



ORDINANCE NO. 09-800

**Amend Chapter 8, Article III
Peddling and Soliciting**

Sec. 8 – 46. Definitions

Itinerant merchants means any person other than a merchant with an established retail store in the town who transports an inventory of goods to a building, at that location, and displays the retail goods for sale.

Sec. 8 – 48. Itinerant Merchants

(a) *Intent.* It is the intent of this section to allow, under limited basis, on-site sale of seasonal items for sale on commercial property.

(b) *Items permitted for temporary sale.*

1. Fruits, Vegetables;
2. Pumpkins; or,
3. Christmas Trees

(c) *Standards.* The following standards shall apply to all allowable itinerant merchants.

1. Permit. An itinerant merchant permit shall be applied for and permitted prior to initiating business. The permit shall include dates of operation, location, types of goods for sale, name of property owner, name of itinerant merchant, and a scaled drawing of structure being used for sale of goods with reference to existing lot lines, buildings, and public right-of-ways.
2. The Town Manager shall inspect and approve the installation of all itinerant uses prior to any use of the facility.
3. Itinerant merchant facilities shall be limited to the following commercial and mixed use districts: CBD, HB, NB, I-1, MB-1, MX, and I-1.
4. Itinerant merchants shall be limited to a single operation on private property with an existing principal structure with a functional bathroom on site.
5. Operation of such facilities is limited to 90 days during a one year period following the issuance of an itinerant merchant permit.
6. No structure shall exceed 500 square feet in size.
7. All signage for an itinerant use shall be limited to 10 square feet.
8. Any tents over 200 square feet being used shall be permitted by the Fire Chief.
9. Any structure must be setback a minimum of 10 feet from lot lines and public right-of-ways.
10. No structure shall be located within required parking spaces or drive aisles.

11. When located on a site with 25 or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than 25 parking spaces, a minimum of two off-street parking spaces shall be required.

(d) Where the regulations contained in this subsection are in conflict with the general regulations of Chapter 8 Article III, Peddling and Soliciting, the provision of this section shall prevail.

8-49. Exemption for Charitable or Religious Purposes

No soliciting shall be allowed within the jurisdictional limits of the town other than charitable solicitation by religious or civic organizations. This chapter shall not apply to any activities that may fall within the above definitions that are engaged in selling goods for the support of any recognized organized religious or charitable purposes so long as the majority of the funds are used to support that religious or civic organization. All solicitation and or selling of goods by charitable or religious groups is prohibited on public property but may be allowed on private property with written consent of the property owner. Agencies or organizations that support town functions may be allowed on public property with the approval of the town manager.

Adopted this 14th day of July, 2009.

Attest: Melinda N. Prusa
Melinda N. Prusa, Town Clerk

Joe A. Macon
Joe A. Macon, Mayor

