

CITY OF THOMASVILLE, NORTH CAROLINA

P. O. BOX 368, THOMASVILLE, NC 27361 • TEL: (336) 475-4249 FAX: (336) 475-4258

Permit to Conduct Business as Itinerant Merchant

Name: _____ Date: ____/____/____

Address: _____ Telephone: _____

_____ Mobile # _____

Signature _____

Type of goods, wares, merchandise or services to be offered _____

Length of time for which right to do business is desired (See fee schedule) _____

Location(s) where goods are to be sold _____

A photo showing the head and shoulders of the applicant taken within the last 60 days must be submitted prior to date of application. (*The Planning & Inspections Dept. will take photo if applicant can't provide one.*)

- If applicant does not own the property where the business is to be conducted, written permission from the property owner shall be required.
- A criminal background check must be obtained from the Thomasville Police Department.
- Yard sale items are prohibited by itinerant merchants. When listing the type of goods, wares, merchandise or services to be offered, yard sale items will not be permitted. See yard sale ordinance (purpose of article).

FEE SCHEDULE

Per day	\$ 5.00	Per month	\$25.00
Per week	\$ 10.00	Per 3 months	\$50.00
Per year	\$100.00	Per 6 months	\$75.00

ARTICLE IV. ITINERANT MERCHANTS

DIVISION 1. GENERALLY.

Sec. 18-149. Definition.

An itinerant merchant is a merchant, other than a merchant with an established retail store located in the city, who transports an inventory of goods and merchandise, being new or used, to any outdoor location in the City and who, at that location, offers the goods for sale.

Sec. 18-150. Statement of Purpose.

The City Council of the City of Thomasville finds that the regulation of enterprises known as itinerant merchants is necessary to protect the public health, safety, and welfare, by ensuring compliance with its ordinances for zoning, preserving community aesthetics, addressing traffic and parking issues created by these itinerant merchants, and by protecting the community from those itinerant merchants convicted of felonies or other misdemeanors.

Sec. 18-151. Construction.

To the extent this section is inconsistent with the other provisions of the Code of Ordinances of the City of Thomasville, including but not limited to Chapter 6 Amusements and Entertainments, Section 62-31 et seq., Yard Sales and Section 78-391 et seq., Parades, that section or provision shall govern. Furthermore, this ordinance shall not apply at locations and times that may be established by resolution of the City Council of the City of Thomasville, from time to time, for public events and festivals.

DIVISION 2. PERMIT.

Sec. 18-152. Required; scope; exceptions.

It shall be unlawful for any person to go upon public or private property and set up any business, temporary in nature, without a permanent structure, for the purpose of selling goods and merchandise, without having first applied for and obtained from the Planning and Inspections Department a permit to do so. All aforementioned business shall only be conducted in appropriately zoned districts. An itinerant merchant shall only sell such goods and merchandise as are explicitly set forth in the permit. A permit shall expire at 12:00 midnight on the last date set forth on the permit.

The provisions of this division shall apply to mobile units used solely for the preparation and selling of food items. The provisions of this division shall not apply to existing flea markets, brokers, regularly employed traveling salesmen engaged in soliciting sales and selling to merchants, and regularly operating firms and businesses.

Only one merchant shall be permitted on any day on any single property within the City. Itinerant merchants will continue to be subject to all safety regulations in effect pursuant to local, county and state regulations.

Sec. 18-153. Application.

Any person desiring to secure a permit required by this division shall first make a written application to the Planning and Inspections Department on forms to be provided by the city. The Planning and Inspections Department shall not accept an incomplete application. In order to constitute a complete application, the application must contain:

