

ORDINANCE #24-12:

AN ORDINANCE AMENDING CHAPTER 110 OF THE VILLAGE OF PINEHURST MUNICIPAL CODE REGARDING PEDDLING AND SOLICITING ON PRIVATE PROPERTY IN THE VILLAGE OF PINEHURST.

WHEREAS, the Village Council of the Village of Pinehurst provides services for the public health, safety, and general welfare of the community; and

WHEREAS, North Carolina General Statute 160A-174 gives authority to municipalities to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances in a manner consistent with the Constitution and laws of North Carolina and of the United States; and

WHEREAS, North Carolina General Statute 160A-178 gives authority to municipalities to regulate, restrict or prohibit the solicitation of contributions from the public for any charitable or eleemosynary purpose, and also the business activities of itinerant merchants, salesmen, promoters, drummers, peddlers, flea market operators and flea market vendors or hawkers; and

WHEREAS, the Village Council adopted Ordinance 09-15 on May 26, 2009, establishing the regulations for peddling and soliciting on private property in the Village of Pinehurst; and

WHEREAS, the Village Council adopted Ordinance 22-19 on November 25, 2022, amending Ordinance 09-15 to prohibit peddling and soliciting by any person or persons other than for a political candidate, organization, or program; or non-profit, religious, charitable, recreational, civic, or veteran’s organization; service club; or volunteer fire or first aid company; and

WHEREAS, regulation of peddling and solicitation on private property in the Village of Pinehurst should be done in a manner that protects the safety of both residents and visitors without violating any person’s or persons’ First Amendment rights; and

WHEREAS, the Village Council feels it is necessary to amend the Village of Pinehurst Municipal Code 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.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Pinehurst, North Carolina in regular meeting assembled this 24th day of September 2024, as follows:

SECTION 1. That the following amendments be made to Chapter 110 of the Village of Pinehurst Municipal Code:

CHAPTER 110: PEDDLING AND SOLICITING ON PRIVATE PROPERTY

SECTION

110.01	Definitions
110.02	Purpose
110.03	Permit Required
110.04	Application for Permit & Fees
110.05	Investigation of Applicant; Denial or Issuance of Permit
110.06	Appeals
110.07	Display of Permits
110.08	Regulations
110.09	Revocation of Permits
110.99	Penalties

110.01 DEFINITIONS:

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section:

COMMERCIAL PEDDLER or SOLICITOR

- A. 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 whatever, including but not limited to magazines, periodicals, books and orders or contracts for home improvements or alterations.
- B. A person who makes or conducts surveys for research purposes, analyses, opinion polls, rating data and any such similar work, which, by nature, involves door-to-door or place-to-place activity.
- C. 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.
- D. A person who goes from door-to-door or place-to-place for the purpose of distributing circulars or other printed or electronic media.

COMMERCIAL PEDDLING or SOLICITING

The act of going from door-to-door or place-to-place for the purpose of (a) 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; (b) making or conducting surveys for research purposes, analyses, opinion polls, rating data and any such similar work, which, by nature, involves door-to-door or place-to-place activity; (c)

soliciting contributions, donations or any other thing of value for any person or organization; of (d) distributing circulars, advertisements, brochures, or other, similar printed matter.

NON-COMMERCIAL CANVASSING

The act of going from door-to-door or place-to-place for a political candidate, organization or program; a non-profit, religious, charitable, recreational, civic, or veteran’s organization or club; or other non-commercial purposes, such as:

- i. Speaking with residents
- ii. Distributing informational or educational literature

PERSON

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

110.02

PURPOSE:

The purposes of this Chapter are:

- A. Discouraging unethical and dishonest business practices.
- B. For the general protection, health, and welfare of the residents of the Village of Pinehurst.
- C. To preserve a record to identify names and addresses of all commercial peddlers or solicitors.

110.03

PERMIT REQUIRED:

No person shall peddle, solicit, or sell food, beverages, services, or merchandise or engage in any act of commercial peddling or soliciting in any public or quasi-public place, door-to-door, or place-to-place, within the Village of Pinehurst, without first having obtained a permit therefore in accordance with the provisions of this Chapter.

Permits are not required for non-commercial canvassing.

110.04

APPLICATION FOR PERMIT:

- A. A separate application shall be filed for each individual conducting commercial peddling or soliciting within the Village of Pinehurst.
- B. Applications must be submitted at least 7 days prior to the beginning date for commercial peddling or soliciting.
- C. Applications for permits 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 person engaging in the commercial peddling or soliciting (applicant).

2. The complete permanent home address and complete local address of the applicant.
3. The name and address of the Organization or person for whom commercial peddling or soliciting is being conducted.
4. A description of the nature of the business or activity and the goods, services, or wares to be sold.
5. Two (2) recent photographs of the applicant, which shall be approximately two and one-half by two and one-half (2 ½" x 2 ½") inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
6. The dates upon which the commercial peddling 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 commercial peddling or soliciting within the Village of Pinehurst and copies of the applicant's driver's license, vehicle registration, and insurance certificate.
9. A list of current commercial peddling or soliciting permits received from other municipalities.
10. A statement as to whether the applicant has been denied a commercial peddling or soliciting permit during the past year.

