



101 W. First Street
Lowell, North Carolina 28098

Phone: 704-824-3518
www.lowellnc.com

TO: SOLICITATION PERMIT APPLICANT

RE: REQUIRED PERMIT TO SOLICIT WITHIN LOWELL CITY LIMITS

The City of Lowell regulates most forms of solicitation. The City of Lowell Code of Ordinances Title XI. Business Regulations, Chapter 115 regulates same. A copy of that Ordinance is attached to this letter. Prior to soliciting within the City of Lowell, a bond must be executed in favor of the City and a permit is required to be issued by the City Clerk.

In addition to the attached ordinance, you will find an application attached for a Solicitation Permit. Please complete the application in full and submit same to the Lowell City Hall, Attention: City Clerk, 101 W. First Street, Lowell, NC 28098. Email purposes: cramsey@lowellnc.com

The City's Code Enforcement Officer and Chief of Police will be assigned to investigate the validity of the application. Once the investigation has been completed, the City Clerk will determine if the requirements of the Ordinance have been met and if so, will issue the permit to operate. You will be contacted about your permit within fourteen (14) business days of application submittal. The \$25 solicitation permit fee must be paid at the time of submission of the application and supporting documents to the City Clerk.

If you should have questions concerning the application process, please contact the City Clerk at 704-824-3518 (option 1).

Cheryl Ramsey
City Clerk | Human Resource Officer

ADDITION TO:

TITLE XI: BUSINESS REGULATIONS

NEW CHAPTER:

CHAPTER 115: SOLICITORS, PEDDLERS, AND ITINERANT MERCHANTS

Section

115:01	Purpose
115:02	Definitions
115:03	Exemptions from provisions of this chapter
115: 04	Permit required
115:05	Application for permit
115:06	False statements prohibited
115:07	Bond required
115:08	Approval or denial of permit; term; renewal
115:09	Revocation of permit
115:10	Appeal
115:11	Transferability; duplicates of permits
115:12	Not to be represented as endorsement by city
115:13	Street solicitation prohibited
115:99	Penalty

§ 115:01 PURPOSE.

The purpose of this chapter is to prohibit solicitation, peddlers, and itinerant merchants at residences during the times when such activity is most intrusive and disruptive to citizens' privacy; to regulate the locations in which solicitation and peddling activity may occur to promote safety and minimize congestion; to regulate the manner in which any solicitation and peddling activity may occur to promote good order, protect citizens from aggressive and intimidating practices; and to require solicitors, peddlers, and itinerant merchants to obtain a permit from the city to aid in crime detection and deter deceptive practices and fraud.

§ 115:02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person assigned to administer the code of ordinances for the city.

AGENT(S). Any person carrying on the business for which a permit is sought or issued.

APPLICANT. The person applying for a permit.

COUNCIL. The City Council for the City of Lowell.

CITY CLERK. The City Clerk for the City of Lowell or his or her designee.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer for the City of Lowell or his or her designee.

CHIEF OF POLICE. The Chief of Police for the City of Lowell or his or her designee.

ITINERANT MERCHANTS. A merchant, other than a merchant with an established store, regularly open to the public or a licensed merchant with a regularly serviced supply route or location, who transports an inventory of new merchandise to a building, vacant lot, or other location and who, at that location, displays, sells, or offers to sell the new merchandise to the public.

PEDDLERS. Any person who transports goods from place to place and sells or offers for sale such goods, or who without traveling from place to place, sells or offers for sale any goods from any vehicle or device. Further, any person who separates the act of sale and delivery for the purpose of evading the provisions of this chapter shall be deemed, a peddler.

PERMIT. A certificate signed by the City Clerk and issued to any person giving notice that the person has complied with the permitting provisions of this chapter.

PERMITTEE. The person to whom a permit is issued.

PERSON. Any individual, promoter, agent, firm, association, partnership, corporation, joint venture, limited liability company or combination of individuals.

