

# Town of Cary

## Applicant's Peddler/Solicitor Permit Check List For Each Peddler/Solicitor

Please utilize the helpful checklist below to ensure you have all necessary paperwork for your permit process. Make sure your application is completed in full and if there is no information for any box, please put *N/A* in the box. Do not leave any box blank. Failure to complete application in full may result in a delay or denial of your permit.

### Documentation to be Submitted from Applicant:

\_\_\_\_\_ Completed Application for Permit to Solicit/Sell

\_\_\_\_\_ **2 (Two)** Passport Photos (current)

\_\_\_\_\_ Photocopy of a U.S Driver License or other valid U.S. Government Photo ID, such as a valid passport

\_\_\_\_\_ Receipt from Town of Cary Finance Department for non-refundable \$50.00 Solicitor Permit Fee

\_\_\_\_\_ Obtain and submit a National Criminal Background check report from online company

NOTE: Please do not submit a Wake County background check from the Clerk of Court or the SBI . This only checks backgrounds from Wake County or the state of NC, respectively. We must check applicant's background nationwide as there may be convictions in other states.

**NOTE:** Applicants should thoroughly review the *Town of Cary Ordinance 20-3 for Peddlers/Solicitors* and be familiar with the ordinance prior to soliciting/selling in the Town of Cary. A copy of the ordinance will also be attached to issued permits for the applicant to retain.

### ***How to Obtain an Online Background Check for the Peddler/Solicitor Permit Process***

Go to [WWW.GOOGLE.COM](http://WWW.GOOGLE.COM) AND TYPE IN "CRIMINAL BACKGROUND CHECKS" in the search box to obtain multiple listings. There are many companies for Applicants to choose from. The background companies charge various fees for this service. NOTE: If there are criminal case charges listed (will be a court case file number, such as, 2000CR12345, beside the applicant's name), please open the file(s) and print or save (and attach) each criminal charge and the details of the case dispositions for our application review process. Town of Cary does not endorse any specific company but many that we receive from applicants include various companies such as Criminal Watchdog, SentryLink, Intelius, for example. And there are many more available online as well . Nation background checks allow for investigative research for applicants who may have had criminal charges/convictions in another state other than NC. In addition, applicants may have never resided in NC, therefore there would be no criminal history in NC. Furthermore, additional background research on the applicant is also conducted and the submitted criminal background report the applicant submits will augment our review. We are required to review the last 10 years for Felony convictions and the last 5 years for conviction of certain misdemeanors (this information located in the Town of Cary Ordinance 20-3).

**Permit Processing:** Most applications are processed with in 3 business days, but this may take longer depending on the number of permits being submitted, as a whole, and if there are additional business applications in the processing stage. Large submission processing may take up to a week (or longer) for processing due to the research conducted for each applicant. Your patience is greatly appreciated, and applicant/contact person will be notified as soon as permits are completed and ready for pickup.

Please complete ALL boxes  
except where noted. Failure to  
complete application may result in  
delay or denial of permit issuance.

# TOWN of CARY POLICE DEPARTMENT

## APPLICATION FOR PERMIT TO SOLICIT/SELL

IN COMPLIANCE WITH SECTION 20-3 OF THE CODE OF ORDINANCES OF THE TOWN OF CARY, I HEREBY MAKE APPLICATION FOR A PERMIT TO SOLICIT/SELL FOR: *[TOWN OF CARY ORDINANCE ATTACHED]*

Name of Employer or Organization:			Address of Home Office:		
Name of Immediate Supervisor:			Supervisor's Phone Number:		
Name of Applicant (Last, First Middle):			SS#:		
Height:	Weight:	Race:	Complexion:	Eye Color:	Hair Color:
Date of Birth:			Place of Birth:		
Driver's License #:			State of Issuance:		
Local Mailing Address:					
Permanent Mailing Address:					
Cell#:		Home#:		Business Ph#:	
Types of Goods/Services Offered for Sale:					
List all criminal charges (with convictions) to include the location (City & State) of the offense(s) for the past (10) years: <i>(Attach additional pages as necessary)</i>					
<b>PERMIT VALID FOR 60 DAYS:</b> <i>(TO BE COMPLETED BY POLICE STAFF→)</i>		<b>FROM:</b>		<b>TO:</b>	

