

ORDINANCE #22-19:

AN ORDINANCE AMENDING CHAPTER 110 OF THE PINEHURST MUNICIPAL CODE.

WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated May 26, 2009, establishing and implementing certain authorized police powers for the purpose of governing the manner in which businesses and individuals will be allowed to peddle and solicit for business and other purposes on private property in the Village of Pinehurst; and

WHEREAS, on September 13, 2011, the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which established the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the "Village of Pinehurst, North Carolina Municipal Code"; and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council has determined that it is in the best interest of the citizens of Pinehurst to amend Chapter 110 in the Pinehurst Municipal Code in order to further promote and protect quality of life in Pinehurst's various residential neighborhoods; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in the regular meeting assembled this 25th day of October 2022 as follows:

SECTION 1. That the following amendments be made to Chapter 110:

Section

- 110.01 Purposes of Regulations
- 110.02 Definitions
- 110.03 Exceptions: Special Permits
- 110.04 Application for permit
- 110.05 Denial or Issuance of Special Permits
- 110.06 Appeals
- 110.07 Display of Special Permit
- 110.08 Regulation of Activity: Violations
- 110.09 Revocation of Special Permit

§ 110.01 PURPOSES OF REGULATIONS

The purposes of this chapter are:

- (A) Deterring the use of soliciting, vending, and canvassing to gain access to home for commercial purposes;
- (B) Maintaining quiet and privacy for residents of the Village;

(C) Discouraging unethical and dishonest business practices;

(D) For the general protection, safety, health and welfare of the residents of the Village; and

(E) To preserve a record to identify names and addresses of all canvassers, vendors, and solicitors

(1986 Code, § 3-8.3) (Ord. 09-15, passed 05-26-2009)

§ 110.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER or *SOLICITOR*

- (1) An itinerant vendor of merchandise who shall go from door-to-door or place-to-place, selling, causing to be sold, offering for sale, or taking orders for present or future delivery of merchandise, products or services of any description whatsoever, including but not limited to magazines, periodicals, books and orders or contracts for home improvements or alterations.
- (2) A person who makes or conducts surveys for research purposes, analysis, opinion polls, rating data and any similar work which, by nature, involves door-to-door or place-to-place activity.
- (3) A person who goes from door-to-door or place-to-place for the purpose of soliciting contributions, donations, or any other thing of value for any person or organization.
- (4) A person who goes from door-to-door or place-to-place for the purpose of distributing circulars or other printed or electronic media.

CANVASSING or *SOLICITING*. The act of going from door-to-door or place-to-place for the purpose of:

- (1) Sale, distribution, advertising, promoting, demonstrating and/or vending of merchandise, products, services, or materials or taking orders for present or future delivery of merchandise, products, services, or materials, of any description whatever, including but not limited to magazines, periodicals, books and orders or contracts for home improvements or alterations.
- (2) Making or conducting surveys for research purposes, analyses, opinion polls, rating data and any similar work, which, by nature, involves door-to-door or place-to-place activity;
- (3) Soliciting contributions, donations or any other thing of value for any person or organization; or
- (4) Distributing circulars, advertisements, brochures or other similar printed matter.

PERSON. Any individual, firm, partnership, association, group of persons or corporation.

(1986 Code, § 3-8.3) (Ord. 09-15, passed 05-26-2009)

§ 110.03 EXCEPTIONS: SPECIAL PERMIT

No person, except as provided herein, shall canvass, solicit, or sell food, beverages, services, or merchandise, or engage in any act of canvassing or soliciting in any public or quasi-public place, door-to-door, or place-to-place, within the Village of Pinehurst.

- (A) The provisions of this section apply only to:
 - (1) Any person canvassing or soliciting for a political candidate, organization, or program; or
 - (2) Any nonprofit, religious, charitable, recreational, civic or veteran's organization, service club or volunteer fire or first aid company desiring to solicit or canvass
- (B) Notwithstanding the foregoing, any person claiming the exemption set forth in division (A) of this section shall, prior to conduct of canvassing or soliciting within the village, file an application, in writing, with the Village Clerk for a special permit.
- (C) The Village Clerk shall file a copy of all applications for a special permit with the Chief of Police.
- (D) Upon being satisfied that the person or organization is bona fide, subject to the exemptions set forth herein and as represented in its application, the Village Clerk shall issue a special permit, without charge, for the period during which canvassing or soliciting is requested.
- (E) Any person conducting solicitation or canvassing on private property subject to prior express permission of the property owner is exempt from all the provisions of this chapter.

(1986 Code, § 3-8.3) (Ord. 09-15, passed 05-26-2009) ~~Penalty, see § 110.99~~

§ 110.04 APPLICATION FOR SPECIAL PERMIT.

