

ORDINANCE NO. 2015-02

AMENDMENT TO CHAPTER 111 OF THE VILLAGE OF CLEMMONS, NORTH
CAROLINA CODE OF ORDINANCES

WHEREAS, the Village Council of the Village of Clemmons has enacted regulations related to the door to door selling of goods and services and solicitation of orders to promote the public health, safety and welfare; and

WHEREAS the Village Council of the Village of Clemmons has determined existing village ordinances do not adequately regulate door to door sales by peddlers; and

WHEREAS, the General Statutes of the State of North Carolina grant the Village the authority to regulate businesses and trades, to regulate solicitation and peddling, and to exercise control over the streets and public rights of way; and

NOW, THEREFORE, BE IT ORDAINED by the Village Council of The Village of Clemmons that Chapter 111 of the Village Code of Ordinances is amended as follows:

Any provisions contained in Chapter 111 of the Village Code of Ordnaances which purports to permit or regulate "Peddlers" as defined therein is deleted; the remainder of said Chapter is re-designated Section B. A new Section A, as follows, is made a part of Chapter 111:

Section A – Peddlers and Door-to-Door Commercial Solicitation Prohibited at Private Residences

111A-01. Peddler Defined

Peddler: The word "peddler" shall mean any individual whether a resident of the Village or not, traveling either by foot, bicycle, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, in the Village, selling or attempting to sell goods, wares and merchandise and personal property of any nature whatsoever or services for immediate or future delivery. This definition shall not apply to the following persons:

- a. Those who peddle solely to industrial, commercial or professional establishments within the Village;
- b. Those who peddle solely agricultural or forest products which have not been subjected to any manufacturing process; and
- c. Those peddling for schools, educational, fire, police, religious or charitable organizations when the provisions of any applicable business license tax ordinances or permitting procedures have been complied with.

111A-02. Nuisance Finding

The practice of going in and upon private residences in the Village by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, books, periodicals, magazines, pictures, prints and/or photographs, not having been requested or invited to do so by the owner or occupant of such private residence, for the purpose of soliciting orders for goods, wares, books, periodicals, magazines, prints, merchandise and/or disposing and/or peddling or hawking the

same and/or for the purpose of selling or contracting for the provision of services, whether they are to provided contemporaneous to the solicitation, or at a later time, are declared to be a nuisance and punishable for a misdemeanor.

111A-03. Unlawful Conduct Prohibited.

It shall be unlawful, unless with the prior permission or invitation of the owner or occupant, for any person to enter upon any privately owned premises in the Village used as a dwelling for the purpose of soliciting orders for the immediate or future delivery of goods, merchandise, or services, specifically including the taking of subscriptions for magazines.

111A-04. Violations

Violations of this Chapter shall be a Class 1 Misdemeanor, and shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00), or by imprisonment for not more than seven (7) days. Each day that a peddler shall violate this section shall constitute a separate offense.

111A-05. Enforcement

Any law enforcement agent, the Village Manager or his or her designee, upon showing proper credentials, and in the discharge of his or her duties may initiate any appropriate action or proceedings to prevent, restrain, correct, or enforce any violation of this chapter.

111A-06. Effective Date

This amendment shall be effective from and after its adoption.

Adopted, this the 14th day of July, 2015.

Village of Clemmons

By: _____

Nickolas Nelson, Mayor

Attest:

Lisa Shortt

Lisa Shortt, Village Clerk

