

TOWN OF CRAMERTON CODE OF ORDINANCES  
TITLE XI – BUSINESS REGULATIONS  
CHAPTER 112 - SOLICITATION

Section

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## **112.00 PURPOSE.**

The purpose of this ordinance is to prohibit solicitation at residences during the times when such activity is most intrusive and disruptive to citizens' privacy; to regulate the locations in which solicitation activity may occur to promote safety and minimize congestion; to regulate the manner in which any solicitation activity may occur to promote good order, protect citizens from aggressive and intimidating practices; and to require solicitors to obtain a permit from the Town to aid in crime detection and deter deceptive practices and fraud.

## **112.01 DEFINITIONS.**

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

Administrator: The person assigned to administer the Code of Ordinances for the Town of Cramerton.

Agent(s): Any person carrying on the business for which a permit is sought or issued.

Applicant: The person applying for a permit.

Board: The Board of Commissioners for the Town of Cramerton.

Chief of Police: The Chief of the Cramerton Police Department, or his or her designee.

Permit: A certificate signed by the Chief of Police and issued to any person giving notice that the person has complied with the permitting provisions of this Ordinance.

Permittee: The person to whom a permit is issued.

Person: Any individual, promoter, agent, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

Promoter: Any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation.

Solicit: The request directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable, patriotic, educational or philanthropic purpose, in any office or business building, by house-to-house canvass or in any other public or private

place by telephone, personal interview, mail or otherwise. The words "solicit" and "solicitation" shall also mean and include the sale or offer to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not.

Solicitation: See solicit.

Town: The Town of Cramerton

## **112.02 EXEMPTIONS FROM PROVISIONS OF THIS CHAPTER.**

The following solicitations shall be exempt from the provisions of this Ordinance: bona fide charitable, educational, religious organizations and other non-profit organizations with eleemosynary purposes; except that Section 112.13 shall apply to all solicitation without regard to purpose.

## **112.03 PERMIT REQUIRED.**

It shall be unlawful for any person, not exempted by Section 112.02 of this Ordinance, to engage in solicitation within the corporate limits of the Town, either directly or through an agent, without first obtaining a permit to do so from the Chief of Police.

## **112.04 APPLICATION FOR PERMIT.**

(A) An application for a permit required by this Ordinance shall be filed with the Town a minimum of thirty (30) days prior to the desired solicitation start date.

(B) The application shall be made in writing on a form furnished by the Town and shall include:

(1) The full and legal name of the applicant, contact information of the applicant and a photocopy of a government issued picture identification of the applicant.

(2) The name of any business(es) represented by the applicant and the business(es) address(es) as well as the name of the business(es) principal officers and all promoters connected or to be connected with the proposed solicitation.

(3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts there from. This shall include copies of any and all catalogs, sales brochures, order forms and any other literature designed to be given to prospective clients.

(4) The names, addresses and photocopies of a government issued picture identification of any and all of the applicant's agents who will be conducting solicitations.

(5) An outline of the method to be used in conducting the solicitations.

(6) The days and hours when such solicitations shall be made, including the proposed dates for the beginning and ending of such solicitations. Solicitations are not allowed after dusk and before dawn.

(7) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the Town, the governing body of the Town or any officer or employee thereof.

(8) Such other information as may be reasonably required by the Chief of Police for the public interest, safety or for the protection and safety of potential clients and person(s) conducting the solicitation.

(C) At the time an application is submitted to the Town, the applicant shall pay a nonrefundable fee of \$15.00 to defray the cost of processing the application. If a permit is issued, the applicant shall pay an additional fee of \$1.00 for each duplicate of the permit that is required pursuant to this Ordinance.

(D) The permit application and any other documentation required to accompany the permit application shall not be subject to public inspection; however, any issued permit shall be considered a public record.

#### **112.05 FALSE STATEMENTS PROHIBITED.**

It shall be a violation of this Ordinance for any person to knowingly file or cause to be filed an application containing one or more false statements.

#### **112.06 BOND REQUIRED.**

Before any permit is issued under this Ordinance, the applicant must file with the Town Clerk, a bond executed in favor of the Town by a corporate surety licensed under the laws of the State of North Carolina to execute bonds, in an amount no less than \$2,000, conditioned that the applicant will, for a period of twelve (12) months, refund all money paid by a purchaser of goods or services if the goods or services are not delivered or provided in accordance with the terms of the contract of purchase, whether the contract be oral or written; and refund all money paid by a purchaser if the goods or services purchased are not of the kind and quality promised by the person in the contract of purchase, whether the contract be oral or written.

## **112.07 INVESTIGATION OF APPLICANT AND APPLICANT'S AGENT(S).**

(A) Upon submitting an application for a permit, an applicant must agree to allow the Chief of Police to conduct an investigation into the applicant's character and business responsibility.

(B) Each agent of the applicant must agree to allow the Chief of Police to conduct an investigation into the applicant's character and business responsibility.

## **112.08 APPROVAL OR DENIAL OF PERMIT; TERM; RENEWAL.**

(A) When an application for a permit is filed the applicant is authorizing the Chief of Police to make any such investigation as he or she deems necessary to ascertain whether the provisions of this Ordinance have been complied with. The Chief of Police shall notify the applicant of the decision to approve or deny the permit.

