

CHAPTER 14 SOLICITORS AND CANVASSERS

Section 14-1. License required:

It shall be unlawful for a solicitor or canvasser, as defined in Section 14-2, to engage in such business within the town without first obtaining a permit and license therefore in compliance with the provisions of this chapter.

Section 14-2. Definitions.

A canvasser or solicitor is defined as any individual traveling either by foot, wagon, automobile truck or 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, merchandise or personal property of any nature whatsoever for future deliver, or services to be furnished, and 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 for such sales or for not; provided that such definition shall include any person who, for himself or for another person, firm or corporation hires, leases, uses, or occupies any building, structure, hotel room, lodging house, apartment shop or other place within the town for the sole purpose of exhibiting the samples and taking orders for future delivery.

Section 14-3. Charitable solicitation exempt.

Any church or convention or association of churches primarily operate for non-secular purposes and no part of the net income of which inures to the direct benefit of any individual and every charitable and civic organization which is required to register and has registered with the commissioner of agriculture and consumer services under the provisions of Section 57-48, of the Code of Virginia (1950), as amended, as those provisions now read or may hereafter be amended to read, and those persons who are exempted from said registration requirements of the foregoing provisions by virtue of Section 57-60 of the Code of Virginia, as that section now reads or may hereafter be amended to read, are hereby exempted from the licensing and identification requirements of this chapter.

Section 14-4. Application, form, fee.

Applicants for permit and license under this chapter must file with the town clerk a sworn application in writing, in duplicate, on a form to be furnished by the town clerk which shall give the following information:

- (a) Name and description of the applicant;
- (b) Permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with the information establishing the exact relationship;
- (e) The length of time for which the right to do business is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, is manufactured or produced, where such good or products are located at the time said application is filed, and the proposed method of delivery;
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the

filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner, and;

- (h) 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 punishment or penalty assessed therefore.

At the time of filing the application, an application fee of twenty dollars (\$20.00) shall be paid to the town treasurer to cover the cost of processing the application and of the investigation of the facts stated therein.

Section 14-5. Investigation of applicant.

Upon receipt of such application, the original shall be referred to the town council, who shall cause such investigation of the applicant's business and character to be made. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the town council shall endorse upon such application its disapproval and its reasons for the same and return said application to the town treasurer, who shall notify the applicant that his application has been disapproved and that no license will be issued. If as a result of such investigation, the character and business responsibly of the applicant are found to be satisfactory, the town council, who shall, upon the payment of the prescribed to the town treasurer, who shall, upon the payment of the prescribed license fee, shall endorse upon such application its approval and return the application to the town treasurer. Such license shall show the name, address and photograph of said licensee, the kind of goods to be sold there under, the date of issuance and the length of time the same shall be operative, as well as the license number and any other identifying description of any vehicle used in such soliciting or canvassing.

Section 14-6. License fee, term.

The license fee which shall be charge for the license shall be thirty (\$30.00) per year. Such license shall expire on April 30th of the year in which issued. Thereafter, the license shall be issued on a calendar year basis. There shall be no abatement of the license fee by reason of the fact that the licensee shall have exercised the privilege for any period of less than for which was granted.

Section 14-7. Issuance of badge.

The town clerk 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. 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.

Section 14-8. Exhibition of license.

Solicitor and canvassers are required to exhibit their license at the request of any citizen.

Section 14-9. Cause for revocation of license; hearing notice.

License issued under the provisions of this chapter may be revoked by the town council after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation or false statement contain in the application for license;
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser;
- (c) Any violation of this chapter;

- (d) Conviction of any crime or misdemeanor involving moral turpitude; or
- (e) Conducting the business of soliciting or 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.

Notice of hearing for the 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 to the licensee at his last known address at least five (5) days prior to the date of hearing.

Section 14-10. Report, record of violations.

The town police shall report to the town council all convictions for violation of this chapter and the town clerk shall maintain a record for each license issued and record the report of violation therein.

Section 14-11. Right of appeal of denial or revocation.

Any person aggrieved by the action of the town clerk in the denial of license as provided in Section 14-4 or the action of the town council in revoking a license as provided in Section 14-9 shall have the right to appeal to the town council. Such appeal shall be taken by filing with the clerk or council, within fourteen (14) days after notice of the action complained of has been mailed to each person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set the time and place for the hearing of such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 14-9 for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

Section 14-12. Hours of solicitation.

No person shall canvass or solicit within the corporate limits of the town between the hours of 9:00 p.m. and 9:00 a.m.

Section 14-12. Hours of solicitation.

The violation of this provisions of this chapter shall be a misdemeanor. Each day a person solicits or canvasses without a license as required by this chapter shall be a separate violation.