

**SPECIFIC REGULATIONS GOVERNING ITINERANT MERCHANTS.**

2013 FEB 01  
OFFICE OF THE TOWN ENGINEER  
TOWN OF...

(a) *License Required.* No itinerant merchant shall conduct business within the town without first having obtained the appropriate privilege license from the town, at the amount specified in a list of privilege license fees and charges maintained by the town, as such may be amended from time to time. The Privilege License fee and Zoning Permit will be graduated based on the length of time of operation.

(b) *Operation Permit.* Upon receipt of the appropriate privilege license, the itinerant merchant shall then obtain an operation permit. Both the license and the operation permit shall be on the person of the merchant at all times during the period that sales activity is occurring. The permit and license must be displayed or readily available for inspection by Town Staff and Law Enforcement. The operation permit will allow the merchant to retail their merchandise for a period not to exceed 48 hours provided that no sales of merchandise shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. Between the hours of 10:00 p.m. and 7:00 a.m., all merchandise offered for sale shall be removed from the lot or such merchandise shall be stored and properly secured within a fully enclosed structure or vehicle used in conjunction with the operation. At the conclusion of the 48-hour operation permit period all merchandise and any vehicle, stand or other property belonging to the merchant shall be removed from the property. No more than six operation permits shall be issued to the same itinerant merchant nor his agent, consignee or employee during any fiscal year. This fiscal year shall run from July 1 to June 30, which is the period of time for which a privilege license is valid.

(c) *Location, Licensure and Property Owner Approval.* No license shall be issued to any itinerant merchant to engage in the business of selling and/or delivering their wares and merchandise within the town unless the proposed location is to be sited on property zoned for commercial purposes. The applicant for a license and operation permit to conduct business as an itinerant merchant shall provide to the town:

- (1) Proof that any applicable local, state or federal permit or license is held by the applicant, and
- (2) Written authorization from the property owner allowing the use of the property designated as the location as well as the time frame for which such permission is granted.

(d) *Compliance with Zoning Standards.* Itinerant merchant selling articles of merchandise shall locate only in those areas in which there is sufficient room for the merchant's vehicle and the parking of a minimum of three automobiles for potential customers. When located on the lot of an existing business establishment, parking and circulation room for the principal use shall be maintained as required by the Code and such space for the vehicle and customer space shall be calculated exclusive of such areas required to be reserved for the principal use. No vehicle or merchandise shall be parked, stored or displayed or otherwise situated within the minimum front, side, corner side or rear yards required within the zoning district in which the merchant is located.

(e) *Exceptions.* The provisions of this section shall not apply to:  
1. Any person selling at "flea market" or "specialty market" taxed under G.S. 105-53(d).

2. Children under the age of 18 years who are students in a public or secondary school and who are involved in school sanctioned fund raising activities;
3. Churches, civic and non-profit organizations that are tax exempt under the provisions of the Internal Revenue Code;
4. Any other individual, group or class that now qualifies or in the future may qualify as being exempt from the foregoing provisions under the General Statutes of North Carolina.

**DIVISION 2. LEVY**

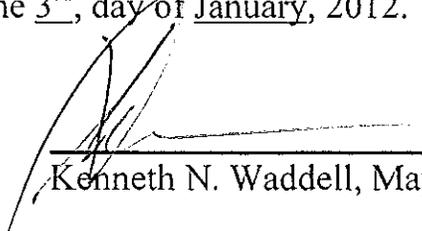
Sec. 18-164. No license to be issued without direction of board.

No license shall be issued by the tax collector, unless directed to do so by the town council, for the following businesses:

- (1) Flea Market (also known as yard or garage sales).
- (2) Beach bingo.
- (3) Carnivals and/or amusement rides.
- (4) Arcades.
- (5) Any motorized recreational riding device whether for use on land or water.
- (6) Public dancehall.
- (7) Any business not fitting an established category contained in this article.

**Certificate of Adoption**

I hereby certify that the foregoing Peddlers, Itinerant Merchants, Yard Sales and Solicitors Ordinance is a true copy of the ordinance passed at the regular meeting of the Town Council, held on the 3<sup>rd</sup>, day of January, 2012.

  
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Kenneth N. Waddell, Mayor

Attest:

  
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Patricia Garrell, Town Clerk