(B) If the Chief of Police determines that the application is accurate, complete, in compliance and the applicant's character and business responsibility are consistent with the requirements of this Ordinance, a solicitation permit will be issued.

(C) If the Chief of Police determines that the application should be denied, he or she shall notify the applicant in writing of the decision. The notification shall state the reason(s) for denial and shall inform the applicant of the right of appeal as set forth in this Ordinance. An application shall be denied for any of the following reasons:

(1) The application is incomplete;

(2) The application fee has not been paid;

(3) The application contains false statement(s);

(4) There is reasonable justification to believe that the money or other items being solicited will not be applied for the purpose(s) stated in the application;

(5) The applicant, promoter or any of their agents are registered sexual offenders or have been convicted of any crime involving moral turpitude, robbery, breaking and entering, fraud or any crime arising or resulting from or otherwise connected to solicitation activities, within the three-year period immediately preceding the application date; or

(6) The applicant, promoter or any of their agents have failed to fully comply with any provision of this Ordinance.

(D) If the permit is approved it shall state the expiration date of the permit in accordance with the time period requested on the application, provided such duration does not exceed ninety (90) days. However, upon written request from the original applicant, the Chief of Police may extend the duration of the permit one time only for an additional period not exceeding ninety (90) days for good cause shown and after receiving a verified statement from the original applicant that there has been no change (including additions or deletions) to the information provided in the original application. If the permit extension is granted, the applicant shall pay a further fee of \$10.00 to defray the cost of processing the renewal. An additional fee of \$1.00 shall be required for renewal of each duplicate permit required by this Ordinance.

#### **112.09 REVOCATION OF PERMIT**

(A) The Chief of Police may revoke a permit for any of the reasons sufficient for denying an application for a permit, pursuant to Section 112.08(C).

(B) Any law enforcement officer, with competent jurisdiction, may temporarily revoke a permit upon reasonable suspicion that the permittee, promoter or any of their agents have violated any of the provisions of this Ordinance and/or have violated state law or any other local ordinance while conducting solicitation activities pursuant to this Ordinance.

(C) Upon revocation, the Chief of Police shall notify the permittee in writing of the decision to revoke the issued permit. The notification shall state the reason(s) for revocation and shall inform the person of the right of appeal as set forth in this Ordinance.

(D) Revocation of a permit shall become effective immediately upon receipt of notification except that revocation pursuant to 112.09(B) shall become effective immediately upon verbal notification by said law enforcement officer. If an appeal is requested, no person shall conduct solicitations pending determination of the appeal.

(E) The Chief of Police may reinstate a revoked permit if the reason(s) for revocation is/are corrected to his or her reasonable satisfaction.

#### **112.10 APPEAL.**

(A) Within five days from any notice of revocation of an existing permit or denial of a permit, the permittee or applicant may appeal by submitting a written request to the Administrator for a hearing. The Administrator shall hear an

appeal at the earliest time practicable. Due notice of the date and time of the hearing shall be given to the appellant.

(B) The Administrator may reverse or affirm the order or decision of the Chief of Police. The decision of the Administrator shall become final.

#### **112.11 TRANSFERABILITY; DUPLICATES OF PERMITS.**

(A) Any permit approved and issued under this Ordinance shall be nontransferable; provided, however, this shall not prevent any person obtaining a permit from using any number of agents as shall be reported to and approved by the Chief of Police in the application process; provided further, the person shall be required to provide each such agent(s), making solicitations, with a certified duplicate of the permit, which shall be carried by such agent(s) at all times during which solicitations are being made.

(B) For purposes of Section 112.11(A), a "certified duplicate" shall be defined as a photocopy of the permit which also has on its face an original signature of the Chief of Police and an original imprint of the Town Seal.

(C) It shall be unlawful for any person(s), promoter(s) or agent(s) to solicit without having in his or her immediate possession a permit to solicit or a certified duplicate thereof, plus a valid form of identification, or to refuse to show such permit, certified duplicate or identification to a law enforcement officer, with competent jurisdiction, when requested to do so by such officer.

#### **112.12 NOT TO BE REPRESENTED AS ENDORSEMENT BY TOWN.**

It shall be unlawful for any permittee, promoter or their agent(s) to advertise, represent or hold out in any manner that the permit required by this Ordinance is an endorsement of the holder thereof by the Town of Cramerton; provided, it shall be lawful for a permittee to use, advertise or hold out the fact of his permit in the following words and no others: "Town of Cramerton Solicitations Permit No. \_\_\_\_\_," including in the blank space the issued serial number of the permit.

#### **112.13 STREET SOLICITATION PROHIBITED**

It shall be unlawful for any person to stand upon, adjacent to or enter into any highway or public street for the purpose of soliciting employment, to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not, and/or to request or collect contributions from the occupant of any vehicle or any pedestrian.

**112.99 PENALTY.**

A violation of any of the provisions of this Ordinance shall constitute a misdemeanor, punishable as provided in G.S. § 14-4 and/or Section 10.99 of the Town of Cramerton Code of Ordinances.