- (A) Applicants for special permits, as described in § 110.03, shall be made upon forms provided by the Village Clerk, who shall file a duplicate copy with the Police Department, containing the following information:
 - (1) The name, date of birth, and age of the applicant.
 - (2) The complete permanent home and local address of applicant;
 - (3) The name and address of the organization or person for whom canvassing, vending or soliciting is being made;
 - (4) A description of the nature of the business or activity and the goods, services or wares to be sold;
 - (5) One form of identification with a recent photograph of the applicant, showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - (6) The days and dates upon which the canvassing or soliciting is to take place;

- (7) A statement as to whether the applicant has been convicted of a crime, misdemeanor or disorderly persons offense and, if so, the details thereof;
- (8) The make, model, year, color, and license plate number of each vehicle used by the applicant during the period of canvassing, vending, or soliciting within the village and copies of the applicant's driver's license, registration and insurance certificate;
- (9) A list of current canvassing, vending, or soliciting permits received from other municipalities; and
- (10) A statement as to whether the applicant has been denied a canvassing, vending or soliciting permit during the past year.

(B) A separate application shall be filed for each individual soliciting or canvassing within the village.

(1986 Code, § 3-8.5) (Ord. 09-15, passed 05-26-2009)

§ 110.05 DENIAL OR ISSUANCE OF SPECIAL PERMITS.

(A) In the event that the Village Clerk shall deny a special permit to the applicant, he or she shall detail the reasons for the denial.

(B) In the event that the Village Clerk shall approve a special permit to the applicant, a special permit will be issued, upon which shall be affixed one photograph of the applicant.

(1986 Code, § 3-8.5) (Ord. 09-15, passed 05-26-2009)

§ 110.06 APPEALS.

In the event that the Village Clerk shall deny any application for a special permit, the applicant may appeal that decision within a period of ten days from the date of denial. The appeal shall be filed with the Village Clerk and shall be heard by the Village Manager within a period of seven days from the date it is filed. The Village Manager may affirm, modify, or reverse the decision of the Village Clerk and shall indicate, in writing, the reason for its determination. The Village Manager shall relate his or her findings and conclusions to the purposes of this chapter. The Village Manager's determination shall be rendered forthwith and shall be final.

(1986 Code, § 3-8.6) (Ord. 09-15, passed 05-26-2009)

§ 110.07 DISPLAY OF SPECIAL PERMIT.

Each applicant, when canvassing or soliciting within the village, shall carry the special permit at all times and shall exhibit the same to any citizen or police officer upon request.

(1986 Code, § 3-8.6) (Ord. 09-15, passed 05-26-2009) Penalty, see § 110.99

§ 110.08 REGULATION OF ACTIVITY UNDER A SPECIAL PERMIT: VIOLATIONS

(A) All special permits issued pursuant to this chapter shall be for a term of one week (seven days) from date of issuance with no solicitation taking place on Sundays.

- (B) Canvassing and soliciting shall be conducted between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday.
- (C) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident of the village without an express invitation from the occupant thereof.
- (D) No canvasser or solicitor shall conduct himself or herself in a manner as to become objectionable to or annoy any person while canvassing or soliciting.
- (E) No canvasser or solicitor shall canvass or solicit upon premises where signs so located give adequate notice of the prohibition of those activities.
 - (1) The owner and/or occupant of premises identified in the village may obtain a sign, placard or sticker from the Village Clerk, which may be affixed to a front door, front window or front-facing wall of the premises and giving notice that canvassing and soliciting is not permitted on the premises.
 - (2) All circulars, samples, merchandise or other printed or electronic media distributed by the canvasser or solicitor shall be handed to an occupant of the property or left in a secure location on the premises.

(1986 Code, § 3-8.6) (Ord. 09-15, passed 05-26-2009) Penalty, see § 110.99

§ 110.09 REVOCATION OF SPECIAL PERMIT

- (A) Special permits issued under this chapter may be revoked by the Village Clerk, after written notice outlining reasons, for any of the following causes:
 - (1) Misrepresentation or false material statement contained in the application;
 - (2) Misrepresentation or false material statement contained in the course of carrying on activities regulated herein;
 - (3) Conducting canvassing or soliciting in an unlawful manner in violation of the provisions of this chapter or in any manner as to cause a breach of the peace or to constitute a menace to safety or general welfare of the public.
- (B) Any person whose special permit has been revoked shall have the right of appeal, subject to the procedure and standards as set forth in § 110.06.

(1986 Code, § 3-8.6) (Ord. 09-15, passed 05-26-2009)

SECTION 2. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE is passed and adopted this 25th day of October, 2022.



Attest:

Kelly Chance
Kelly Chance, Village Clerk

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: John C. Strickland
John C. Strickland, Mayor

Approved as to Form:
Michael J. Newman
Michael J. Newman, Village Attorney