

Homeowner Tip – Peddlers, Transient Vendors and Solicitors

Be a Good Neighbor.....per the Apex Ordinance shown below, ***Peddlers, Transient Vendors and Solicitors must display an OFFICIAL BADGE issued by the Town Clerk.***
If a Badge is not displayed in an easily observable manner (exceptions are in Sec. 13-53 below), a report should be made to the Apex Police Department tel. (919) 362-8661 (do not call 911).
The calling persons identity, per Apex Police regulations, is confidential to protect the caller reporting the violation.

CODE of ORDINANCES TOWN of APEX

CHAPTER 13 Occupational Licenses, Taxes and Regulations

ARTICLE III. Peddlers, Transient Vendors and Solicitors

Sec. 13-50. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them:

Peddler means 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; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

Solicitor means any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance; and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

Transient vendor means any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchants.

(Code 1973, § 14.1-1)

Cross references: Definitions and rules of construction generally, § 1-3.

Sec. 13-51. Registration.

Every person doing business in the town as a peddler, solicitor or transient vendor shall file with the town clerk, on a form to be provided for the purpose, a statement setting forth the following information:

- (1) The name and address of the individual filing the statement together with credentials showing such individual's date of birth and social security number;
- (2) The name and address of principal or employer if individual is an agent or employee;
- (3) Credentials showing relationship of agent or employee;

- (4) A description of the individual filing the statement, including height, weight, sex, age, color and distinguishing characteristics, if any;
- (5) The goods to be sold or offered for sale, or the type of services rendered;
- (6) The period of time during which the business will be carried on in the town; and
- (7) A description of any automobile or other vehicle to be used in the business, including the make, model, body style, color and license number.

(Code 1973, § 14.1-2; Ord. of 2-4-86, § 1)

Sec. 13-52. Badge.

No person shall act as a peddler, solicitor or transient vendor within the corporate limits of the Town of Apex or its extraterritorial jurisdiction unless he or she has been issued an official badge by the town clerk of the town authorizing such conduct. Any person acting as a peddler, solicitor, or transient vendor shall display said badge on his or her person in an easily observable manner. The police department shall review the registration information submitted by the applicant and determine whether a badge shall be issued. Upon approval by the police department, the town clerk shall issue to each person filing the statement required by section 13-5 and paying a fee of \$25.00 a badge substantially as follows:

"19 _____ Town of Apex, N.C. No. _____

SOLICITOR'S BADGE

_____ (Name) _____ has registered with the Town Clerk as required by Ordinance.

_____ (Date) _____

"_____
Town Clerk

A badge shall not be good for more than 30 days from date of issue. During the time such person is engaged in soliciting, this badge shall be worn on the front of such person's outer garment in such manner as to be conspicuous.

(Code 1973, § 14.1-3; Ord. of 3-7-00, § 1)

Sec. 13-53. Exceptions to provisions.

The provisions of this article shall not apply to the sale or solicitation of farm or dairy products by the producer, or to organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit, and where such solicitation or sales are made without remuneration to the solicitor.

(Code 1973, § 14.1-4)