PROMOTER. Any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation.

SOLICIT.

(1) The request directly or indirectly of 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, patriotic, educational or philanthropic purpose, in any office or business building, by house-to-house canvass or in any other public or private place by telephone, personal interview, mail or otherwise.

(2) The words **SOLICIT** and **SOLICITATION** shall also mean and include the sale or offer to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not.

SOLICITATION. See **SOLICIT**.

CITY. The City of Lowell.

§ 115:03 EXEMPTIONS FROM PROVISIONS OF THIS CHAPTER

The following solicitations shall be exempt from the provisions of this chapter: bona fide charitable, educational, religious organizations and other non-profit organizations with eleemosynary purposes; except that, § 115:14 of this chapter shall apply to all solicitation without regard to purpose.

§ 115:04 PERMIT REQUIRED.

It shall be unlawful for any person, not exempted by § 115.03 of this chapter, to engage in solicitation or peddling within the corporate limits of the city, either directly or through an agent, without first obtaining a permit to do so from the City Clerk.

No person shall conduct any business within the City by solicitation or as an itinerant merchant or peddler unless:

- (1) Such activity occurs between the hours of 9:00 a.m. and 5:00 p.m. Monday-Friday. Such activity on Saturday and Sunday is prohibited.
- (2) The solicitation permit is carried at all times by the permittee when engaged in the activity and is displayed when requesting by any police officer or person solicited.

- (3) All other permits or licenses required by law have been obtained.
- (4) Nothing herein shall prevent a property owner, Homeowners Association or other similar organization from posting their privately-owned property to prevent peddling and solicitation. Such posting shall be given full force and effect and shall supersede the application of this article as to the subject property so posted.

§ 115:05 APPLICATION FOR PERMIT.

(A) An application for a permit required by this chapter shall be filed with the city a minimum of 30 days prior to the desired solicitation start date.

(B) The application shall be made in writing on a form furnished by the city and shall include:

(1) The full and legal name of the applicant, contact information of the applicant and a photocopy of a government issued picture identification of the applicant;

(2) The name of any business(es) represented by the applicant and the business(es) address(es) as well as the name of the business(es) principal officers and all promoters connected or to be connected with the proposed solicitation;

(3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts there from. This shall include copies of any and all catalogs, sales brochures, order forms and any other literature designed to be given to prospective clients;

(4) The names, addresses and photocopies of a government issued picture identification of any and all of the applicant's agents who will be conducting solicitations;

(5) An outline of the method to be used in conducting the solicitations;

(6) The days and hours when such solicitations shall be made, including the proposed dates for the beginning and ending of such solicitations. Solicitations are not allowed after 5:00 p.m. and before 9:00 a.m. Monday-Friday;

(7) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city, the governing body of the city or any officer or employee thereof; and

(8) Such other information as may be reasonably required by the City Clerk for the public interest, safety or for the protection and safety of potential clients and person(s) conducting the solicitation.

(C) At the time an application is submitted to the city, the applicant shall pay a non-refundable fee of \$25 to defray the cost of processing the application. If a permit is issued, the applicant shall pay an additional fee of \$1 for each duplicate of the permit that is required pursuant to this chapter.

(D) The permit application and any other documentation required to accompany the permit application shall not be subject to public inspection; however, any issued permit shall be considered a public record.

§ 115:06 FALSE STATEMENTS PROHIBITED.

It shall be a violation of this chapter for any person to knowingly file or cause to be filed an application containing one or more false statements.

§ 115:07 BOND REQUIRED.

Before any permit is issued under this chapter, the applicant must file with the City Clerk, a bond executed in favor of the city by a corporate surety licensed under the laws of the state to execute bonds, in an amount no less than \$2,000, conditioned that the applicant will, for a period of 12 months, refund all money paid by a purchaser of goods or services

if the goods or services are not delivered or provided in accordance with the terms of the contract of purchase, whether the contract be oral or written; and refund all money paid by a purchaser if the goods or services purchased are not of the kind and quality promised by the person in the contract of purchase, whether the contract be oral or written.