I HAVE READ THE ATTACHED COPY OF SECTION 20-3 PEDDLERS AND SOLICITORS OF THE CODE OF ORDINANCES OF THE TOWN OF CARY AND AGREE/AFFIRM TO ABIDE BY ALL PROVISIONS STIPULATED THE REIN. UNDERSTAND THAT THE PERMIT CAN BE DENIED UPON A FINDING OF REASONABLE CAUSE AS STIPULATED IN THE ORDINANCE.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### ADDITIONAL DOCUMENTS REQUIRED WITH APPLICATION:

- 2 Recent passport photos of applicant
- U.S. Driver's License (preferred) or other U.S. Government Photo ID such as Valid Passport
- Obtain and submit a national criminal background check report (from any online company) with application. **NOTE: A fee will normally be charged by these companies and fee amounts vary.**
- Receipt from Town of Cary Finance Department for non-refundable \$50.00 Solicitor Permit Fee

### REMIT APPLICATION and DOCUMENTATION in person:

**120 Wilkinson Ave Cary, NC 27513**

APPLICATIONS ARE NORMALLY BE PROCESSED WITHIN (3) BUSINESS DAYS, but may require more time

Questions: Phone: 919-469-4021

**\*PLEASE NOTE: Applications will not be processed until receipt for permit fee has been received by Police Dept.**

The Finance Department is located on the first floor of Town Hall at 316 N. Academy St., Cary, NC 27513

## Town of Cary Ordinance

### Sec. 20-3. Peddlers and solicitors.

(a) *Intent.* The purpose of this section is to regulate the door-to-door offering for sale and selling of goods, wares, merchandise, food, periodicals and services and the solicitation of orders therefor in residential areas of the town, and to thereby promote the public safety and welfare.

(b) *Permit required.* It is unlawful for any person, firm or corporation to sell, offer for sale, or solicit orders for goods, wares, merchandise, food, periodicals or services by going from door-to-door ("peddle" or "solicit") within the town without having first secured a peddler/solicitor's permit from the town as provided for in this section, unless it is done with the prior request or invitation of the residents or occupants of the premises visited. Additionally, it is unlawful to peddle or solicit unless the following requirements are met:

(1) Such peddling/soliciting shall be permitted only between the hours of 9:00 a.m. and 6:00 p.m. during eastern daylight time and 9:00 a.m. to 5:00 p.m. during eastern standard time.

(2) The peddler/solicitor permit issued for that person shall be carried and displayed at all times while conducting such solicitations in such a manner as to be clearly visible to a reasonable person of adequate vision.

(3) All other permits or licenses required by law shall have been obtained.

(c) *Permit applications.* Applications for peddler/solicitor permits under this section shall be submitted to the police department during normal business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. eastern time) on a form provided by the police department, under oath, and shall include, but not be limited to, the following information:

(1) The full name of the applicant;

(2) The permanent residence address of the applicant;

(3) The applicant's temporary address in or in the vicinity of the town, if applicable;

(4) The name and address of the applicant's employer or the organization with which the applicant is associated in connection with the sale activity or solicitation of orders;

(5) The type(s) of goods, wares, merchandise, food, periodicals and services to be sold or offered for sale;

(6) The period for which the application is sought, which shall not exceed 60 consecutive calendar days; provided that the permit may be renewed for sixty-day periods without limit, upon proper application therefor;

(7) A record of any and all crimes of which the applicant has been convicted or has pleaded no contest in the ten years preceding the submittal of the application;

(8) The age, height, weight, and any other additional information which the town may reasonably require for identification, including a copy of the document(s) used by the applicant to verify personal identification (e.g., driver's license, passport, picture I.D.);

(9) A complete listing of and information concerning all other permits or licenses which were obtained by the applicant;

(10) If an application is filed by an employer, there shall also be filed separate applications for each peddler/solicitor giving the information set forth above for each peddler/solicitor and signed and sworn to by each peddler/solicitor, and a separate permit shall be issued for each applicant.

