

City of Walterboro

248 Hampton Street

Walterboro, South Carolina, 29488-3525

Telephone:
(843) 549-2548

Fax:
(843) 549-7725

APPLICATION FOR PEDDLERS PERMIT

NAME: _____ DATE: _____

DESCRIPTION: _____

(HEIGHT / WEIGHT / HAIR COLOR / GENDER)

2" X 2" PHOTOGRAPH WITHIN LAST 60 DAYS REQ.

PERMANENT HOME ADDRESS: _____

FULL LOCAL ADDRESS: _____

BRIEF DESCRIPTION OF THE NATURE OF THE BUSINESS AND
THE GOODS TO BE SOLD: _____

NAME & ADDRESS OF EMPLOYER WITH CREDENTIALS (IF NOT
SELF EMPLOYED): _____

REQUESTED PERMIT DATES: _____

PLACE WHERE GOODS TO BE SOLD ARE MANUFACTURED/
PRODUCED: _____

WHERE ARE GOODS LOCATED NOW AND PROPOSED METHOD OF
DELIVERY: _____

HAVE YOU BEEN CONVICTED OF ANY CRIME OR MISDEMEANOR OR VIOLATION OF ANY MUNICIPAL ORDINANCE. IF SO, THE NATURE AND THE PUNISHMENT OR PENALTY ASSESSED.

WILL YOU DEMAND, ACCEPT OR RECEIVE PAYMENT OR A DEPOSIT OF MONEY IN ADVANCE OF FINAL DELIVERY? _____

LIST THE LAST FIVE MUNICIPALITIES WORKED BEFORE COMING TO WALTERBORO:

1. _____
2. _____
3. _____
4. _____
5. _____

THE CITY RESERVES THE RIGHT TO REQUEST SUCH OTHER RELEVANT INFORMATION AS MAY BE REQUIRED FOR THE INVESTIGATION OF THE APPLICANT.

DIVISION 1. GENERALLY

INITIAL AT THE BEGINNING OF EACH SECTION TO CONFIRM THAT YOU READ AND UNDERSTAND.

_____ **Sec. 13-101. Solicitation of occupants of vehicles.**
Initial

No solicitation shall be permitted of any occupants of vehicles being operated on any public right-of-way, while such vehicles are either moving, standing or parked.

_____ **Sec. 13-102. Records of retailers.**
Initial

A transient business or temporary business shall keep records in accordance with S.C. Code 1976, § 40-41-710. (ATTACHED)

DIVISION 2. PEDDLERS*

*State law references: County Licensing of Peddlers, S.C. Code 1976, §40-41-10 et seq.

Subdivision I. In General

Sec. 13-110. Definitions.

_____ Initial

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any individual, whether a resident of the city or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, selling, taking or attempting to take orders for the sale of goods, wares and merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. Any business operating within the city with one or more salespersons or one or more motor vehicles or other type of conveyance shall acquire a permit for each salesperson. This definition provides for such activity on either a short-term or long-term basis within the city and applies to any such mobile sales of goods or services, whether or not operated out of a permanent business location in the city.

Sec. 13-111. Exemption for charitable, educational or religious organizations.

_____ Initial

The provisions of this division shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations.

Sec. 13-112. Entering posted premises.

_____ Initial

It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

Sec. 13-113. Refusing to leave premises.

_____ Initial

Any peddler who enters upon premises owned, leased or rented by another and who refuses to leave such premises after having been notified by the owner or occupant thereof, or his agent, to leave the premises and not return shall be deemed guilty of a misdemeanor.

Sec. 13-114. Misrepresentation regarding goods or services.

_____ Initial

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the goods, wares, merchandise or services.

Sec. 13-115. Hours of operation.

Initial

It shall be unlawful for any peddler to engage in the business of peddling within the city between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

Sec. 138-116. Mobile vendors.

Initial

- (a) This section shall apply to permits issued to vend from any vehicle on public rights-of-way within the city. Such vendors must remain mobile and not violate the intent of the zoning regulations by remaining for extended periods of time at one location or in one neighborhood.
- (b) Such permitted vendors shall be subject to the following regulations:

(1) No vendor shall remain stationary on a public street or right-of-way more than thirty (30) minutes in any one location conducting business. After that time such vendor must move at least one block or five hundred (500) feet, whichever is greater, and shall not return to the same block or location within the next six-hour period. No location shall be used more than twice in any one day.

(2) Each vendor must maintain a litter receptacle available for patrons' use. Excessive litter caused by product packaging may result in revocation of this permit.

(3) The permittee must provide to the city, **AT TIME OF APPLICATION FOR A PERMIT, proof of public liability insurance** in the currently required amount as set by the city manager. Failure to maintain this insurance will result in immediate revocation of the permit.

(4) No such vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products. A bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location.

(5) Such unit must be self-contained and not utilize any outside power source.

Subdivision II. Permit

Sec. 13-120. Required.