D. Fees: The Village Council shall annually adopt by resolution a Fees and Charges Schedule for commercial peddling and soliciting permit applications.

110.05

INVESTIGATION OF APPLICANT; DENIAL OR ISSUANCE OF PERMIT:

- A. Upon receipt of a duplicate application, the Police Department shall cause an investigation to be made of the applicant's business or moral character for the protection of the public safety and welfare.

If the investigation as aforesaid should reveal any of the following, the Chief of Police, or their designee, shall deny a permit to the applicant:

1. Conviction of any crime or misdemeanor involving arson and/or other burnings, assault and battery, breaking and entering, bribery and corruption, burglary, embezzlement, conspiracy, conversion and misappropriation of funds, extortion or threats, forgery and counterfeiting, frauds and cheats, indecency and obscenity, larceny, loan sharking, possession or use of a controlled dangerous substance, rape and carnal abuse, receiving stolen property and any other crimes against the person or crimes involving moral turpitude.
2. Conviction or any misdemeanor or disorderly persons offense, common thievery, burglary, pick pocketing, carrying weapons, conspiracy,

unlawful soliciting, assault and battery, fraud and misrepresentation, possession or use of habit producing drugs, shoplifting and any other offense involving moral turpitude.

3. Business pursuits resulting in fraud, misappropriation of funds, or similar activity.
- B. The above crimes, misdemeanors or disorderly persons offenses shall be deemed to be those as defined or equivalent to crimes and disorderly persons offenses defined by law in the State of North Carolina.
- C. If the Chief of Police, or their designee, shall deny a permit to the applicant, they shall detail the reasons for such denial.
- D. If the investigation as aforesaid should not disclose any of the above, a permit shall be issued forthwith by the Village Clerk, upon which shall be affixed one (1) photograph of the applicant and the municipal seal of the Village of Pinehurst.

110.06 APPEALS:

If the Chief of Police, or their designee, shall deny any application for a permit, the applicant may appeal that decision within a period of ten (10) days from the date of denial. Said appeal shall be filed with the Village Clerk and shall be heard by the Village Manager within a period of seven (7) days from the date it is filed. The Village Manager may affirm, modify, or reverse the decision of the Chief of Police, or their designee, and shall indicate, in writing, the reason for their determination. The Village Manager shall apply the standards indicated hereinabove and shall relate their findings and conclusions to the objectives of this Chapter. The Village Manager's determination shall be rendered forthwith and shall be final.

110.07 DISPLAY OF PERMITS:

Each applicant, when conducting commercial peddling or soliciting within the Village of Pinehurst, shall carry the permit at all times and shall exhibit the same to any citizen or Police Officer upon request.

110.08 REGULATIONS:

- A. All permits issued pursuant to this Chapter, shall be for a term of one (1) week (7 days) from date of issuance with no commercial peddling or soliciting taking place on Sundays or holidays recognized by the State of North Carolina.
- B. Commercial peddling or soliciting shall be conducted between the hours of 9:00 am and 5:00 pm, Monday through Saturday.

- C. No commercial peddler or solicitor shall enter or attempt to enter the house or apartment of any resident of the Village of Pinehurst without an express invitation from the occupant thereof.
- D. No commercial peddler or solicitor shall conduct themselves in such a manner as to become objectionable to or annoy any person while commercial peddling or soliciting.
- E. No commercial peddler or solicitor shall peddle or solicit upon premises where signs so located give adequate notice of the prohibition of such activities.
 - i. The owner and/or occupant of premises identified in the Village of Pinehurst 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 commercial peddling or soliciting is not permitted on the premises.
- F. All circulars, samples, merchandise, or other printed or electronic media distributed by the commercial peddler or solicitor shall be handed to an occupant of the property or left in a secure location on the premises.

110.09

REVOCAION OF PERMITS:

- A. Permits issued under this Chapter may be revoked by the Chief of Police, or their designee, 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. Conviction of any crime, misdemeanor or disorderly person's offense or engaging in business activity that would have precluded issuance of a permit as set forth hereinabove.
 - 4. Conducting commercial peddling or soliciting in an unlawful manner in violation of the provisions of this Chapter or in such 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 permit has been revoked shall have the right of appeal, subject to the procedure and standards as set forth in Section 110.06 above.

110.99

PENALTIES:

Any person who violates any provision of this Chapter, upon conviction thereof, shall be punished by a fine not exceeding five hundred (\$500) dollars or by imprisonment for a term not exceeding ninety (90) days or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.


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.

Adopted this 24th day of September 2024.

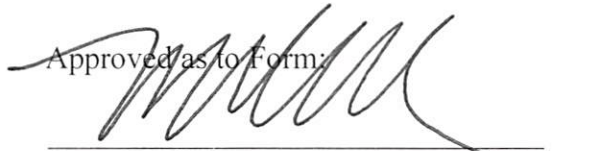
VILLAGE OF PINEHURST
VILLAGE COUNCIL



By: 
Patrick Pizzella, Mayor

Attest:


Shannon Konstantinou, Village Clerk

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