



OR-2024-10-05

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 110, SECTION 110.04 SOLICITATION

WHEREAS, it has become necessary for the Village to update specific Titles within the Village's Code of Ordinances; and

WHEREAS, it is deemed necessary to regulate access and the conduct of those soliciting within the Village's municipal limits.

NOW THEREFORE, BE IT ORDAINED by the Marvin Village Council that the Code of Ordinances, Title XI Business Regulation, Chapter 110, Section 110.04 Solicitation is hereby amended by replacing Section 110.04 in its entirety with amended Section 110.04 attached hereto *at Exhibit A*.

BE IT FURTHER ORDAINED by Marvin Village Council that the Fee Schedule is amended to add: Solicitation Permit Fee - \$100

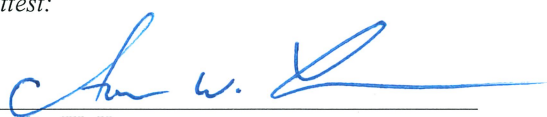
This ordinance shall be effective upon adoption and ordered published as provided by law.

Adopted and effective this the 8th Day of October 2024.



Joseph E. Pollino Jr., Mayor
Village of Marvin

Attest:



Austin W. Yow
Village Clerk & Assistant to the Manager
Village of Marvin



Exhibit A

§ 110.04 SOLICITATION.

A. Prohibited acts. It shall be unlawful for:

1. any person to enter upon any privately-owned premises or business without permission or invitation of the owner or occupant of such premises or business for the purpose of soliciting orders for immediate or future delivery of goods, wares, merchandise, or services, including the taking of subscriptions for magazines and the procuring of applications and contracts, without first receiving a permit issued by the Village.
2. any person holding a permit to fail to display the permit and identification upon demand of a law enforcement officer while engaged in soliciting in the Village.
3. persons authorized to work for a permit holder to fail to display a copy of the permit and recognized state identification upon demand of a law enforcement officer while engaged in soliciting in the Village. A person working for a permit holder shall be listed as an authorized person on the face of the permit.
4. It shall be unlawful to conduct any business as listed in division (1) above during the hours between 6:00 p.m. and 8:00 a.m.

B. The following individuals and activities are exempted from the provisions of this chapter:

1. Recognized charitable organizations, churches, schools, civic organizations and similar neighborhood associations performing fund raising, sales, marketing or other activities for their organization are exempt from the requirements of this chapter

C. APPLICATION FOR PERMIT; FEES.

1. Each person requesting a permit under this section shall file a written application with the town which shall contain the following information:
 - i. The name and address of the individual filing the application;
 - ii. The name and address of the principal or employer if the applicant is an agent or employee;
 - iii. A description of the goods or services to be sold or offered;
 - iv. A statement as to whether the applicant intends to receive payment or deposit for goods or services to be delivered or rendered in the future;
 - v. The inclusive dates which the applicant will carry on business within the Village;
 - vi. A statement as to which days of the week the applicant intends to conduct business;
 - vii. A complete description of the vehicle or method of transportation the applicant intends to use for business purposes while in the Village;
 - viii. A statement as to whether the applicant, his principal or employer or other person having management or supervisory function in the applicant's business, has been convicted of a criminal offense within the past ten (10) years and, if so, the name of the person convicted, the nature of the offense, the punishment assessed and when and where the offense occurred;

- ix. A statement as to which areas of the Village the applicant intends to conduct his or her business; and
 - x. A list of all persons other than the applicant that will be authorized by the applicant to engage in soliciting in the applicant's behalf.
2. Each person filing application for issuance of a permit to solicit in the Village shall present a driver's license or an approved state-issued identification card with a photograph at the time of filing the application.
 3. Fees for this permit will be updated annually in the Schedule of Fees adopted by Village Council.

D. ISSUANCE OF PERMIT.

1. The Village shall issue a permit to the applicant within five working days of filing the application if it is determined that the applicant has complied with the provisions of this chapter and proposes to engage in a lawful commercial or professional enterprise.
2. The approved permit will be a letter on Village of Marvin letterhead signed by Village staff. The applicant, agent or employee must carry a copy of this letter along with an approved state identification card with a photograph at all times while engaged in business. The employee or agent's name must appear on the initial application and will be included on the letter.
3. The permit and identification must be displayed upon demand of any law enforcement officer.

E. DENIAL OR REVOCATION OF PERMIT.

1. Any applicant denied a permit will be mailed a letter within five working days after making application, stating the reason for denial. Denial will be made if it is determined that provisions of this chapter have not been met or the applicant does not propose to engage in a lawful commercial or professional enterprise. Conviction of criminal offenses by the applicant or principals in the business which indicate a propensity for violence, theft, fraud or similar offenses may be cause for denial of a permit.
2. The Village may revoke a permit issued under this chapter when there is a reasonable factual basis that doing so would be in the best interest of the health, safety, welfare or morals of the public. The Village shall mail a letter to the address listed for the applicant on the application notifying them of the reason for revocation

F. TERM OF PERMIT; RENEWAL.

1. A permit shall be issued for the period requested in the application, provided however no permit shall be issued for a period exceeding 12 calendar months. Upon expiration of the permit, the applicant may apply for a renewal of the permit which shall indicate what changes, if any, have occurred since the date the original application was completed. The Village may renew and extend the permit for an additional term not to exceed 12 calendar months.