(d) *Procedures for considering applications.*

(1) Upon receipt of a complete application, the police chief or designee (hereafter "police chief") shall make or cause to be made such investigation as reasonably necessary to verify the information in the application and to assure compliance with the provisions of this section and shall issue a permit unless the applicant:

a. Has not submitted a completed application;

b. Is not permitted by law to engage in such activity due to age;

c. Has been convicted of, or has pleaded no contest to, a felony charge within the ten years preceding the submittal of the application;

d. Has been, within the previous five years, convicted of, or pleaded no contest to, a misdemeanor charge involving theft, fraud, forging, uttering, or other crimes of like nature or any crime involving moral turpitude;

e. Does not have valid driving privileges in the state in those cases where the applicant will be operating a vehicle in the course and scope of the peddling/soliciting; or

f. Has not obtained the necessary licenses.

(2) The police chief shall approve or deny an application and issue a permit as soon as possible and, except in the case of extraordinary circumstances, as when a number of applications are submitted within a short period of time, should act within 72 hours of receipt of the completed application. Such issued permit shall be nontransferable.

(e) *Permit renewal.* A peddler/solicitor permit may be renewed for an unlimited number of sixty-day periods, provided an application for renewal is made on such form as provided by the police chief no later than the expiration date on the current valid permit. Applications received after that date shall be processed as new applications. The police chief shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this section. If the police department finds that

the application meets the above requirements, the renewal permit shall be issued.

(f) *Appeals.* The appeal of a refusal to issue a permit or the revocation of a permit shall be made to the town manager by filing a written notice of appeal, specifying with particularity the grounds upon which the appeal is made, no later than ten days from the date of the refusal to issue a permit or the revocation of a permit. The town manager or designee ("town manager") shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties, and shall render a decision within a reasonable time. As provided in section 20-1(e), the order or decision of the town manager shall be final municipal action.

(g) *Revocation of permit.* Permits issued under this section may be revoked in accordance with section 20-1. Additional grounds for revocation of a permit include, where evidence is presented, that the applicant has been arrested for a felony or a misdemeanor involving theft, fraud, forgery, moral turpitude, criminal trespass, or a threat to the public safety during the peddling/solicitation period, or has otherwise violated the provisions of this section. A permit which has been revoked shall be immediately surrendered to the police department. Appeals of revocations may be made pursuant to the same process as for denied permits.

(h) *Exemptions.* This section shall not apply to:

- (1) The delivery of goods or services which have been ordered before delivery;
- (2) The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters;
- (3) The lawful promotion or expression of views concerning political, social, religious and other like matters;
- (4) The sale or offering for sale of goods, wares, merchandise, food, periodicals or services by bona fide members or representatives of charitable, religious, civic, or fraternal organizations who receive no compensation of any kind for their services, and such sale or offering by children under the age of 18 years who are students in a public or private school for school activities;
- (5) The solicitation of contributions or pledges thereof for bona fide nonprofit organizations;
- (6) The sale or delivery of goods to business establishments;
- (7) The sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden produce so far as the sale of such commodities named herein is now authorized by law.

(i) *Peddling/soliciting from rights-of-way.* Peddling or soliciting from rights-of-way is prohibited in accordance with G.S. 20-175 except that the distribution of newspapers on the non-traveled portions of a street is allowed, provided that the distribution does not impede the normal movement of traffic.

(j) *Penalty.* Peddling or soliciting without a permit or otherwise in violation of any of the provisions of this section, including failing to surrender a revoked permit, shall constitute a criminal misdemeanor.

(Code 1976, § 5-4; Code 1982, § 11-3; Ord. No. 79-5, § 1, 5-31-1979; Ord. No. 96-003, § 1, 3-14-1996; Ord. No. 96-004, § 1, 4-11-1996; Ord. No. 02-001, § I, 1-10-2002; Ord. No. 2010-Code-02, 3-10-2010; Ord. No. 2015-Code-002, 6-25-2015)

**State law reference**—Peddling or soliciting from right-of-way, G.S. 20-175.