- (1) The name and address of the applicant;
- (2) The name and address of the person by whom such applicant is employed or whom the applicant represents;
- (3) The length of time such applicant has been employed;
- (4) The place of residence and nature of employment of the applicant during the preceding year;
- (5) The nature and character of the goods, wares, or merchandise to be offered by the applicant along with a statement indicating whether those items are the personal property of the applicant or whether they have been purchased by the applicant specifically for re-sale;
- (6) The location where the goods are to be sold;
- (7) A photograph of the applicant, taken within 60 days prior to the date of filing the application. The photograph shall show the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) A Photocopy of a valid North Carolina Driver's License, Military Identification, or other government-issued photographic identification. All applicants will be required to produce this identification. Photocopying shall be done by the Planning and Inspections Department of the City of Thomasville; and
- (9) A letter from the property owner of each individual property where the itinerant merchant will engage in business will be required. The letter must identify the property owner, clearly and unequivocally grant the applicant permission to conduct business at that location, and state a specific beginning date for which the applicant has permission to conduct business and a specific ending date for which permission will expire. At no time shall a letter stating "until further notice" or like statement, or having an ending date more than twelve months later than the beginning date meet these requirements. A letter not meeting these requirements will not be accepted by the Planning and Inspections Department.
- (10) A criminal background check obtained from the **Thomasville Police Department**.

Sec. 18-154. Submission of Credentials.

The application for a permit under this division shall be accompanied by proper credentials supporting the information the applicant disclosed on his application, and any other evidence of moral character and fitness as may be reasonably required by the Planning and Inspections Department.

Sec. 18-155. Issuance.

(a) If, upon reasonable investigation, the Planning and Inspections Department ascertains that the applicant has submitted a complete application, and is a person of good moral character and has not been convicted of a felony or a misdemeanor involving fraud, misrepresentation, theft, or other crime involving sexual misconduct, and proposes to engage in a lawful commercial or professional enterprise; that applicant shall be issued a permit after payment of the appropriate fees as set forth in Sec. 18-156.

(b) Permits required by this division shall be issued or denied within a reasonable time following the receipt of a complete application meeting all the requirements of Sec. 18-153, and the completion of an investigation pursuant to Sec. 18-155(a). At any time an applicant shall be allowed to withdraw its application upon request.

Sec. 18-156. Fee.

Before any permit shall be issued under the provisions of this article, the applicant shall pay a fee based on the duration which he intends to engage in business as an itinerant merchant. One fee shall cover multiple locations provided the applicant is in compliance with Section 18-153(9). The fees shall be as follows:

Per day	\$ 5.00	Per three (3) months	\$ 50.00
Per week	\$ 10.00	Per six (6) months	\$ 75.00
Per month	\$ 25.00	Per twelve (12) months	\$100.00

Sec. 18-157. Carrying and exhibition by permittee.

A permit issued pursuant to this division shall be conspicuously displayed by the itinerant merchant in a way clearly visible to members of the public. A failure to do so shall constitute a violation of this article.

Sec. 18-158. Parking.

Customer “off-street” parking shall be provided by the applicant or property owner. The parking shall be located on the same premises upon which the business activity is being conducted.

Sec. 18-159. Recognized permits.

Only permits issued by the Thomasville Planning and Inspections Department shall be recognized under this section. An itinerant merchant found to be conducting business pursuant to an expired, altered, or counterfeit permit shall be a violation of this article.

Sec. 18-160. Revocation

Any permit issued pursuant to this article shall be revoked by the Planning and Inspections Department for the itinerant merchant’s violation of any City ordinance or failure to comply with the limitations of his permit, or in the event that it is later revealed that the itinerant merchant has made a misrepresentation in his application. Any action supporting revocation shall be a violation of this article.

Sec. 18-161. Violations.

Any person found in violation of this article shall vacate the premises immediately upon request from Planning and Inspections Department staff or by Thomasville Police. Any person conducting business in violation of this article shall have his permit revoked pursuant to Sec. 18-160 and shall be guilty of a misdemeanor or assessed a civil fine of \$ 50.00 or both.

Sec. 18-162. Charitable Organizations.

Charitable and non-profit organizations that meet state and federal tax-exempt guidelines may apply for an annual permit at no charge, in lieu of the one-time application and permit fee set forth in this ordinance. After obtaining an annual permit, before each prospective sale as defined under this Article, the organization is required to submit a letter of permission from the person or entity owning or controlling the property to be utilized. This letter of permission must set forth the specific period of time when the sale is to be permitted on the property in question.

Effective Date. This revised ordinance shall be effective from and after November 30, 2009.