

Ordinance #2015 –O-06

Peddlers and Solicitors

Section 1 - Definition.

The following words, terms and phrases, when used in this chapter, 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 this town or not, traveling by foot, wagon, automobile, truck, or any other type of conveyance, from place to place, from house to house, or from street to street, or in a generally fixed location on public property, for the sale of, as well as the selling, offering for sale or exchange for a donation, or 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 at that time or in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sale. An individual's classification as a peddler under this definition shall be unaffected by the fact that the individual also, for himself or herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, office or any other place within this town for the purpose of exhibiting samples and taking orders for future delivery. The term "peddler" shall include the terms "canvasser," "solicitor," "transient or itinerant merchant or vendor" and "transient or itinerant photographer." Peddler shall not include wholesale sales representatives dealing with retail businesses within the town.

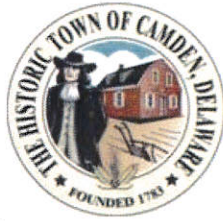
Public property means any parcel of land or any street, sidewalk, alley, or right-of-way owned or controlled by the Town of Camden.

Roadway means any public street that has two or more main travel lanes or a speed limit of 25 miles per hour or greater.

Section 2 - Registration required.

All peddlers shall register with the Town of Camden before engaging in any activities described in section 2 Exemptions. Such registration shall be made at least 24 hours, excluding weekends and holidays, prior to the date a peddler seeks to begin conducting activities described in section 1 definitions.

- (1) *Information required.* Every person desiring to act as a peddler as defined in this chapter shall first register, under oath or affirmation, with the Town of Camden. Upon such application, such person shall provide the following:
 - a. The applicant's name, age, and address;



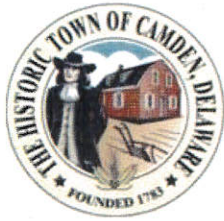
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- b. A copy of a government-issued photo I.D.;
 - c. A passport compliant photograph;
 - d. A state and federal criminal background check conducted by the State Bureau of Identification. The applicant shall not have any convictions of a felony or misdemeanor within five years preceding the date of the application and the nature of the offense or violation (excluding traffic offenses). Chief of Camden Police Department or the Town of Camden Town Manager may waive the background requirement upon written request;
 - e. The name and address of the person for whom the applicant works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any;
 - f. The type or types of article, device, subscription, contribution, service or contract which he/she desires to sell or for which he/she wishes to solicit within the town;
 - g. A description of the vehicle the applicant uses, if any, its registration number, and the state of registration;
 - h. The name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company or is associated with a corporation or company;
 - i. A statement as to whether or not the applicant has had a civil judgment for fraud, deceit, or misrepresentation entered against him or her within five years preceding the date of the application.

Where an individual makes application for himself or herself and one or more additional individuals, all applicable personal information specified above shall be included for each prospective peddler who will be operating under the license. Only one license shall be issued per application, but separate identification badges shall be issued for each peddler. No license or identification badge issued under this chapter shall be transferable from one individual to another. No individual shall be permitted to operate as a peddler without a valid identification badge that has been issued pursuant to a valid license.

- (2) *Issuance of license.* Upon registering with the town, the town shall have 24 hours, excluding weekends and holidays, to determine whether to issue a license. The town may refuse to issue a license and/or an identification badge for a specific applicant for the following reasons:



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- a. An applicant provided false information in the application;
 - b. An applicant or any prospective peddler under the applicant's license has been convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, burglary, theft, or any violent acts against person or property, within five years preceding the application date; or
 - c. A civil judgment for fraud, deceit, or misrepresentation was entered against the applicant or any prospective peddler under the applicant's license within five years preceding the date of application.
- (3) *License duration and content.* Each peddler operating under a license issued by the town shall be permitted to peddle within the town for the licensed period beginning on the date such license is issued. Such license shall not be transferable. Each license shall expire December 31 at 11:59 p.m. of the year in which it was issued, with the exception that any license issued in the month of December shall expire December 31 at 11:59 p.m. of the year following the year in which the license was issued. Each license issued shall contain the following: The permit number, the fee paid, the issue date, the expiration date, and the name, signature, and employer of each peddler who will be operating under the license.
- (4) *Identification badge content.* Each peddler listed on a license shall be issued an identification badge, issued in card form, and containing the following information: The peddler license number, and the peddler's name, age, weight, address, employer, and signature.
- (5) *Display of identification badge.* Every solicitor or peddler shall, at all times while engaged in peddling in the town, shall wear a town-issued identification badge over the outer most garments which is clearly visible for all police officers, town officials, and citizens.
- (6) *Fees.* No license shall be issued under this chapter except upon payment of a fee of \$55.00, and the full fee shall be required irrespective of when during the year a license is issued.
- a. The fees of this chapter shall not apply to the following:
 - i. Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
 - ii. Solicitations, sales, or distributions made by a charitable organization recognized as tax exempt under the Internal Revenue Code, a religious



organization recognized as such under the laws of the State of Delaware, or an organization authorized by any school within the Caesar Rodney School District;

- iii. Individuals under 14 years of age.

