



TOWN OF GREENVILLE
Application Commercial & Charitable Solicitation's
Town of Greenville Ordinance # 2-17

Application Fee \$ 200.00

Date of application: _____

\$50.00 each additional individual identified on the applicable license form.

COMPANY NAME AND ADDRESS and PHONE NUMBER: _____

THE NAMES & ADDRESS & PHONE NUMBERS OF THE PERSON (S) WHO WILL BE SOLOCITING:

(Photo Id required)

DESCRIPTION OF VEHICLES THAT WILL BE IN THE AREA AND COPY OF REGISTRATION:

Year: _____ Make: _____ Model: _____ Color: _____
Plate#: _____ DL#: _____

LOCATION OF TEMPORARY SALES OR USE:

Date temporary sales will begin: _____ Date temporary sales will end: _____

Times you will be in the Town: _____

(No persons shall solicit sales between the hours of 7:30 P.M., and 9:00 A.M.)

Description of product being sold:

Signature of Applicant: _____

Town Clerk: _____

Date of Approval: ___ or Denied: ___ Amount Paid: _____ Permit #: _____

(All fees nonrefundable)

Chapter 101. Commercial and Charitable Solicitations

§ 101-1. Permit required.

No transient merchant shall solicit sales within the Town of Greenville without a license as set forth herein. No person shall solicit contributions or request anything of value for a purported charitable organization except as set forth herein.

§ 101-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION

Any organization that is described in Section 501(c)(3) of the Internal Revenue Code and exempt from taxation, or a person or organization that purports to be established for a charitable purpose, whether religious, patriotic, philanthropic, benevolent, educational, civic or fraternal.

SOLICITING CONTRIBUTIONS

Requesting, directly or indirectly, a contribution and stating or implying that the contribution will be used for a charitable purpose or benefit a charitable organization.

SOLICITING SALES

Selling or offering for sale goods and services where the sale or offer is either personally solicited or consummated by the seller at the residence of the buyer or at the seller's transient quarters. Persons involved in soliciting such sales shall be considered transient merchants, except for persons involved in soliciting contributions for charitable organizations.

TRANSIENT MERCHANT

Any peddler or solicitor, whether principal, agent or employee, engaged in soliciting sales.

§ 101-3. Exemptions.

Soliciting sales and soliciting contributions shall not include:

- A. Any person delivering newspapers, fuel, dairy products, bakery products or other goods to regular customers on established routes.
- B. Any person selling merchandise at wholesale to dealers in such merchandise.
- C. Local merchants delivering goods in the regular course of business.
- D. Any person selling agricultural goods which the person has grown.
- E. Local service, charitable or educational groups or organizations exempt by resolution of the Town Board.

- F. Any person who has an established place of business where the goods and services being sold are offered for sale on a regular basis and in where the buyer has initiated contact with and specifically requested a home visit.
- G. Any sale required by statute or order of any court or conducted by a bona fide auction.

§ 101-4. License.

Any person desiring to solicit sales or solicit contributions shall apply to the Town Clerk and complete an application/license form provided by the Town Clerk. The form shall include information pertaining to:

- A. The name, address, and identity of the person(s) who will be soliciting;
- B. The name, address and identity of the person or organization on whose behalf such solicitations will be made;
- C. The nature of things intended to be sold or the purpose of the contributions solicited;
- D. The identification and registration of any vehicles to be used; and
- E. The length of time of the solicitation.

§ 101-5. Approval; investigation.

The Town Clerk shall approve or deny the application within seven business days of submittal. The Town Clerk may refer any application to any appropriate law enforcement agency for further investigation and recommendation. The Town Clerk may exercise the discretion to deny a license if the application contains a material omission or materially incorrect statement or complaints of a material nature have been received against the applicant by authorities in other jurisdictions relating to the applicant's fitness to engage in commercial or charitable solicitations.

§ 101-6. Appeals.

In the event of license denial, the Town Clerk shall notify the applicant by certified mail, stating the reasons for denial. The notice shall indicate a time and date for review by the Town Board and the right of the applicant to appear. The Town Board shall hear any person for or against granting the license and shall render a decision to grant or deny a license.

§ 101-7. Revocation.

A license may be revoked by the Town Board if the application contains any material omission or intentionally inaccurate statement; if the licensee has violated the terms of this chapter; or if the licensee was convicted of any crime or violated any other ordinance, statute or rule which is related to the licensee's fitness to solicit sales or contributions. The Town Board shall notify the licensee by personal service or certified mail, stating the reasons for revocation, at least 72 hours prior to the date and time set for a hearing on the revocation by the Town Board.

§ 101-8. Prohibited activities.

- A. No person shall solicit sales or solicit contributions between the hours of 7:00 p.m. and 9:00 a.m.

- B. No person shall misrepresent the purpose of the solicitation, the principal employer or organization on whose behalf the solicitations are made or the disposition of the proceeds of any sale or contribution.
- C. No transient merchant soliciting sales shall enter upon any premises for the purpose of soliciting sales on any residential property posted with an appropriate sign in a conspicuous place stating "No Peddlers" or "No Soliciting" or words to that effect.
- D. No transient merchant shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; offer for sale any unwholesome or tainted food; misrepresent the purpose of his or her principal or employer; the source of supply; or the disposition of the profits of his or her sales.

§ 101-9. Disclosure requirement.

- A. After the initial greeting, any person soliciting sales or soliciting contributions shall disclose his or her name, the name of the business or organization he or she is affiliated with and the identity of the goods and services offered.
- B. Any person soliciting sales or soliciting contributions who takes an order for later delivery or accepts or receives payment or deposit of money in advance of delivery shall provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, the person's name, address and telephone number and the delivery or performance date.

§ 101-10. Fees.

After approval of an application as described above by the Town Clerk and/or Town Board, a permit shall be issued at a cost of \$200 for the first and \$50 for each additional individual identified on the applicable license form.

§ 101-11. Violations and penalties.

Any person who fails to obtain a permit as required by this chapter prior to soliciting sales or contributions, or otherwise violates any provision contained herein, shall be subject to a forfeiture of not less than \$50 nor more than \$500, together with costs of prosecution, including reasonable attorneys' fees. Each day that such violation continues shall be considered a separate offense.