§ 115:09 APPROVAL OR DENIAL OF PERMIT; TERM; RENEWAL.

(A) When an application for a permit is filed, the applicant is authorizing the City Clerk's agent(s) to make any such investigation as he or she deems necessary to ascertain whether the provisions of this chapter have been complied with. The City Clerk shall notify the applicant of the decision to approve or deny the permit.

(B) If the City Clerk determines that the application is accurate, complete, in compliance and the applicant's character and business responsibility are consistent with the requirements of this chapter, a solicitation permit will be issued.

(C) If the City Clerk determines that the application should be denied, he or she shall notify the applicant in writing of the decision. The notification shall state the reason(s) for denial and shall inform the applicant of the right of appeal as set forth in this chapter. An application shall be denied for any of the following reasons:

- (1) The application is incomplete;
- (2) The application fee has not been paid;
- (3) The application contains false statement(s);
- (4) There is reasonable justification to believe that the money or other items being solicited will not be applied for the purpose(s) stated in the application;
- (5) The applicant, promoter or any of their agents are registered sexual offenders or have been convicted of any crime involving moral turpitude, robbery, breaking and entering, fraud or any crime arising or resulting from or otherwise connected to solicitation activities, within the three-year period immediately preceding the application date; and/or
- (6) The applicant, promoter or any of his, her or their agents have failed to fully comply with any provision of this chapter.

§ 115:10 REVOCATION OF PERMIT.

(A) The City Clerk may revoke a permit for any of the reasons sufficient for denying an application for a permit, pursuant to § 115.09(C) of this chapter.

(B) Any law enforcement officer, with competent jurisdiction, may temporarily revoke a permit upon reasonable suspicion that the permittee, promoter or any of their agents have violated any of the provisions of this chapter and/or have violated state law or any other local ordinance while conducting solicitation activities pursuant to this chapter.

(C) Upon revocation, the City Clerk shall notify the permittee in writing of the decision to revoke the issued permit. The notification shall state the reason(s) for revocation and shall inform the person of the right of appeal as set forth in this chapter.

(D) Revocation of a permit shall become effective immediately upon receipt of notification; except that, revocation pursuant to division (B) above shall become effective immediately upon verbal notification by said law enforcement officer. If an appeal is requested, no person shall conduct solicitations pending determination of the appeal.

(E) The City Clerk may reinstate a revoked permit if the reason(s) for revocation is/are corrected to his or her reasonable satisfaction.

§ 115:11 APPEAL.

(A) Within five days from any notice of revocation of an existing permit or denial of a permit, the permittee or applicant may appeal by submitting a written request to the Administrator for a hearing. The Administrator shall hear an appeal at the earliest time practicable. Due notice of the date and time of the hearing shall be given to the appellant.

(B) The Administrator may reverse or affirm the order or decision of the City Clerk. The decision of the Administrator shall become final.

§ 115:12 TRANSFERABILITY; DUPLICATES OF PERMITS.

(A) Any permit approved and issued under this chapter shall be nontransferable; provided, however, this shall not prevent any person obtaining a permit from using any number of agents as shall be reported to and approved by the City Clerk in the application process; provided further, the person shall be required to provide each such agent(s), making solicitations, with a certified duplicate of the permit, which shall be carried by such agent(s) at all times during which solicitations are being made.

(B) For purposes of division (A) above, a *CERTIFIED DUPLICATE* shall be defined as a photocopy of the permit which also has on its face an original signature of the City Clerk and an original imprint of the city seal.

(C) It shall be unlawful for any person(s), promoter(s) or agent(s) to solicit without having in his or her immediate possession a permit to solicit or a certified duplicate thereof, plus a valid form of identification, or to refuse to show such permit, certified duplicate or identification to a law enforcement officer, with competent jurisdiction, when requested to do so by such officer.

