

ARTICLE IV

Title 4

AN ORDINANCE REQUIRING A LICENSE FOR PEDDLERS, HAWKERS, HUCKSTERS, SOLICITORS, CANVASSERS AND ALL OTHER PERSONS ENGAGED IN THE SALE OF GOODS OR SERVICES, THE TAKING OF ORDERS FOR THE SALE OF GOODS OR SERVICES OR THE COLLECTION OF OR SOLICITATION FOR CONTRIBUTIONS FOR CHARITABLE OR NON-PROFIT ORGANIZATIONS WITHIN THE TOWN OF FELTON; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Be It Ordained by the Commissioners of the Town of Felton:

Section 1 - Purpose and Intent

The purpose of this ordinance is to prevent crime and dishonest business practices, by the regulation of the conduct of peddlers, solicitors and charity solicitors and to protect the citizens of the Town of Felton from undue harrassment and misrepresentation of purpose or products.

Section 2 - Definitions

a. Peddler shall mean any person, whether a resident of the Town or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, condiments or provisions, offering and exposing them for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer them for sale from a wagon, automobile or other vehicle or conveyance. The term "Peddler" shall include the terms "Hawker" and "Huckster".

b. Solicitor shall mean any individual, whether a resident of the Town or not, traveling either by foot, wagon,

automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not that individual has, carries or exposes for sale a sample of the subject of the sale, and whether he is collecting advance payments on the sales or not or accepting donations for charitable nonprofit enterprises. The term "Solicitor" shall include the term "Canvasser."

c. Charity Solicitor shall mean any person, whether a resident of the Town or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street who solicits or accepts donations for charitable, non-profit organizations.

d. Town License Officer shall be a person designated by the Commissioners.

Section 3 - License Required; Exemptions:

No person shall carry on the business of a peddler, solicitor or charity solicitor within the Town without first having obtained a license as required by this ordinance. The provisions of this ordinance shall not apply to fund raising drives by local non-profit organizations, or other non-profit organizations having a local branch.

Section 4 - License Application

Any person desiring to engage in the business of peddler, solicitor or charity solicitor shall apply to the license officer for a license authorizing him to engage in said business. The application shall be in such form as determined by the license officer and shall require the following information:

a. Name and address of applicant, to include both the applicant's permanent address and his temporary address while engaged in activity in the Town of Felton.

b. Name and address of employer or principal whom the applicant is representing.

c. Physical description of the applicant, to include race, height, weight, hair color, eye color, distinguishing marks.

d. Fingerprints of applicant, to be taken by the Felton Police Department or in lieu thereof, letters of recommendation from three property owners residing in Kent or New Castle County, Delaware.

e. List of any previous felony or misdemeanor convictions against the applicant, to include the charge, date of conviction, jurisdiction, sentence.

f. Description of any vehicles used in conducting the activity in the Town of Felton, to include make, model, color, registration number.

g. Description of the nature of the activities desired to be carried on, including the proposed times and the proposed places within the Town for carrying it on.

h. Description of any proposed advertising to be used in connection with conducting the activity within the Town limits.

i. Previous places of carrying on the proposed activity within the past three months.

j. Credentials from the person or organization for whom the applicant proposes to represent, authorizing him by name to act as their representative.

Applicants shall verify the information supplied in the application under oath. Supplying false information shall constitute a violation of this ordinance.

Section 5 - Bond Required in Certain Instances

Where any applicant's proposed activity includes the solicitation or acceptance of orders for the delivery or supply of any articles or services at a later time, if that activity also includes payment for the articles or services, the applicant shall be required to furnish a bond to the Town of Felton in an amount not less than \$500 with surety approved by the license officer. The term of any such bond shall be for a period of at least one (1) year, and the condition thereof shall be that if the obligor shall promptly deliver the goods or services of a quality as represented at the time of the order or orders and at the time or times agreed upon, then and in that event said bond shall be void and of no effect. Any such bond shall be for the use of any person or persons who suffers damage by reason of the failure of the obligor to receive goods or services as represented and at the time and time agreed upon in any order solicited or accepted by such obligor in the Town of Felton.

Where a bond is required by this Section, no license shall be granted until the bond is supplied

Section 6 - License Fee; Exceptions:

Before issuing a license to engage in the business of a peddler or solicitor, the license officer shall collect a fee of ten dollars (\$10.00). Each such license shall be valid and effective from July 1 of each year or the date of issuance thereafter, to June 30 of the following year; provided, however, that non-profit organizations, not exempt by Section 2, shall not be charged a fee but shall operate in compliance with all other provisions of this ordinance.

Section 7 - License

Upon proper application and payment of the prescribed fee, a license shall be issued to each such applicants signed by the license officer. The license shall be upon a form provided by the license officer and shall set forth the following information:

- a. Name and address of the individual
- b. Name and address of the organization represented
- c. The trade, business or activity for which the license is granted
- d. The date of issuance and expiration
- e. The amount of the license fee paid
- f. The telephone number of the Felton Police Department

Section 8 - Powers and Duties of Town License Officer

The Town License Officer shall have the following powers and duties:

- a. issue licenses and maintain records

- b. Promulgate and enforce all reasonable rules and regulations to preserve the intent of this ordinance
- c. investigate and determine the eligibility of any applicant for a license.
- d. Investigate all complaints against license holders for violation of this ordinance.

Section 9 - Revocation of license

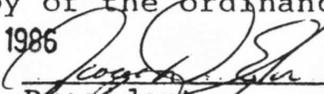
The License Officer shall have the authority to suspend the license of any applicant for cause shown upon notice to the applicant specifying the reason for the suspension. The applicant may request a review of the suspension by the Commissioners at the next regular meeting. Failure to request review of the suspension by the next regular Commissioners meeting shall result in a revocation of the license. If review is requested, the Commissioners may affirm or reverse the decision of the License Officer; or may impose such conditions upon the applicant as appropriate. Continuance of the licensed activity during suspension of the license shall constitute a violation of this ordinance.

Section 10- Violations

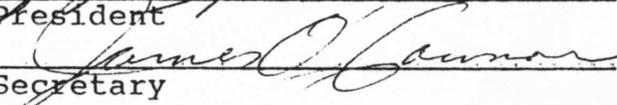
Any person, firm, association or corporation violating the provisions of this ordinance and upon conviction before any Court of Competent Jurisdiction, shall be fined not more than One Hundred Dollars (\$100) and costs for each offense. Each day that such violation occurs shall be a separate offense.

EFFECTIVE DATE: 23 MAY 1986

This is a true and correct copy of the ordinance duly adopted by the Commissioners on 13 MAY 1986



President

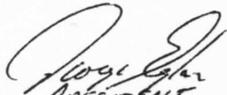
ATTEST: 

Secretary

Date Adopted: 13 MAY 1986

Date Effective: 23 MAY 1986

Posted at the Felton Town Hall for seven days on 15 MAY 1986



Notary