminal remedies set for the in subsection (A) of this section and in compliance with NCGS 160A-175(d), the Town may seek an injunction against any person who conducts a business in violation of this Chapter.