

City of Walterboro

248 Hampton Street

Walterboro, South Carolina, 29488-3525

Telephone:
(843) 549-2548

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APPLICATION FOR TRANSIENT MERCHANTS PERMIT

DATE: _____

NAME OF MANAGEMENT OR SUPERVISOR DURING THE TIME OF OPERATION: _____

DESCRIPTION: _____
(HEIGHT / WEIGHT / HAIR COLOR / GENDER)
2" X 2" PHOTOGRAPH WITHIN LAST 60 DAYS REQ.

PERMANENT HOME ADDRESS: _____

FULL LOCAL ADDRESS: _____

THE CAPACITY IN WHICH SUCH PERSON WILL ACT (THAT IS, WHETHER AS PROPRIETOR, AGENT OR OTHERWISE):

NAME AND ADDRESS OF THE PERSON FOR WHOSE ACCOUNT THE BUSINESS WILL BE CARRIED ON: _____

PLACE IN CITY WHERE THE APPLICANT PROPOSES TO CARRY ON BUSINESS:

(This must be within the industrial zone of the City which includes an area bounded by Sanders Street, S. Memorial, Moore Street and S. Jefferies. For your convenience, a map is attached.)

TIME LENGTH REQUESTED FOR CONDUCTING BUSINESS:

(THE TIME LENGTH SHALL NOT INCLUDE THE HOURS FROM ONE-HALF HOUR BEFORE SUNSET UNTIL 09:00AM)

BRIEF DESCRIPTION OF THE NATURE, CHARACTER AND QUALITY OF THE GOODS TO BE SOLD OR OFFERED FOR SALE: _____

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.

YOU MUST HAVE WRITTEN PERMISSION FROM THE MANAGER, SUPERVISOR, OWNER OR OTHER APPROPRIATE OFFICER OR AGENT OF ANY PLACE OF BUSINESS OR PRIVATE PROPERTY ON WHICH THE TRANSIENT MERCHANT ANTICIPATES DOING BUSINESS. THE WRITTEN PERMISSION FROM SUCH OFFICER OR AGENT SHALL SPELL OUT THE TIMES AND LOCATION OF SUCH PERMITTED ACTIVITY

SUCH OTHER RELEVANT INFORMATION AS MAY BE REQUIRED FOR THE INVESTIGATION OF THE APPLICANT.

NO PERMIT SHALL BE ISSUED UNTIL THE EXPIRATION OF **SIXTY (60) DAYS** FROM THE WRITTEN APPLICATION FOR THE PERMIT IS SUBMITTED.

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

Sec. 13-150. 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:

Transient merchant means any person who sells or purchases goods, wares, merchandise, or anything of value, and who for himself or as an agent for another, rents, erects, purchases, uses or occupies any room, building or other structure or place, including but not limited to parking lots, shopping centers, sidewalks or any other public area, for the purpose of purchasing, selling or offering for sale anything of

value at such location without the intention of establishing a permanent business thereat.

Sec. 13-151. Permit required; fee; exceptions.

Initial

- (a) Each transient merchant shall obtain a city transient merchant's permit prior to offering goods, wares, merchandise or anything of value for sale. The fee for the permit shall be fixed from time to time by the city council and is set forth in the fee schedule in adopted by council.
- (b) It is unlawful for any person to engage in any activity described in 13-151 (a) herein in any area of the City not zoned Industrial.
- (c) The provisions of this section shall not apply to:
 - (1) Solicitations, sales or distributions by charitable, educational or religious organizations and other eleemosynary organizations exempt from federal income tax under Internal Revenue Code section 501(c), or persons representing such organizations. Nor shall it apply to vendors associated with the Rice Festival, Farmers Market, or any other festival or event sanctioned by the City; provided however, that the organization in charge of said event approves the vendor.
 - (2) Solicitations, sales or distribution of produce grown or prepared by the person displaying them, provided such person certifies to and agrees that his tax records may be audited to verify the certification.

Sec. 13-153. Violations.

Initial

Any violation of the terms and limits set out in the sworn application which the transient merchant 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.

DENIAL, REVOCATION, HEARING AND APPEALS

Sec. 13-180 Notice of denial or revocation; hearing; appeals.

Initial

- (a) Notice. Where grounds exist to deny or revoke a permit under this article, the city financial officer shall provide written notice to the permittee or applicant setting forth the grounds, revoking the permit or denying the application effective 45 days from the date of the notice, and advising the permittee or applicant of appeal procedures.
- (b) Hearing. The applicant or permittee may, within five working days from the date of the notice, request a hearing to contest the grounds or request an extension of time to cease the permitted activity. The hearing shall be held within 15 days unless

additional time is allowed by the city manager. The hearing officer shall be a city judge or supervisory employee designated by the city manager. The permittee or applicant may be represented by an attorney and may present witnesses, affidavits and any relevant documentary evidence. The permittee or applicant may view and copy any documentary evidence prior to the hearing. Formal rules of evidence shall not apply. The hearing officer shall prepare a summarized report of the hearing, to include his findings and recommendations, which shall be submitted to the city manager, who shall take final administrative action, notifying the permittee or applicant in writing. Unless extended in writing by the city manager, any revocation is effective 45 days from the date of the original notice to the or permittee.

- (c) Appeals. An appeal, which shall not stay the revocation, may be taken upon the written record to the city council. Notice of such appeal shall be served upon the city clerk within five days from the final action by the city manager, specifying the grounds for the appeal and the action requested. The record shall consist of the report of the hearing officer, any documentary evidence presented at the hearing, and the written appeal. The council may, in its discretion, hear oral arguments on the appeal.

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

\$250 FOR THE FIRST \$2,000 IN SALES AND \$3.30/\$1,000 OVER THE FIRST \$2,000 IN SALES

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 fee the 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: _____