

CHAPTER 15

SOLICITORS AND CANVASSERS¹

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Sec. 15-1 "Canvasser" or "Solicitor" Defined

A canvasser or solicitor is defined as:

(a) Any person, firm or corporation, whether resident of the Town or not, traveling either 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, taking or attempting to take orders for sale of goods, wares and merchandise, 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; provided, that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel or motel room, lodging house, apartment, shop, or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

(b) Any person, firm, or corporation who requests directly or indirectly money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable or religious purpose. (Amend. 6-16-75)

¹As to licensing of itinerant merchandise vendors, see § 8-30 of this Code. As to licensing of peddlers generally, see § 8-33.

Sec. 15-2 Permit and License -- Required; Exceptions

It shall be unlawful for any solicitor or canvasser to engage in such business within the Town without first obtaining a permit and license therefor in compliance with the provisions of this Chapter; provided, that the provisions of this Chapter shall not apply to unpaid agents or members of a nonprofit organization engaged in such activities for the purpose of raising money to be used solely for charitable, community service, nonprofit recreational or religious purposes, consistent with the organization's charter or organizational purpose and organizations exempted by Section 57-63 of the Code of Virginia 1950 as amended. (9-14-92)

Exemption as herein provided may be granted by the Town Manager or his designate upon receipt of written request setting forth the use to which proceeds so derived will be applied, together with such proof as may be required of the nonprofit status of the organization so applying. (Code 1962, 16-1; 7-1-66; 9-66)

Sec. 15-3 Same -- Application; Investigation Fee

(a) Applicants for permit and license under this Chapter shall file with the Director of Finance a sworn application in writing, in duplicate, on a form to be furnished by the Director of Finance which shall give the following information: (Amend. 4-4-94)

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery.
- (7) Two photographs of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which pictures shall be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business respectability; or, in lieu of the names of references, such other available evidence

as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(b) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the Director of Finance to cover the cost of investigation of the facts stated therein.

(Code 1962, 16-3; 7-1-66; 4-4-94)

Sec. 15-4 Same -- Investigation of Applicant; Issuance; Records to be Kept by Director of Finance. (Amend. 4-4-94)

(a) Upon receipt of an application, 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; provided, that a decision shall be made in no more than fifteen (15) days.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the application to the Director of Finance who shall within seven (7) additional days notify the applicant in writing that his application is disapproved and that no permit and license will be issued. (Amend. 4-4-94)

(c) If, as a result of such investigation, the character and business responsibility of the applicant 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 Director of Finance who shall, within seven (7) additional days, and upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Director shall keep a permanent record of all licenses issued. (Code 1962, 16-4; 7-1-66; 4-4-94)

Sec. 15-5 Same -- Fees

(a) The license fee which shall be charged by the Director of Finance for a license under this Chapter shall be three dollars (\$3.00) per day, seven dollars (\$7.00) per week, twelve dollars (\$12.00) per month and twenty-five dollars (\$25.00) per year. (Amend. 4-4-94)

(b) The annual fees herein provided shall be assessed on a calendar year basis and on or after July 1, the amount of such fee for annual license shall be one-half (1/2) the amount stipulated above for the remainder of the year.

(c) None of the license fees provided for by this Chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Town Manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Town Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Town Manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this Chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix, as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory; or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Town Manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) of this section. Should the Town Manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the Town or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in this section. (Code 1962, 16-5; 7-1-66)

Sec. 15-6 Same -- Exhibition

Solicitors and canvassers are required to exhibit their licenses at the request of any citizen. (Code 1962, 16-8; 7-1-66)

Sec. 15-7 Same -- Expiration Date

All annual licenses issued under the provisions of this Chapter shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license. (Code 1962, 16-13; 7-1-66)

Sec. 15-8 Same -- Revocation

(a) Permits and licenses issued under the provisions of this Chapter may be revoked by the Town Manager after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser.
- (3) Any violation of this Chapter.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (Code 1962, 16-11; 7-1-66)

Sec. 15-9 Bond

Every applicant shall file with the Director of Finance a surety bond, running to the Town in the amount of one thousand dollars (\$1,000) with surety acceptable to and approved by the Town Manager, conditioned that the applicant shall comply fully with all the provisions of this Code or other ordinances of the Town and the statutes of the state regulating and concerning the business of the solicitor. (Code 1962, 16-6; 7-1-66; 6-68; 4-4-94)

Sec. 15-10 Badges

The Director of Finance shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous. (Code 1962, 16-7; 7-1-66; 4-4-94)

Sec. 15-11 Business Hours

The time during which solicitors and canvassers may engage in business within the Town shall be limited to the hours of 9:00 a.m. and 9:00 p.m. during the days of Monday through Saturday inclusive. (Code 1962, 16-8; 7-1-66; 8-68)

Sec. 15-12 Duty of Police to Enforce Chapter

It shall be the duty of any police officer of the Town to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this Chapter against any person found to be violating the same. (Code 1962, 16-9; 7-1-66)

Sec. 15-13 Reports of Violations of Chapter

The Chief of Police shall report to the Director of Finance all convictions for violation of this Chapter and the Director of Finance shall maintain a record for each license issued and record the reports of violation therein. (Code 1962, 16-10; 7-1-66; 4-4-94)

Sec. 15-14 Appeals from Actions of Chief of Police or Director of Finance

Any person aggrieved by the action of the Chief of Police or the Director of Finance in the denial of a permit or license as provided in 15-4, or the action of the Town Manager in the assessing of the fee as provided in 15-5 shall have the right of appeal to the Town Council. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in 15-8 for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive. (Code 1962, 16-12; 7-1-66; 4-4-94)