Initial

It shall be unlawful for any person to engage in business as a peddler within the city without first obtaining a permit to do so.

Sec. 13-121. Contents of application.

Initial

Applicants for a permit under this subdivision shall file with the city finance director a sworn application in writing, in duplicate, on a form to be furnished by the city finance director, which shall give the

information on the first page of this application. Such other relevant information as may be required for the investigation of the applicant.

Sec. 13-122. Presentation of driver's license.

Initial

At the time of filing his application for a permit required by this subdivision, the applicant shall present to the city finance director or his designee his driver's license, if he has one, or if he does not have one, a State issued picture identification card, or if he has neither, another form of picture identification deemed acceptable by the city finance director.

Sec. 13-123. Application fee.

Initial

At the time of filing an application for a permit required by this subdivision, a fee as fixed from time to time by the council shall be paid to the city finance director to cover the cost of investigating the facts stated therein.

Sec. 13-124. Submitting false information.

Initial

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this subdivision.

Sec. 13-125. Fingerprinting of applicant.

Initial

At the time of making application for a permit required by this subdivision, the applicant shall submit to fingerprinting by the Chief of Police or his designee.

Sec. 13-126. Permit fee.

Initial

Before any permit shall be issued under the provisions of this subdivision, the applicant therefore shall pay a fee, based upon the duration he desires to engage in business in the city, in accordance with a schedule as fixed from time to time by the council.

Sec. 13-127. Bond.

Initial

- (a) Every applicant for a permit under this subdivision shall file with the city a surety bond running to the city in the currently required amount, with surety acceptable to and approved by the city finance director, conditioned that the applicant shall comply fully with all the applicable provisions of this Code, the ordinances of the city and state laws regulating and concerning the business of peddling and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the peddler, and further guaranteeing to any citizen of the city doing business with such peddler that the property purchased will be delivered according to the representations of such peddler. Action on such bond may be brought in the name of the city to the use or benefit of any aggrieved person(s).
- (b) If the applicant is an agent, employee, canvasser or solicitor of a corporation authorized to do business in this state or registered under the Fictitious Name Act of the state, such

corporation or fictitiously named business may furnish one bond in the currently required amount for any and all of its agents, employees, canvassers or solicitors.

Sec. 13-128. Investigation of applicant.

Initial

Upon receipt of an application for a permit required by this subdivision, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The chief of police shall complete his investigation within one week of receiving the application.

Sec. 13-129. Denial.

Initial

If, as a result of investigation, the character or business responsibility of the applicant for a permit under this subdivision is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and his reasons for disapproval, and return the application to the city finance director, who shall notify the applicant that his application is disapproved and that no permit shall be issued.

Sec. 13-130. Issuance.

Initial

If, as a result of investigation, the character and business responsibility of the applicant for a permit under this subdivision are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for, and return the permit along with the application to the city finance director, who shall, upon payment of the required fee, deliver the permit to the applicant. No permit shall be issued until the expiration of **sixty (60) days** from the written application for the permit is submitted.

Sec. 13-131. Contents.

Initial

Each permit issued under this subdivision shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold there under, the amount of fee paid, the date of issuance, and the length of time the permit shall be operative, as well as the permit number and other identifying description of any vehicle used in such business.

Sec. 13-132. Records.

Initial

The city finance director shall keep a permanent record of all permits issued under this subdivision.

Sec. 13-133. Display.

Initial

Every peddler having a permit issued under the provisions of this subdivision and doing business within the city shall display his permit upon the request of any person, and failure to do so shall be deemed a misdemeanor.

Sec. 13-134. Term.

_____ Initial

Every permit issued under the provisions of this subdivision shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of twelve (12) months.

Sec. 13-135. Revocation.

_____ Initial

Any permit issued under the provisions of this subdivision may be revoked by the city manager for the violation by the permittee of any applicable provision of this Code, state or federal law, or city ordinance, rule or regulation.

Sec. 13-140. Violations.

_____ Initial

Any violation of the terms and limits set out in the sworn application which the peddler fills out shall be a misdemeanor. Violations shall include, but not be limited to, operating in places other than those stated on the application, operation on private property without written permission from the appropriate party, operation beyond the time limits stated in such written application, and operation on any public right-of-way.

The following fee schedule has been adopted in addition to the required business license fee:

\$150.00 PER 7 DAY PERIOD OR ANY PART THEREOF
(EXAMPLE: 9 DAY PERIOD FEE \$300.00 / 15 DAY PERIOD FEE \$450.00)

By my signature, I acknowledge that I have read, understand and certify that the above information is correct and I agree to pay all applicable fees to the City Finance Department in accordance Chapter 13 of Code of Ordinances.

Applicant Signature

*****OFFICIAL USE ONLY*****

Application approved Application Revoked Date: _____

Chief of Police: _____

Application approved Application Revoked Date: _____

Finance Director: _____