§ 115:13 NOT TO BE REPRESENTED AS ENDORSEMENTS BY CITY.

It shall be unlawful for any permittee, promoter or his, her or their agent(s) to advertise, represent or hold out in any manner that the permit required by this chapter is an endorsement of the holder thereof by the city; provided, it shall be lawful for a permittee to use, advertise or hold out the fact of his or her permit in the following words and no others: "City of Lowell Solicitations Permit No. ___," including in the blank space the issued serial number of the permit.

§ 115:14 STREET SOLICITATION PROHIBITED.

It shall be unlawful for any person to stand upon, adjacent to or enter into any highway or public street for the purpose of soliciting employment, to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not, and/or to request or collect contributions from the occupant of any vehicle or any pedestrian.

§ 115:99 PENALTY.

A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4 and/or § 10.99 of this code of ordinances.



CITY OF LOWELL
 101 W. First Street, Lowell, NC 28098
 704-824-3518 | www.lowellnc.com

Permit No Assigned: _____

SOLICITATION PERMIT APPLICATION

I. Applicant Information Check here if applicant will actively participate in the solicitation.

Full Name		Home Address			
Mailing Address		Home Telephone Number		Mobile Telephone Number	
Email Address	Date of Birth	Sex	Race	Driver's License Number	State

II. Solicitation Information

Purpose for Solicitation (A copy of any and all catalogs, sales brochures, order forms and any other literature designed to be given to prospective clients must be attached.)

Type of Solicitation
 Telephone Door-to-Door Canvass Stationary Kiosk Electronic Mail Standard Mail Other:

Proposed Solicitation Start Date	Proposed Solicitation End Date	Proposed Solicitation Hours	Days of Week
----------------------------------	--------------------------------	-----------------------------	--------------

Outline Method to be Used for Solicitation

III. Additional Solicitor Info (Ea. solicitor, including applicant, must provide a valid gov. issued, picture ID and a signed background waiver.)

Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth

IV. Applicant Acknowledgement

Applicant acknowledges receipt of the City of Lowell Code of Ordinances Title XI: Business Regulations, Chapter 115: Solicitors, Peddlers, and Interant Merchants. Applicant understands and agrees that any permit issued pursuant to this application is issued upon the condition that all information provided is true and correct. Applicant acknowledges understanding of the City of Lowell Code of Ordinances Chapter 115. Applicant agrees that if the permit is granted that it will not be used in any way as an endorsement of the City of Lowell or any officer or employee thereof. As applicant, I acknowledge that I have voluntarily applied for a solicitor's permit with the City of Lowell. I hereby release and hold harmless, from any liability associated with the application of, investigation of, and issuance or denial of this permit, the City of Lowell, its agents, officers, and officials as well as any person, organization or company that provides information pursuant to this investigation.

Signature

Applicant's Signature (Signature must be Notarized on Page 2)	Applicant's Printed Name	Date of Signature
---	--------------------------	-------------------

VI. Notary Acknowledgement

I, _____, a Notary Public for _____ County, North Carolina,
do hereby certify that _____, personally appeared before me on this date and
acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the _____ day of
_____, 20____, Notary Public My Commission Expires: _____

[Notary Seal]

OFFICE USE ONLY *** APPLICATION STATUS ***** OFFICE USE ONLY**

Code Enforcement Officer:

All application information has been reviewed and: [] meets; [] does not meet the requirements.

Signature:	Title:	Date:
Comments:		

Chief of Police:

All application information has been reviewed and: [] meets; [] does not meet the requirements.

Signature:	Title:	Date:
Comments:		

City Clerk:

All application information has been reviewed and: [] the applicant fee has been paid; [] a bond in the amount of \$ _____
has been executed in favor of the City of Lowell; and [] all supporting documentation and copies are attached.

Signature:	Title:	Date:
Comments:		

APPLICATION APPROVED

APPLICATION DENIED