Section 3 - Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private property when such property is included in the town's "no solicitation registry" or has a sign posted stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.

Section 4 - Refusing to leave premises.

Any peddler who enters upon premises owned, leased, or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises will be subject to arrest for Criminal Trespass in the Third Degree (11/821 Delaware Code).

Section 5 - False or fraudulent statements.

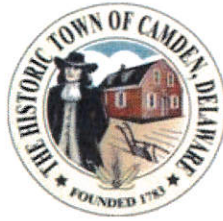
It shall be unlawful for any peddler to make false or fraudulent statements concerning the goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Section 6 - Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the town between the hours of 7:00 p.m. and 9:00 a.m., except by specific appointment with or invitation from the prospective customer.

Section 7 - Peddling restrictions.

- (1) *Prohibited areas.* No peddler shall solicit or do business of any nature whatsoever in the following areas:
- a. Public property in any commercial zone of the town as defined and described in the zoning ordinance to this Code pertaining to zoning and the zoning map of the town;
 - b. Any location on private property except at the property's primary entrance.
 - c. Private property located in any commercial zone as defined in this section without obtaining prior written approval of the private property owner; and



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- d. Within 200 feet of any church or place of worship, or any place occupied exclusively as a public or private school or for school purposes.
 - e. Any address listed on the Town of Camden No Solicitation Registry.

(2) *Prohibited activities.*

- a. No peddler shall permit his/her cart, wagon or vehicle to stand on any public highway within 200 feet of any church or place of worship, or any place occupied exclusively as a public or private school or for school purposes.
- b. It shall be unlawful for a person to stand or sit in a roadway, roadway median, or the shoulder of a roadway anywhere within the town to solicit money, or to distribute any material to the occupant of any motor vehicle.

Section 8 - Records; supervision of license holders.

The code official shall keep a record of all registrations made under this chapter, and the code official shall supervise the activities of all peddlers included in such licenses.

Section 9 - Revocation of license; hearing.

- (1) *Revocation of license.* Any license issued hereunder may be revoked by the code enforcement officer upon the failure of any peddler operating under the license to comply with the standards of conduct established herein or upon ascertainment that any peddler operating under the license has made any false statements in the application for the license hereunder or upon any peddler operating under the license being arrested and convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, burglary, theft, or any violent acts against persons or property after being issued a license or having a civil judgment for fraud, deceit, or misrepresentation entered against any peddler operating under the license. If a license is revoked, all peddlers operating under the license shall be prohibited from peddling in the town.
- (2) *Hearing.* Any person who was denied a license or whose license has been revoked shall be entitled to appear, with counsel if desired, before the town council at a regular or special meeting and be heard on behalf of a request for issuance or reinstatement of said license.

Section 10 - No solicitation registry.

- (1) Any resident or business of the town may place his/her/its address on the town's "no solicitation registry" by completing a form provided by the town.



- (2) The "no solicitation registry" will be provided to peddlers upon their receiving a license. Peddler is required to check the most up to date list posted on the Town of Camden website daily.

Section 11 - Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a criminal violation and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$100.00 for the first offense. For each subsequent offense within 1 year, the person shall be fined not less than \$50.00 nor more than \$500.00.

HEREBY, BE IT SO ORDAINED, by the Mayor and the majority of Town Council Members present at the regular session of the Camden Town Council, to be effective upon signing.

ENACTED AND ORDAINED THIS 2nd DAY OF NOVEMBER, 2015.

APPROVED AS TO FORM:



Town Solicitor



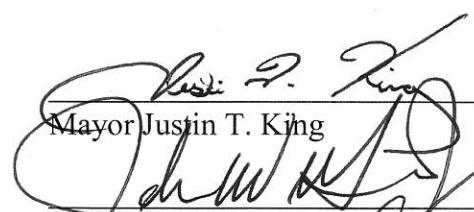
Town Manager (Attest)

October 5th, 2015
First Reading Date

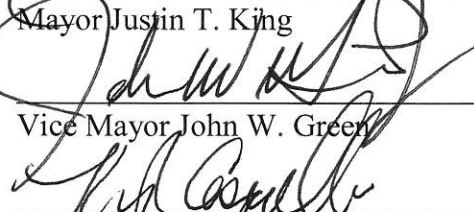
November 2nd, 2015
Second Reading Date

November 2nd, 2015
Public Hearing Date

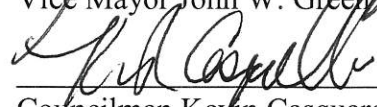
November 2nd, 2015
Adoption Date



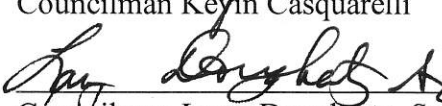
Mayor Justin T. King



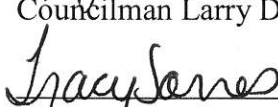
Vice Mayor John W. Green



Councilman Keyin Casquarelli



Councilman Larry Dougherty, Sr.



Councilwoman Tracy Torres